

# STATES OF JERSEY

## OFFICIAL REPORT

MONDAY, 14th DECEMBER 2020

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Deputy Bailiff:**

Moving first to the Consolidated Order Paper for today, there is nothing under A. Questions without notice will take place as the first item of business tomorrow morning. We now move on to K, Statements on a Matter of Official Responsibility, and the Chief Minister will make a statement regarding the Government Plan and thereafter there will be 15 minutes of questions.

## **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

### **1. The Chief Minister will make a statement regarding the Government Plan 2021–2024**

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

Just before I start, I wonder if it is appropriate when we start the main debate about the various amendments, *et cetera*, that need to be taken early or the Assembly needs to give its agreement to take them early.

### **The Deputy Bailiff:**

Yes. After your statement and before we begin Public Business I was going to mention that, Chief Minister. It is probably best that we deal with that after you have made your statement, if you are content with that.

#### **Senator J.A.N. Le Fondré:**

I am perfectly happy. Today, this Assembly will begin debating its second Government Plan. Before the Minister for Treasury and Resources begins that debate, I want to remind us all of the significance of this plan and give Members the opportunity to pose questions to me, as Chief Minister. This year has brought unprecedented challenges, both for our Island community and for the world at large. No one could have known while we were voting on last year's Government Plan, in December 2019, that more than 5,500 miles away, in Wuhan China, the first people infected with COVID-19 were beginning to show symptoms. Last year, it would have been difficult to predict the immense global impact the COVID-19 pandemic would have. I do not need to remind Members of its very real, personal impact here in Jersey. The Government have been well-placed to meet this challenge thanks to the prudent financial management our Island has long enjoyed and the significant resources we have therefore been able to marshal. The flexibility built into the Government Plan process has made this easier, as has the recent OneGov modernisation of our Government. These improvements have ensured the agility needed to rapidly redeploy staff, facilitated greater home working and have allowed us to continue delivering on our priorities alongside our COVID-19 response. While we have focused much of our efforts on COVID-19, and will continue to do so, we have maintained our investment and work towards our longstanding commitments to the people of Jersey. We have approved a developer and a site for our new hospital. The Council of Ministers have agreed a new migration control policy, and this is now before the Assembly. We have undertaken significant work in the fields of education, housing, and our future investment in St. Helier and we have approved the roadmap for the future of healthcare in our Island thanks to the Jersey Care Model. Above all, our Island has been best-served, throughout this pandemic, by the resilience of the people of Jersey themselves, and I would like to thank all Islanders for their efforts, throughout this crisis. Together we have implemented the most important public health campaign in our Island's history. We have one of the highest rates of testing in the world; we have developed an excellent track and trace regime and an internationally-recognised border-testing programme. We have mobilised, with the support of this Assembly, an unprecedented level of financial support and developed a fiscal stimulus package that will assist local businesses not only throughout the most challenging months but also

into our recovery phase. Initiatives such as the co-funded payroll and visitor accommodation support schemes have given vital support to local businesses and our spend local card – developed with MasterCard and PFS – injected more than £10 million directly into our local economy. More recently, Northern Ireland has sought to emulate our success, and it will soon be launching its own card. Perhaps most important of all, we have secured the necessary medical supplies, including P.P.E. (personal protective equipment), to keep Islanders safe, and more recently the Pfizer vaccine which has provided us a beacon of light to guide us through the final months of darkness. I am proud to say that our dedicated doctors and nurses in our vaccine taskforce have already begun their visits to local care homes.

[9:45]

Having launched our vaccine rollout a day early, we have already begun giving the first doses of this vital vaccine to residents, beginning to immunise some of those who are most high-risk in our Island, an important and significant step forward on this long road. The Council of Ministers have developed this Government Plan to meet the needs of our Island, not only in the immediate future but also looking ahead to the months and years to come. This plan is founded on the 5 strategic priorities endorsed by this Assembly. It is informed by our experience of COVID-19 and it is mindful of the challenges we will face as we work to meet our commitments to Islanders in a more challenging world. This plan sets out how we will pay for the additional spending incurred during our response to COVID-19 and how we will account for the loss of revenue. This is a financially prudent and responsible plan that will protect our reserves and ensure that this Assembly's priorities continue to receive the investments they need. We will continue to put children first, with a number of new projects including an ambitious education reform programme and a school catch-up initiative to ensure that the disruption to our children's education due to COVID-19 does not become a permanent detriment. We will continue to safeguard our public health with our response to the COVID-19 pandemic and we will invest in the long-term well-being of Islanders by implementing the Jersey Care Model. We will support the provision of on-Island education programmes for nursing qualifications, which will ensure our health service continues to have the talented and professional staff it needs for the future. This has been a challenging year for Jersey businesses and their dedicated staff. That is why we will be funding a range of initiatives via our economic recovery programme, which will invest more than £15 million into rebuilding our local economy in 2021 alone. This is on top of the £50 million allocated via our Fiscal Stimulus Fund, which was recently approved by this Assembly. We recognise that as we rebuild our economy we have a unique opportunity to strengthen our sustainability and economic resilience, which is why the economic recovery initiatives will be complemented by our future economy programme. Similarly, the implementation of our migration control policy will help to ensure we have a workforce with the skills necessary for us to compete on the world stage. Our commitment is not only material; it also extends to the great wealth of talent and heritage that Jersey already enjoys, and this plan will increase funding for our Island's arts and heritage and will celebrate Jersey's unique culture through the Island identity programme. This plan sets out in clear terms our commitment to support Islanders' livelihoods in the face of the COVID-19 pandemic with £11.3 million being pledged to the third phase of the co-funded payroll scheme in 2021. This scheme has already supported Islanders' incomes during 2020 and mitigated the sort of dramatic increases in income inequality that we have seen in other jurisdictions. In April of this year, the co-funded payroll scheme supported more than one in 4 Islanders in work which amounted to 17,000 people. I know many Islanders are passionate about improving the affordability and quality of local housing, which is why, along with a review of the recommendations of the Housing Policy Development Board, this plan commits to the implementation of a new housing advisory service and continuing to improve the support and protection for tenants. Our natural environment will also be enhanced by this plan. Earlier this year, this Assembly committed to supporting our carbon neutral strategy and sustainable transport policies. The Government Plan protects the Climate Emergency Fund and provides the resources for Jersey's climate conversation, including a major citizens'

assembly, in early 2021. This work is an opportunity to put Jersey on a path to becoming a world-leading environmentally sustainable jurisdiction and we urge everyone to take part. The Government Plan contains these initiatives and many, many more. Officers have worked tirelessly alongside Ministers and Assistant Ministers to develop this plan in line with our ambition for Jersey. Scrutiny Panels and Members have carefully considered its proposals and the public have had their opportunity to pose questions and judge the plan for themselves. I appreciate the shortened lodging period necessitated by the COVID-19 pandemic has put Scrutiny Panels under additional pressure and I would like to thank them for working to accommodate the time constraints. I would also like to thank all Members for their considered amendments to this plan. I am sure that as we progress through the amendments, we will hear a number of heartfelt and passionate speeches on some really important issues. Members will appreciate that, for a variety of reasons, we cannot accept all amendments. We have tried, where possible, to suggest small alterations and I hope Members will view these in the honest spirit in which they have been made. Before I close and take questions, I would like to thank all Members, Scrutiny Officers, stakeholders and Islanders for their engagement throughout the Government Plan process. Around 55,000 Islanders viewed the 5 live-streamed public sessions held last month and more than 100,000 minutes of footage had been watched overall by the end of the week. I would also like to pay tribute to you Sir, the Greffier, Deputy Greffier and Assistant Greffiers and all the staff at the States Greffe, not only for accommodating this requisitioned sitting but also for continuing the smooth running of this Assembly throughout the COVID-19 pandemic. Indeed, you utilised our early rollout of Office 365 to make this the first Parliament in the Commonwealth to sit entirely online, and this historic achievement is testament to the hard work, behind the scenes, that the Greffe staff do to facilitate our democracy. This has been an incredible year of change across our society and our Government and this will undoubtedly continue into 2021 and beyond. I would like to close by thanking everybody in the Government who have helped through what has been an exhausting year. Whether it is our front line healthcare workers, teachers, manual or public sector workers, everyone has done their part, talented I.T. (information technology) teams who have built a comprehensive and versatile track and trace system; the teams who set up and continue to run the testing at the airport and the harbour, overcoming numerous challenges and adapting swiftly along the way; our enforcement officers who have ensured the healthcare guidance has been followed; or our dedicated officers who have gone above and beyond this year, not only in our pandemic response but also in their day-to-day business, helping Ministers to continue the good work of this Government. More and more has been expected of us all as the demands have grown and sometimes this has been a thankless task. I applaud how so many have been doing their absolute best and that is all anyone can expect. To everyone, I say thank you. That concludes the statement and I look forward to taking Members' questions. Thank you.

**The Deputy Bailiff:**

Thank you. Are there some questions for the Chief Minister?

**1.1.1 Senator S.Y. Mézec:**

The most recent real-terms Earnings Index showed that real-terms earnings are down from where they were 10 years ago and in the first 2 years of this Government term they went down also. What in the Government Plan does the Chief Minister believe will reverse this trend and get us back on track, so people in Jersey are getting better off rather than suffering perpetual reduction in their standard of living and their real-terms earnings?

**Senator J.A.N. Le Fondré:**

There are a variety of measures that we put in place to address income inequality. The most recent thing, I would suggest, would be the change that the Minister for Social Security announced within the last few days regarding G.P. (general practitioner) fees. There are a whole range of other measures in the plan that will seek to start mitigating the areas that we do agree on, i.e. to try to

reduce income inequality over a period of time. COVID-19 has had a huge impact on everything that we have been doing and also on everybody's incomes in the current year. While I appreciate that the Senator was referring to previously, we did have significant plans in place. Some of them have been delayed and some of them have been maintained.

**1.1.2 Senator S.Y. Mézec:**

The Chief Minister obviously did not understand the question. My question was about real-terms earnings. How much you pay to see a doctor has nothing to do with how much money you have coming in. My question is about the value of the money that people are receiving as part of their earnings, which so far in his term of office has got worse for ordinary Islanders and nothing so far has been done to reverse the trend we have had for 10 years of people getting worse off. What in this Government Plan will mean that the money that people are taking home every month from their jobs is worth more to them, so that their lives are improving rather than getting worse?

**Senator J.A.N. Le Fondré:**

That is one of the reasons I was not going into all of the details. I think in the medium-term earnings have exceeded R.P.I. (Retail Price Index), however the most immediate response to that is that we, as Council of Ministers, of which the Senator was a member at that point, agreed the 2 per cent reduction in Social Security, which has given an immediate boost to people's earnings.

**1.1.3 Senator K.L. Moore:**

Will the Chief Minister be accepting the recommendation of the Government Plan Review Panel to halt any efficiencies that negatively impact the environment and reconsider the proposed 26 per cent reduction of investment in protecting our environment in 2021?

**Senator J.A.N. Le Fondré:**

The point on that is that it is tied into the level of impôt duties and that ties into the Climate Emergency Fund. It is very clear which amendments we have accepted. Obviously everything else that can be funded through the Climate Emergency Fund will be funded through that fund.

**1.1.4 Senator K.L. Moore:**

Given the Council of Ministers' commitment to protecting the environment, how then will the Chief Minister be proposing to protect the environment in the next year?

**Senator J.A.N. Le Fondré:**

The whole principle is that the carbon neutral strategy will be coming out during the course of next year with the work of the citizens' assembly, and I would have thought that the Senator has also read the plan and obviously those measures detailed in the plan, including funding that is being identified through the Climate Emergency Fund.

**1.1.5 Deputy K.G. Pamplin of St. Saviour:**

Will the Chief Minister going forward review the Government Plan? He mentioned that the Government Plan is for all Islanders. Thanks to the amendments, including my own, dealing with poverty next year will arguably be a very tough year and if more is needed is there flexibility in the Government Plan to support all Islanders?

**Senator J.A.N. Le Fondré:**

We absolutely recognise the impacts of COVID in the short term, and even the medium term, so yes, we constantly keep this under review and we do react very swiftly when we need to. I know I am going to refer to businesses, but it does affect Islanders and their livelihoods. Where measures are required we do bring them in swiftly and we have a contingency of about £40 million in the Government Plan for next year. We have got the economic recovery of about £15 million and we

have got the fiscal stimulus of £50 million as well as conversely, as I have already alluded to, the 2 per cent reduction in social security rates. Those are some pretty chunky numbers, to use the technical term, and all of those go to safeguarding, the expression we have been using for months or the entire year, safeguarding the lives of Islanders and also the livelihoods of Islanders, and that will then, as I said, support Islanders through the coming 12 months and also there are further measures in play for the medium term as laid out in the plan as well.

#### **1.1.6 Deputy K.G. Pamplin:**

I am glad that I and the Chief Minister came to an agreement with my amendment, because it deals with poverty and relative poverty. Does the Chief Minister agree with me that next year could have profound effects from those living in relative poverty and poverty itself on this Island, and it is long overdue that we recognise that that is an issue on this Island and that we do all that we can within our means to support those vulnerable Islanders?

#### **Senator J.A.N. Le Fondré:**

The Deputy gets full agreement from me on that matter and equally, as he knows, as we discussed over the weekend that is why I am supportive with his support of the amendments that collectively we have put together on his amendment, which hopefully indicates the direction of travel we all need to take. I am very well aware of the changes that we put through which will try to put a bit more substance into developing what has been referred to as a poverty strategy.

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

The Chief Minister talked about this plan investing in arts, culture and heritage, but can the Chief Minister confirm that it was his Government's natural instinct initially to want to cut funding to the arts, despite a States decision to the contrary and also to remove long-planned money to Elizabeth Castle for long overdue reparatory works?

[10:00]

#### **Senator J.A.N. Le Fondré:**

The Deputy and I have had this discussion I think at various points. The point was when we were originally facing the fact that we did have to significantly reduce expenditure that we had in the pipeline, because of the quite unprecedented impacts on our income forecasts and the amount that we have spent in supporting Islanders, not only through the health side but also through supporting their livelihoods and jobs, we did not cut investment in arts and culture, we were proposing to reduce the growth. In fact, under our proposals, if I recall correctly, the expenditure for 2021 for the arts and heritage area would have still increased or have been maintained of what was originally proposed or fractionally increased, but the Deputy was insistent that it took place in 2022. Our view was to get 2021 nailed down and we can readdress 2022 in the Government Plan for 2022. At the end of the day the Deputy was absolutely right in saying that was the States decision. We rather felt that given the unprecedented circumstances we were in it was not unreasonable to openly and transparently challenge that decision. It would have been very much a matter for the Assembly. Equally the Deputy made the case when he was an Assistant Minister. We have upheld that and we have achieved the 1 per cent in 2022 but that is at a slight cost for the money that we originally were intending to deal with in 2021. There is the pragmatic approach, which would have given more money in 2021, from memory the arts side, versus I believe we reduced it slightly to get us over the line to 2022, which was the Deputy's preferred outcome. It is really which way one wants to cut the cake up. The cake is only of a certain size.

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

I think whichever way the Chief Minister seeks to spin it the 2 amendments that it was necessary for me to put in as a Back-Bencher were to make sure that the Government did not renege on the States



decision of 1 per cent funding going into the future, and also the fact that they had removed money for Elizabeth Castle. Will the Chief Minister admit that this has been a Government U-turn and that their newfound commitment to the arts is not one that came naturally and instinctively to them, but is one that had to be fought for by other elements in this Assembly who do support the arts?

**Senator J.A.N. Le Fondré:**

I could not disagree more with that comment. I cannot remember the exact number of the amendment but the amendment where the Deputy refers to I believe it is either 23 or 24, which is when we at present achieve something like 0.92 per cent rather than 1 per cent, is very clearly written immediately underneath the relevant table and we have included that in our response. That will be addressed in forthcoming Government Plans. That is all. We achieved 0.92 per cent in whichever year it is, either 2023 or 2024 and we had identified already in the report that that would be revisited in forthcoming Government Plans to address that difference. That commitment is already there and, in fact, that is why we are very happy to accept that particular amendment by the Deputy, although I believe he still wants a separate debate on it. Frankly, it was a completely pointless amendment, but I understand the politics of it because the Deputy wants to be seen to be defending his original turf. We had spelled it out in plain English that it would be revisited in forthcoming plans. In relation to Elizabeth Castle, I assume that when he was an Assistant Minister he and the Minister sat down and decided the priorities for that department. That was the agreement that essentially we just agreed a bottom line with the Minister and it was for the Minister and his Assistant Ministers to agree how it was going to be split up. What we have done is worked with Jersey Heritage and others. We have tweaked the amendments that are being put in place. We are also recommending firstly seeing whether they can do a business case through the Fiscal Stimulus Fund. That means we can still achieve the same objectives ...

**The Deputy Bailiff:**

Can you bring your answer to an end quite soon, please, Chief Minister?

**Senator J.A.N. Le Fondré:**

I am, Sir. Also, in updating their business cases, which with luck can then feed into next year's Government Plan. Please do not denigrate our commitment to heritage. We are in unprecedented times and sometimes one has to deal with priorities.

**The Deputy Bailiff:**

I will call Members who have not yet asked a question before coming back to those who have.

**1.1.9 Deputy K.F. Morel of St. Lawrence:**

In his statement the Chief Minister referred to the importance of affordable housing and creating new housing stock. Can the Chief Minister let the Assembly know what work is proposed, whether it is through the Government Plan or other means, to identify the capabilities of the existing housing stock to increase the number of homes available to people, such as empty units or homes where extensions or new buildings within existing properties can be created to increase the number of dwellings in Jersey? The Island Plan demands 3,750 new homes but I am not yet sure whether a proper review of the existing housing stock has been undertaken.

**Senator J.A.N. Le Fondré:**

I have got a degree of sympathy for what the Deputy has alluded to, where I do believe that there are estates where potentially quite old stock could be redeveloped over time and could increase greater the number of units and hopefully the quality of those units on what would effectively be a brownfield site. There will be work that will come out, for example the work of the Policy Development Board. At some point their report will be published early new year now, given the time constraints that we have at present. I would also suggest that could be something that the Deputy in any capacity could

raise particularly through the review of the bridging Island Plan but I also make the point in terms of delivery of extra units there is work already happening. I am expecting at least one announcement quite shortly through the Regeneration Steering Group to start releasing some States-owned brownfield sites and also at some point, as we have said, that is a medium-term objective of the strategy to also release brownfield sites. There are various mechanisms that are in place to start delivering that extra supply, but equally the point that the Deputy is referring to is around existing estates and existing units and whether we can get more out of existing stock. I am absolutely in agreement with that. Part of that is a policy side, which will be through the Island Plan, but part of it will come out in the other policies that come from the review of the work of the Housing Policy Development Board.

**The Deputy Bailiff:**

The period of 15 minutes allowed under Standing Orders has come to an end. Senator Mézec has proposed in the chat, as he is entitled to under Standing Orders, that that time be extended for a further 15 minutes. Could you confirm for the record, Senator Mézec, that is your proposition?

**Senator S.Y. Mézec:**

Yes, Sir, I would like to propose that.

**The Deputy Bailiff:**

Deputy Ward, you have seconded that? **[Seconded]** Does any Member wish to speak? If not, are we content to proceed on a standing vote to extend this period for 15 minutes? Anyone who is not prepared to proceed on the standing vote please indicate in the chat. No one has done so. Accordingly this period of question time is extended. No, the Connétable of St. John wishes not to proceed on a standing vote, accordingly the *appel* has been called for. We have a technical issue to deal with in terms of putting a vote into the link. Accordingly I propose to proceed with a standing vote in the chat. Could Members please indicate *pour* or *contre* whether they are prepared to extend this period of question time for 15 minutes as permitted under Standing Orders and could they please indicate so now? I have counted in excess of 20 votes *pour* in the chat and only one vote *contre*. Accordingly the time permitted to ask questions is extended by 15 minutes and the next question I think was from Senator Mézec.

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

Sir, I think you missed me out. It is Deputy Ward here.

**The Deputy Bailiff:**

I did miss you out, but only because of the number of *pours* and *contres*. They concealed your name.

**1.1.10 Deputy R.J. Ward:**

The Chief Minister mentioned a significant investment in education. Does he accept that of the 2021 £7.2 million of investment £5 million of that goes towards repaying deficit that schools are in at the moment, so it is money going back to the Government? Therefore the increase of desperately-needed funding is much less than the headline figure.

**Senator J.A.N. Le Fondré:**

I think the point I make is that overall the package is in the order of £40 million or £41 million, from memory, over the period of the plan. Yes, the Deputy is right but it addresses the underfunding in schools, therefore it does represent new money. There are also the measures that we have put in place over things like university fees previously. It does represent overall new money going into education and I am sure we will be addressing that in greater detail later.

**1.1.11 Deputy R.J. Ward:**

It may represent new money but it does not represent new projects. It represents repayment of projects where schools have been overspending in order to stand still. Can I ask the Chief Minister if he really believes that the public will accept this as extra investment when most of it is simply to have schools where they are now?

**Senator J.A.N. Le Fondré:**

Again one has got to look at it in the round as well. It is new money overall and part of that is about regularising years of incorrect structuring in terms of the finance that goes into education. Equally, it brings in things like, as we have said, the school meals, extending the pilot scheme for which there is money in the Government Plan already, and the healthy living side. The Minister, which is not schools but is education, has extended the early years' provisions to 30 hours. There are all sorts of measures in there about improving overall the education offer and the investment that we make into it.

**1.1.12 Senator S.Y. Mézec:**

It goes back to my previous questions, which I will keep pushing until we get adequate answers from the Chief Minister, which we have not had so far, about his commitment to reduce income inequality. In his last answer he spoke of the 2 per cent reduction in social security, which is not a way of reducing income inequality as part of the structures that deliver that inequality, for the very simple reason that it is temporary. Can the Chief Minister tell us what in the Government Plan is being done to address the structures that have caused an increase in income inequality over the last 10 years and stagnant wages, unless he wants to surprise us and tell us that the 2 per cent cut is permanent? Which is it?

**Senator J.A.N. Le Fondré:**

I do like the Senator very much, but he, and on occasions some of his colleagues, do seem to ignore the fact that we are in an unprecedented year and period, the likes of which has not been seen for decades. That means that everybody in terms of their incomes will be under pressure.

[10:15]

The 2 per cent we all know expires in June of next year, but it is something that is very tangible and, from memory, for an average household of 2 adults and 2 children including the other measures we put in place is worth about £1,350 over that period. That is not nothing. That is going to help people quite significantly in very difficult times. Also, we cannot ignore the measures that we have all put in place all supporting the economy, all of which will have measures that will protect livelihoods, because that is what we are talking about in this instance, and therefore, as alluded to in my statement, or as I categorically stated in my statement, will have mitigated the effects on income inequality particularly relative to what we have seen in other jurisdictions. As I have said, we have supported something like 17,000 Islanders in their jobs. If we are looking ahead, yes, there are and that has been the focus and that is why many of the pieces of work that we would ideally like to have done have been delayed in certain areas. Equally, and I know the Council of Ministers as a whole have stated unanimously that we support, for example, the move to a living wage, unfortunately we could not do it in this current year because of the sheer impact that could have then happened on Islanders, on their livelihoods, i.e. it might have been too much for businesses to take. That is why, for example, the Minister for Social Security will be reviewing the way we do the minimum wage legislation for the next year. We have the same objectives. What we have to do is also recognise that in unprecedented times we have to deal with the fundamental structures of our financial side. Equally, even things like going to independent taxation will assist with our ability then to put measures through that will address some of the income inequality issues that we all recognise.

**1.1.13 Senator S.Y. Mézec:**

It is precisely because we are in unprecedented times that we are not letting the Council of Ministers get away with their shabby commitment to reducing income inequality, where thus far they have achieved nothing. What tangible measures that are permanent is the Chief Minister pursuing in the Government Plan that will structurally address income inequality in our Island without coming up with excuses about how it is too difficult or it is not the right time because of financial constraints? If the commitment is not going to be realised can he just admit so? When the statistics come out everyone will be able to see how little progress has been made on that. What in this Government Plan is going to address the structures that cause income inequality in a permanent and meaningful way so that our economic recovery after this crisis is one that everyone can enjoy, and not just one that is focused on Government finances, which frankly could go either way and there are different ways of going about that?

**Senator J.A.N. Le Fondré:**

While I can understand the Senator's frustration, he does need to recognise again that it has been unprecedented times. When we look at the amount of borrowing that this Government have to do, which again is unprecedented in the history of this Island, that does not indicate that we have not been supporting Islanders in terms of livelihoods. The co-funded payroll scheme, as I have said, has supported 17,000 Islanders. I have already alluded to some of the structural changes that we are seeking to make as well, and there are quite a few others that are identified in the Island Plan. Again, things like the G.P. scheme will also assist on the income inequality side, because that is about less money going out of somebody's pocket.

**1.1.14 Deputy R.J. Ward:**

Can I welcome the Chief Minister's seeming commitment to a living wage, which is very welcome indeed? Can I ask the Chief Minister therefore, given that he says himself that we are in unprecedented times, at what time does he believe that a living wage will be possible in Jersey and what level does he think it should be set at?

**Senator J.A.N. Le Fondré:**

It is all about timing. It is a little bit of crystal ball gazing at this stage, because I think we would all like to have seen it either this year or next year. It is very much going to be dependent on what our assessment is of the economic impact, and that is in the whole community sense. We will only have a better sense of that probably middle to September of next year if we are lucky. At that point we can do that assessment. We will and do have measures in place in the meantime to support Islanders and if things take a turn one way or another we can put more support in. As I said, if you add in the social security measures already announced, the fiscal stimulus of £50 million and the economic recovery, those are quite significant sums of money that we already have in the plan to support Islanders and their livelihoods through the course of next year. We need to come out of the health pandemic first and we are already, as Members know, planning for the economic challenges that we have ahead. Of course that will include those at the lower end who will also be suffering.

**1.1.15 Deputy R.J. Ward:**

Let us try another way to get this. At what point does he believe that a living wage becomes essential to allow people to get themselves into a situation where they are not reliant upon social security, even if they are in full-time work? Does he not believe that this is the leadership that is required on this Island on exactly this type of issue sooner rather than later?

**Senator J.A.N. Le Fondré:**

There will be a whole variety of factors in that. The fundamental one will be when it does not threaten the economic viability of those businesses, which the very people that the Deputy is trying to help work for. It would be a major own goal to put the living wage in, in such a way that those businesses could not continue and the people one was trying to help went unemployed. Ordinarily, we were

looking at a staged approach and I do agree that there are some potential anomalies in the calculations of the living wage that need to be addressed for those industries. As I keep saying and it is a shame that people do not seem to recognise it, we are and continue to be in unprecedented times and will therefore only know in a better way the impact on livelihoods when we are into next year and when we come out of the pandemic. That is all going to be about the timing, and also the assessment from 2020 of what the impact has been versus what we have been forecasting.

**1.1.16 Senator S.Y. Mézec:**

We will keep coming back to income inequality for as long as it takes to get a decent answer out of this Chief Minister. In his answers so far he has referred to G.P. fees, which are not an income issue; they are about outgoings, and he has referred to the co-funded payroll scheme, which as brilliant as it is did not cover 100 per cent plus of people's wages and so will have made income inequality worse over these last few months, although that is not to disparage it, as it was clearly the right thing to do. He, on more than one occasion, has said that we need to recognise that it is unprecedented times. Could the Chief Minister confirm whether because it is unprecedented times the poor will simply have to put up with getting poorer and he, as the leader of the Island, will continue to be complacent and not even be able to point out one thing that will tangibly improve income inequality in the Island, as he has been given multiple opportunities to do and so far has failed?

**Senator J.A.N. Le Fondré:**

That was a great political speech and very long. The Minister has asked if I can confirm. The short answer is no, because I fundamentally disagree with what he said. I have already said we will support and continue to support, bearing in mind there have been unprecedented levels of support already this year, for those very people he claims to try to represent, and I include within that the £100 that was paid to every person in the household in relation to low earners and pensioners. Then on top of that the £100 scheme that every Islander went to, which includes those people, so they received double the benefit. I also refer to the comment that we have already made in the Island Plan, which talks about continuing to give support and protection for tenants, continuing to better support disabled adults, funding again around income support, talked about independent taxation, disability strategies and a new approach to supporting workers with long-term health conditions to return or remain in employment. We will review the way in which the minimum wage is agreed. Because of the length of time it is a great shame that the Senator does not seem to have read parts of the Government Plan for which he may have well had input when he was originally part of the Government and as it was drafted.

**1.1.17 Senator S.Y. Mézec:**

The Chief Minister has gone and done it again in referring to the £100 extra payment for those on low incomes. That was a one-off, not permanent, therefore it does not address the structures of inequality. Will the Chief Minister like to perhaps, since he has refused to answer the question adequately so far, instead set what parameters he may wish for his leadership to be regarded as either a success or failure on this matter? In the remainder of this term we will continue to have an index of average earnings produced and will have an income distribution survey, which may well point out what we all know as a fact anyway, even before we get to those points, that wages have continued to fall in real terms under his time in office and poverty will have got worse because of his complete lack of action on it. Would he agree that we will be able to use those parameters later on to judge whether his leadership on this issue has been a success or not?

**Senator J.A.N. Le Fondré:**

We all look forward to receiving the income distribution survey when it comes through, because I think that will form good data. Again, it is the first time that report has been run for quite a number of years. Please remember that we were all universally behind funding that work to see what the

outcome was. Again, it was unfortunately delayed because of COVID. Yes, while I accept the measures that are referred to are short term, the point I was making is I was responding to the Senator's inference that we did not care for those who are on lower incomes and had done nothing to support them. I am challenging that to say yes, we have done, and we took immediate action. The other point I would make is that if we are making measures that mean that people, particularly those on lower income, either spend less or have better access to services, and by that, for example, if I use the early years' example, which has been announced, which is going up to 30 hours a week, then that will improve the quality of service that individuals from all walks of life can get. That surely has got to be a measure taken into account with the measures that we are putting in place to support those on lower earnings.

**The Deputy Bailiff:**

Thank you. That concludes the second period of 15 minutes.

## **PUBLIC BUSINESS**

### **2. Reduction of lodging period**

**The Deputy Bailiff:**

We now turn to Public Business. I remind Members that we adhere to time limits for the speeches and the Greffier will ring a bell at the end of the allotted period. Before we begin Public Business a decision needs to be made about whether to reduce the minimum lodging period in respect of a number of amendments to the Government Plan. To remind Members, although this is set out on the Consolidated Order Paper, the items where the lodging period needs to be reduced are the 10th amendment amendment lodged by the Council of Ministers; the 11th amendment amendment lodged by the Council of Ministers; the 11th amendment amendment amendment lodged by Deputy Ward where a proposition also needs to be made under Standing Order 32 so that the matter can be listed for debate; the 12th amendment amendment (2) lodged by the Council of Ministers; the 17th amendment amendment lodged by the Council of Ministers; the 19th and 20th amendments lodged by Deputy Higgins; the 21st amendment lodged by the Connétable of St. Helier; the Draft Finance (2021 Budget) (Jersey) Law amendment lodged by the Minister for Treasury and Resources and the Draft Health Insurance Fund (Miscellaneous Provisions) (Amendment No. 2) (Jersey) Law lodged by the Minister for Social Security. Of course Members are quite entitled to have 10 or so separate votes, but unless there is any objection, Chief Minister, you could propose that the lodging period be reduced in relation to all those matters and where necessary Standing Order 32 lifted. Are you prepared to make that proposition?

**Senator J.A.N. Le Fondré:**

Yes, please, Sir.

**The Deputy Bailiff:**

Also, forgive me, I missed out one, amendment (21) lodged by the Connétable of St. Brelade. Sorry if I did not make that clear. Chief Minister, are you prepared to make that proposition?

[10:30]

**Senator J.A.N. Le Fondré:**

Yes, Sir.

**The Deputy Bailiff:**

Deputy Higgins, I mentioned both of your amendments when I spoke, amendments 19 and 20. Does any Member object to proceeding in that way?

**Deputy M.R. Higgins:**

Sir, I put my name in to speak before you proposed it, but I think it is a very sensible suggestion you are making. It saves a lot of time and effort and I commend what you are putting forward.

**The Deputy Bailiff:**

Thank you, Deputy. If no Member objects to proceeding in that way then I am content to proceed on a standing vote. Does any Member wish to second that? **[Seconded]**. Thank you very much. Unless any Member objects in the chat then it will be recorded that the lodging period is reduced in relation to those matters where needed and in relation to I think 2 matters, Standing Order 32 is lifted. That is in relation to the 11th and 12th amendments respectively. Thank you very much.

**3. Government Plan: 2021-24 (P.130/2020)**

**The Deputy Bailiff:**

We now turn to the Government Plan, lodged by the Council of Ministers and I ask the Greffier to read the proposition. I should indicate that the Government Plan will be read as amended by various amendments. Members may, of course, object to any of the amendments which the Council of Ministers propose to accept. Yes, Senator Mézec, you are right, there is an entitlement to object. Anyway, the Greffier will now read the proposition as ...

**The Greffier of the States:**

Well, you need to ask the Chief Minister which ones he wishes to accept. We need to have it clarified.

**The Deputy Bailiff:**

Yes. Chief Minister, it is quite a complicated matter, as you are aware. We do have on our running order document the Government Plan as it is and there are a number of matters which the Council of Ministers propose to accept by way of amendments. Are you or the Minister for Treasury and Resources able to address the Assembly on that matter now so that any Members who wish to object can do so?

**Senator J.A.N. Le Fondré:**

Yes, Sir, I am happy to deal with that now.

**The Deputy Bailiff:**

Before we do so, Deputy Tadier, you have a point of order to raise?

**Deputy M. Tadier:**

Yes, thank you. It concerns how we will proceed if a Member raises an objection to the Council of Ministers presenting this as amended even if it has the consent of the Member who is amending the Government Plan. I construe it as being a potential abuse of the rights of the minority because fundamentally we are still a debating Chamber and the States is still the sovereign decision-maker. It seems to me that even if there was a vote put and the majority said that they were content with that, then it would potentially mean that those who had a counterview or even a nuanced view would not be able to have a specific debate on that particular amendment irrespective of what the outcome would be. I would like a ruling on that.

**The Deputy Bailiff:**

Yes. Can I put your mind at rest, Deputy Tadier, by saying that if anyone objects to an amendment being accepted in this way, then there will be a debate on the amendment regardless of the fact that the proposer is content with the course of action proposed by the Chief Minister?

**Deputy M. Tadier:**

Thank you, Sir, that helps.

**The Deputy Bailiff:**

Thank you. So, Chief Minister or Minister for Treasury and Resources, are you able to indicate which amendments you propose to accept so that we know whether or not the Assembly as a whole is content to proceed without debating any particular amendments?

**Senator J.A.N. Le Fondré:**

Yes, Sir, amendment 7 is accepted. It is the stamp duty. I was about to say amendment 14 but I see that Senator Mézec opposes that, so whether I should treat that separately or not. Amendment 21 ... sorry, I am just working down a list. These are the ones we have accepted without amendment. It is number 7, number 21, and it was number 14, and I think the others we are amending. So then shall we just deal with those 3 first before I go on to the others?

**The Deputy Bailiff:**

Forgive me for a moment. So, the only amendments which the proposition can be read as being amended by reference to are amendments 7 and 21 if, firstly, the proposers are content with that - one of the proposers is Senator Moore and the other is the Connétable of St. Brelade - and, secondly, if no one objects. Senator Moore, do you want to deal with amendment number 7? Are you content for the Chief Minister's proposition?

**Senator K.L. Moore:**

We are very content that the Council of Ministers have chosen to accept our amendment. This is the third year that the Corporate Services Scrutiny Panel have made proposals in relation to stamp duty and we are very pleased that the Council of Ministers is starting to come around to our way of thinking.

**The Deputy Bailiff:**

Thank you. The Connétable of St. Brelade in relation to the 21st amendment?

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

Likewise, thank you, Sir. I am pleased that the Council of Ministers have accepted this amendment, the detail of which is set out in the report attached to the amendment, so I thank them.

**The Deputy Bailiff:**

Does any Member object to the proposition being read as amended by these 2 amendments, amendments numbers 7 and 21 only? Thank you. Accordingly, I invite the Greffier ...

**Senator J.A.N. Le Fondré:**

Sorry, Sir, to interrupt. The point was just to get the 2 that were accepting out the way. There are others which we are amending, and I had certainly understood from the process which we have done in the past that where effectively, for example ... where an amendment has been proposed and we are amending that amendment - and, in fact, in one case there is a further amendment on that - if all the relevant parties in the chain accept all that, we would also propose the Government Plan be amended accordingly.

**The Deputy Bailiff:**

Well, you will need to identify which amendments you are speaking of.

**Senator J.A.N. Le Fondré:**

Yes, Sir.

**The Deputy Bailiff:**



So that those Members who have made the amendments that you amended are able to confirm that they are content not to have them debated and proceed in the way that you suggest and, secondly, that other Members of the Assembly are able to express a view if they have one in relation to how you wish to propose.

**Senator J.A.N. Le Fondré:**

Okay. Can I do the first 3 just to try and keep it reasonably simple, which is amendments ...

**The Deputy Bailiff:**

I think you should do one at a time.

**Senator J.A.N. Le Fondré:**

I am sorry, Sir.

**The Deputy Bailiff:**

But yes, in relation to amendments, what do you propose so we can all follow it?

**Senator J.A.N. Le Fondré:**

Right, so the ones we are talking about are amendments number 1 on the ombudsman, number 2 on the pupil premium, and number 3 on care leavers. That is where amendments have been proposed and we have amended them, and our understanding from the proposers, all of which are from the Children, Education and Home Affairs Panel, is they are happy to accept our amendments and on that basis we are happy to accept their amendment. There is also amendment 17, which is from Deputy Pamplin, and that again is the same scenario. He has made an amendment. We are proposing an amendment, which I understand he is content to accept. We have a slightly more complicated one, which is from amendment 11, which is Deputy Ward, where he has proposed an amendment, we have proposed an amendment to his amendment, and he has proposed an amendment to our amendment, which we are all happy with. So, again, potentially I think that is 11 as amended, as amended, as amended, I believe. So those are the ones which I think are uncontentious. Also, as I said, perhaps we could address 14 and 13 separately. I am happy to break that down in chunks.

**The Deputy Bailiff:**

Well, we will need to deal with them individually. Perhaps we can hear first from Deputy Ward. Yes, please, Deputy Ward, you are volunteering to speak. I think that the first, second, third and eleventh amendments concern you and/or your panel.

**Deputy R.J. Ward:**

Yes, Sir, the first 3 amendments are from the Children, Education and Home Affairs Panel and we are pleased that they are accepted in effect. The amendments are simply to direct the funding for our amendments from a different source and the Chief Minister can stop me if I am wrong there. We are happy to amend them. I think it is important that we talk briefly about how they came about, particularly the public service ombudsman, because it is very important that that funding remains and the work is done so we will be ... first of all, a question: will we get a chance to speak on that at all or will that be just at the end of the sitting?

**The Deputy Bailiff:**

You will not get the opportunity to speak to them if you are content for the proposition to be read as amended now. If you wish to address the Assembly briefly on them when that amendment is called for debate, then your best course is to indicate that you are not prepared for the proposition to be read as amended and then you will have the opportunity in due course to make a brief speech in relation to any particular matter before the amendment is accepted, subject, of course, to the Assembly approving the amendment at that stage.

**Deputy R.J. Ward:**

Thank you, Sir. Is there an opportunity in the summing up of the Government Plan in general to speak on them? I would imagine there would be, would there not?

**The Deputy Bailiff:**

Yes, there will be in the main debate, that is right, yes.

**Deputy R.J. Ward:**

In those terms, we are very happy to accept the first 3 amendments, in particular. So with regards to amendment 11, and we are into the world of “Yes, Minister” here, the amendment of the amendment of the amendment, I am very pleased that that amendment of the amendment of the amendment has been accepted and I am more than happy to accept that. I think that the organisation Beresford Street Kitchen that it affects will also be very pleased to hear that. So, I am content to accept all of those amendments for those reasons.

**The Deputy Bailiff:**

Thank you very much. Deputy Pamplin, you wanted to address the Assembly in relation to amendment 17.

**Deputy K.G. Pamplin:**

Yes, thank you, Sir. As I mentioned in my question to the Chief Minister earlier today, when the Government Plan was first proposed I was dismayed to see no priority to tackle poverty and relative poverty here on the Island. For some it may be not huge numbers but for me it is. So, I lodged my amendment and then I was happy to accept their amendment to my amendment, and I was grateful for the Chief Minister calling me yesterday to discuss the matter and to commit to what we are proposing, which is why they accepted it. I retain great faith in Stats Jersey and their support network to do this work and also pay tribute to the Children’s Commissioner for her support on this amendment and keeping the issue firmly in the public eye. This issue is way overdue but I am pleased now finally there is something in the Government Plan that tackles poverty and relative poverty on this Island and I look forward to working with the Government and all those involved to see this through. Therefore, I am happy to accept the amendment.

**The Deputy Bailiff:**

Thank you. Well, we have now heard from the proposers in relation to the first, second, third, eleventh and seventeenth amendments, who are content with the proposition of the Council of Ministers to be read as amended by their amendments. Does any Member wish to object to that course of action? Thank you. Chief Minister, you were going to now address the Assembly on 2, you said, rather more complicated or at least different amendments.

**Senator J.A.N. Le Fondré:**

Yes, Sir. I think the only 2 or 3 that are outstanding, one was amendment number 14, which is from Senator Gorst.

[10:45]

In essence, it puts something into the proposition which is already identified in the plan, but I noticed there was an objection in the chat. So I wonder if we could deal with that one now. The other one is amendment 13, which is the one that Deputy Tadier ... which we are accepting, but I believe Deputy Tadier wants to have a separate debate on that, if he could perhaps confirm that. I think equally amendment 12, I believe that is the same position where we have lodged an amendment to that. So, essentially, 14 as I understand it we would like to propose, unless there is a Member who objects,

and then perhaps separately 13 and 12, which I think Deputy Tadier wants to have a separate debate on.

**The Deputy Bailiff:**

Yes, Members are entitled to a debate in relation to these amendments. In relation to amendments 12, 13 and 14, does any Member who made those amendments and lodged those amendments wish to indicate that they wish the Government Plan to be read as amended by those amendments? I think it affects particularly Deputy Tadier and Senator Gorst. Do either of you wish to speak?

**Senator I.J. Gorst:**

If I may, as I indicated in the chat. I see that Senator Mézec is asking for a debate on that amendment. I am entirely in your hands, Sir, and your ruling. As the Chief Minister has just indicated, it takes what is proposed in the plan and puts it on to the face of the proposition. It creates 3 new paragraphs which the Assembly will, of course, be able to vote on because they are standalone paragraphs when we are voting for the final Government Plan. So, I am in your hands. Either we can have a debate on the amendment, which I am perfectly happy to do, but Members will be able to vote on those paragraphs separately when we get to the final vote anyway.

**The Deputy Bailiff:**

Senator Mézec, you wish for that amendment to be debated, is that right, and not for the proposition to be read with that amendment accepted? Is that correct?

**Senator S.Y. Mézec:**

Yes, that is right. Of course, there will still be that final opportunity in the end debate but remember that we will be constrained by time limits in speeches then. So to be able to adumbrate a view on that and an argument as to which way to vote on that will be more difficult with that constraint when it is posed with the Government Plan as an entirety, so I would like it to be on its own so there can be at least a moment of exclusive debate on that.

**The Deputy Bailiff:**

Yes. Deputy Tadier, do you want to say anything about amendments that concern you? I think it is 12 or 13.

**Deputy M. Tadier:**

I find it strange I am being called to speak on this because I had indicated quite clearly to the Chief Minister yesterday that I did not approve of the methodology he was putting forward and I did not want my amendment included in being taken as amended from the beginning. So, I do object.

**The Deputy Bailiff:**

That is fine. Accordingly then, unless, Chief Minister, you want to add any more, the proposition will be read as amended by amendments 1, 2, 3, 11 and 17 and, of course, the consequential amendments attached to those amendments.

**Senator J.A.N. Le Fondré:**

Yes, thank you, Sir.

**The Deputy Bailiff:**

And 7 and 21.

**Senator J.A.N. Le Fondré:**

Yes, 1, 2, 3, 7, 11, 21 and 17. Okay, thank you, Sir.

Thank you. I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion - to receive the Government Plan 2021-2024 specified in Article 9(1) of the Public Finances (Jersey) Law 2019 (“the Law”) and specifically - (a) to approve the estimate of total States income to be paid into the Consolidated Fund in 2021 as set out in Appendix 2 - Summary Table 1 to the Report, which is inclusive of the proposed taxation and impôts duties changes outlined in the Government Plan, in line with Article 9(2)(a) of the Law, except that the 2021 estimate for stamp duty and land transactions tax shall be increased by £335,000 by amending the stamp duty and land transactions tax bands in accordance with the table set out in amendment 7, with the affected lines in Summary Table 1 to be updated accordingly, and then there is the table as set out in amendment 7. (b) to approve the amounts to be transferred from one States fund to another for 2021, in line with Article 9(2)(b) as set out in Appendix 2 - Summary Table 2 to the Report; (c) to approve the proposed borrowing to be obtained for 2021, in line with Article 9(2)(c), up to and including the amount set out in Appendix 2 - Summary Table 3 to the Report; (d) to approve each major project that is to be started or continued in 2021 and the total cost of each such project and any amendments to the proposed total cost of a major project under a previously approved government plan, in line with Article 9(2)(d), (e) and (f) of the Law and as set out in Appendix 2 - Summary Table 4 to the Report; (e) to endorse the efficiencies and other rebalancing measures for 2021 contained in the Government Plan as set out in Appendix 2 Summary Table 6 and reflected within each gross head of expenditure in Appendix 2 - Summary Table 5(i); (f) to approve the proposed amount to be appropriated from the Consolidated Fund for 2021, for each head of expenditure, being gross expenditure less estimated income (if any), in line with Articles 9(2)(g), 10(1) and 10(2) of the Law and set out in Appendix 2 - Summary Tables 5(i) and (ii) of the Report; except that in Summary Table 5(1) - (i) the heads of expenditure for Strategic Policy, Planning and Performance shall be increased by the following amounts to provide for the establishment of a public service ombudsman: 2022, £200,000; 2023, £401,000; 2024, £412,000; (ii) the head of expenditure for the general reserve shall be increased by £159,000 with this amount ring fenced for the Jersey premium; (iii) the head of expenditure for the general reserve shall be increased by £100,000 with this amount ring fenced for care leavers; (iv) the total revenue head of expenditure for Customer and Local Services shall be increased by £300,000 to provide support as required during 2021 for Beresford Street Kitchen and that the Council of Ministers shall request officers to work with the organisation to support the development of a financially sustainable business model for future years; (v) the total revenue head of expenditure for Strategic Policy, Planning and Performance shall be increased by £150,000 to provide funding for Statistics Jersey to undertake additional surveys and analysis as needed to complement the results of the 2019-2020 living costs and household income survey and to provide funding to develop a poverty strategy; (g) to approve the estimated income, being estimated gross income less expenditure, that each States trading operation will pay into its trading fund in 2021 in line with Article 9(2)(h) of the Law and set out in Appendix 2 - Summary Table 7 to the Report; (h) to approve the proposed amount to be appropriated from each States trading operation’s trading fund for 2021 for each head of expenditure in line with Article 9(2)(i) of the Law and set out in Appendix 2 - Summary Table 8 to the Report; (i) to approve the estimated income and expenditure proposals for the Climate Emergency Fund for 2021 as set out in Appendix 2 - Summary Table 9 to the Report, except that the expenditure for the fund shall be increased by £300,000 to fund tree preservation initiatives; and (j) to approve, in accordance with Article 9(1) of the Law, the Government Plan 2021-2024, as set out at Appendix 3 to the Report, except that (i) the Minister for Treasury and Resources is requested ... sorry, that was a mistake. I am going to go back: (j) to approve, in accordance with Article 9(1) of the Law, the Government Plan 2021-2024, as set out at Appendix 3 to the Report, except that: (i) on page 60, after the words “when approved by the States Assembly” there should be inserted the following words: “We commit to funding Statistics Jersey to undertake additional surveys and analysis as needed to complement the results of the 2019-2020 living costs and household income survey to ensure that the detailed information can be published

on current levels of relative low income poverty in Jersey, using both established measures and also taking account of the work of the Social Metrics Commission, and to develop a poverty strategy for inclusion in the 2022 Government Plan”; (ii) on page 79 of Appendix 3, after the words “marine resources management and natural environment”, there shall be inserted the following words: “commitment to funding tree preservation initiatives additional expenditure per year of £75,000 in the years 2022, 2023 and 2024.”

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

2020 has been an unprecedented year and one that none of us would wish to repeat. It has meant that we have had to spend substantial amounts of time and money to respond to the global COVID-19 pandemic and keep Islanders safe while also providing the necessary support and investment for our economy. It has also been crucial that we do everything we can to protect our future finances. As Minister for Treasury and Resources, I am going to present to you the financial part of the plan, which as well as covering areas for investment looks at the borrowing we will need to repay our debts and how we are aiming to balance the budgets by 2024. First, I will turn to the economic outlook. With the unprecedented challenges to the local economy brought about by the pandemic, the advice of the independent Fiscal Policy Panel has been invaluable in guiding our decisions on the fiscal policy response as well as understanding the likely extent of the disruption. In March, the F.P.P. (Fiscal Policy Panel) warned of the inevitability of a downturn in the local economy and highlighted the measures enacted by Governments around the world to support businesses and households as they were impacted by a unique shock of the pandemic to both supply and demand. Alongside the public health measures to reduce the spread of the virus, we have since responded with a number of interventions to support the local economy through the restrictions. These have included: the deferral of social security contributions and G.S.T. (goods and services tax) payments for the first half of the year and removal of the prior year basis of calculating personal income tax; the co-funded payroll scheme to help eligible businesses to retain staff through difficult times, supporting 43 per cent of non-financed private sector jobs at the pandemic’s peak in April; a temporary reduction in employee social security contributions of 2 per cent until June 2021; Spend Local direct payments of £100 to low income households and £100 prepaid cards for all Islanders; a £50 million Fiscal Stimulus Fund to pay for a range of recovery-orientated small-scale projects; and a visitor accommodation support scheme to help hotels cover their fixed costs through what is being referred to as their third winter. These measures had 2 economic objectives: to help otherwise healthy businesses through temporary difficulties to ensure their continuity when the public health concerns are less prominent, and to support demand at a time of reduced spending. In its August update, the Fiscal Policy Panel further downgraded its forecast for growth this year and next. Their central forecast is that economic output will contract by 7.6 per cent this year in real terms, before growing by 3 per cent in 2021. Noting the benefits of stimulus measures taken to date, they also warned that the economy is likely to be permanently smaller as a result of the pandemic when compared to their forecast before the pandemic hit. Of course, we are not alone in this situation. The Organisation for Economic Co-operation and Development, the O.E.C.D., forecast a 4.2 per cent fall in global output this year and a fall of 11.3 per cent in our closest trading partner, the U.K. (United Kingdom). Though their forecast is for 4.2 per cent global growth in 2021, this is only a partial recovery to more normal activity in industries affected by the pandemic. The O.E.C.D. also assume an ongoing shortfall in the level of output compared with the economy’s path prior to the crisis. Therefore, what can we say in detail from available data about the effect of our pandemic on our economy to date and how have intervention measures helped? The economic impact of COVID-19 was at its highest in the second quarter from April to June, the time of the more restrictive measures on physical mobility. Experimental data suggests that output in the economy, excluding government and financial services, was down 30 per cent in comparison with the same time last year. The downturn was also prominent in the numbers of those registered as actively seeking work, which more than doubled over the period. The recovery since then has been encouraging, with the stimulus measures helping to return more than half of the

newly unemployed back to work and the number of jobs eligible for support through the co-funded payroll scheme falling steadily month by month. Looking across the component industries of the economy, the impact of the recession has clearly not been the same across these sectors.

[11:00]

Tourism and hospitality have been particularly hard hit due to a steep fall in overseas visitor numbers and social distancing restrictions, recently compounded with the announcement of December's hospitality circuit breaker. While the return to a very low central bank interest rate will mean a large hit to banking profits for the foreseeable future, the financial services industry appears to have adjusted to remote working well and indications are of business activity remaining relatively strong in the sector. The housing market has remained resilient this year. While restrictions on opportunities to view properties drove a fall in transaction numbers, these have since recovered and September's numbers showed a slight increase in prices across the year so far. Looking forward, despite recent record numbers of local infections, we hope the new measures introduced earlier this month will serve to contain the spread and that we will be in a position to lift some of the restrictions in the new year. As already mentioned, the impact has not been the same across sectors and hospitality, in particular, is now losing one of its busiest periods of the year. We have introduced new support measures to address specific areas of distress as well as extending and lifting the help available to struggling businesses through the payroll scheme. With these policy settings, we hope to continue getting Islanders back to work and limit the current disruption. While the recovery remains our primary focus, we cannot ignore the risk posed by Brexit. There remains a high degree of uncertainty around the impact of future trading arrangements between the U.K. and the E.U. (European Union). In summary, Jersey's economy has been significantly impacted by the necessary restrictions put in place to protect the health of Islanders. However, the Council of Ministers has put in place an unprecedented package that has helped to support those parts of the economy most severely hit. While new restrictions have recently been put in place, these will hopefully prove effective and we will avoid the need for any further restrictions. Vaccines are already being administered in the U.K. and our vaccination programme started yesterday. This should help us to return to normal patterns of commerce and living later next year. To address borrowing to respond to COVID-19, this Government Plan clearly sets out the expected costs entailed in managing the pandemic to protect the health and well-being of Islanders while at the same time protecting their lives, livelihoods and businesses. My approach, supported by the Council of Ministers, is to run deficits to support spending and investment in the coming years and to have balanced budgets by 2024. The plan gives us a consistent, long-term framework for both economic and fiscal policy with the capacity to respond in the short term to COVID-19 pressures. Last year's Government Plan established the fiscal guidelines that we would only borrow to finance investment in infrastructure projects, except in times of economic duress. This year we have had to deal with 2 global emergencies: a pandemic and an economic downturn. The 2021-2024 Government Plan, in line with the advice of the Fiscal Policy Panel, uses borrowing to fund the cost of responding to the pandemic while protecting the strength of our reserves. The F.P.P. recommended that in the short term we should not increase taxes or make large cuts to cover the deficit. Instead, the panel recommended running deficits in the short term to support the economy, along with longer-term plans to balance budgets by 2024. We also need the flexibility to adjust to a changing and uncertain global financing environment during this period. The income forecast is for £96 million less income in 2020 compared to the forecast a year ago, with sizeable reductions across all years of this Government Plan. In addition, across the next 4 years and including spending of approximately £250 million this year, we anticipate the cost of tackling COVID-19 and its wider impacts to be more than £400 million, with a further reserve of £40 million by the end of 2021. Rather than removing funds from the Strategic Reserve, which would leave us with little financial resilience to address any potential future shocks or further aftershocks to the economy, we propose to borrow to finance some of the costs of COVID-19. The strength of our balance sheet, low debt levels, high credit rating at the start of the pandemic, coupled with low interest

rates, have made borrowing possible. This is in line with the F.P.P.'s advice and it maintains the strength of our reserves as well as enabling us to respond to potential future threats to the economy. I am proposing to borrow up to a maximum of £336 million in 2021 from the revolving credit facility of £500 million, which was secured earlier this year. This is in addition to the borrowing to fund the £50 million fiscal stimulus fund agreed by the Assembly last month and the existing borrowing for social housing of £250 million. It does, however, exclude the Our Hospital project. This will need a separate States proposition, which will include a request to arrange financing for the project. We are taking reasonable steps to reduce the debt forecast that will be needed beyond 2021 by taking the following measures: return unused and uncommitted capital allocations at the end of this year; return unspent COVID-19 allocations from 2020; return any uncommitted fiscal stimulus allocations; develop a schedule of property disposals to reduce the borrowing requirements. A medium-term debt strategy will be included in the Government Plan 2022. One element of this will be to establish a sinking fund for the debt and use receipts from property disposals and from the change to the prior year basis tax system to fund the repayment of the debt. Going on to our reserves, in the Government Plan we are forecasting a 2021 opening balance on the Strategic Reserve of £876 million and the Social Security Reserve Fund is forecast to have an opening balance of £1.74 billion. Earlier this year, the Assembly agreed that no grant would be paid into the Social Security Fund in 2020 to allow £65.3 million to be allocated to support COVID-19-related financial pressures. It is also being proposed that due to the continuing financial and health pressures caused by the pandemic the States grant should not be paid in 2021, 2022 and 2023, allowing an additional estimated £235 million to be allocated to urgent financial pressures. In addition, the Social Security Fund has made a considerable contribution to our response to COVID-19 by: maintaining pension and benefit payments in the face of reduced income; reducing employee social security contributions by 2 per cent between October 2020 and June 2021; enabling businesses and the self-employed to defer social security contributions in the first 2 quarters of 2020. This brings me to the issue of public spending and investment in our priorities. One of our priorities in 2021 will be responding to the economic and financial impact of the pandemic. During the next 3 years, we will fund new economic growth initiatives to drive the recovery, informed by recommendations from the Economic Council. In March, we launched the initial co-funded payroll scheme and it was later amended to provide businesses with more flexibility over how they demonstrated a loss in turnover. Due to the hospitality circuit breaker announced on 2nd December, we have agreed to update the scheme further to support the businesses affected by the new measures. We have also amended the visitor accommodation scheme so that businesses can apply for support when they can show a 30 per cent drop in turnover rather than 50 per cent. In addition, we will continue to provide a timely, targeted and temporary fiscal stimulus to our economy throughout 2021. We are already receiving expressions of interest for funding from the first tranche of £25 million of the fiscal stimulus fund, which Members approved last month. The second £25 million tranche of the fund will be open for application from Monday, 4th January. Further economic support may include, for example, investment to support construction, restoration, funding for skills and training, and further investment in technology. To investment: while COVID-19 has created demand for some immediate, short-term funding to meet unforeseen costs, I believe we must continue to invest in our future by delivering the priorities set out in the Common Strategic Policy 2018-2022. These include new initiatives funded in this Government Plan, continuing the projects identified in the last Government Plan, and modernising the essential public services provided to Islanders. In particular, in 2021 we will focus on a number of key initiatives that are important to the long-term, sustainable well-being of Islanders. I will not cover all of these now, but they will include the start of an ambitious 3-year reform programme of our education system, the implementation of the Jersey Care Model, which will be supported by funding from the Health Insurance Fund, the delivery of a new hospital for the Island, and continuing our journey towards carbon neutrality. The investment in our Common Strategic Policy priorities will total £74.9 million per year by 2024 and will be as follows. Under putting children first we will spend an additional £50.2 million over the next 4 years with additional expenditure in 2021 estimated to be

£9.2 million. The largest investment next year will be £7.9 million spent on the education reform programme, which I have mentioned. To help improve Islanders' well-being and mental and physical health, which is particularly important especially at this time, there will be additional spending of £74.7 million over the life of this Government Plan, with an estimated £53.3 million being spent next year. The largest single amount, £46.3 million, will go on our continued response to COVID-19, including the test and trace programme, the Nightingale ward, P.P.E. stocks, and warehousing and support for sports centres. We are also setting aside £6.6 million for the Jersey Care Model and £0.04 million for the air ambulance service. Creating a sustainable and vibrant economy will be more important than ever as we recover from the pandemic, and over the next 4 years we will be looking to spend an additional £40.4 million. We are expecting to spend £15.7 million of this next year, with the majority of it, £15.5 million, being pumped into the economic recovery programme. Reducing income inequality and improving the standard of living for Islanders remains a priority and there will be an additional £32.3 million to support this until 2024. We are expecting to spend £18.8 million of this in 2021 on the payroll co-funding scheme and on income support. In February of this year, the Assembly agreed the carbon neutral strategy and the following month it agreed the sustainable transport policy, both of which are vital to protect and value our environment. Over the next 4 years we will be spending an additional £5.7 million on this priority and of this an expected £2.6 million will be spent next year. We will put £2 million into supporting our bus services, a vital service for Islanders but one which has been hit with a drop in passenger numbers during the pandemic.

[11:15]

To modernising government: there will be continued investment in the 5 ongoing initiatives that will provide us with the modern, efficient, effective and value-for-money services. This type of funding is rarely popular but the importance of it is so often understated and has resulted in underinvestment in key enabling services in the past. We have, therefore, identified investment required in I.T., in H.R. (human resources) and in financial management. Modernising government is critical to improving the services we provide but it is also essential in making government more efficient. In 2021 further organisation-wide change will continue, as will investment in our digital technologies and in protecting our technical infrastructure and data. The contractual arrangements for the development of a new government office are expected to be finalised early next year and we plan to finance it in a flexible way. It is also important that the work to deliver sustainable efficiencies continues, thereby reducing the cost of services for Islanders, avoid wasting money and encourage innovation. We have already committed to delivering recurring efficiencies of £20 million in 2021, 2022 and 2023 and in this Government Plan it is now being extended, with a further £20 million to be delivered in 2024. To address capital spending we will also need to debate what we fund as part of our capital investment programme. There will be much needed investment in infrastructure and technology, with £371 million of planned capital projects. This will improve our Island's public buildings such as schools, healthcare and other key facilities. Funding will also be directed at the Island's infrastructure, such as roads, sewers and sea defences. We will also be looking to replace essential equipment that supports the services government provides, from essential hospital equipment to sports and safety equipment, thereby ensuring it is fit for purpose and meets health and safety standards. Significant investment in technology is also continuing, with a total investment of £71 million in this Government Plan. Nearly half of this, £33.4 million, is held within 3 major projects: Microsoft Foundations, the integrated technology solution and cybersecurity. A further £19 million is allocated to investing in systems in health which are funded through the Health Insurance Fund. I now turn to my specific budget proposals for 2021. Given the circumstances we find ourselves in this year, I have taken a cautious approach when considering these proposals. I have sought to support Islanders by raising allowances to maintain their real value and have increased duties or taxes where there are significant health or environmental grounds for doing so, or where the measure is aimed at those that can most afford it. The Council of Ministers has decided to increase the main tax allowances by the June rate of inflation of 0.5 per cent. I propose increasing the standard



income allowance by £100 to £16,000 for a single person. The married couple's income exemption threshold increases by £150 to £25,700. This benefits around 44,000 taxpayers, reducing a single person's annual tax bill by £26 and that of a married couple or civil partnership by £39. The allowances continue to compare favourably with Guernsey's proposed allowance for 2021 of £11,875 and the U.K.'s current allowance of £12,500. I am also proposing a £50 increase in the second earner's allowance to £6,300 so that we maintain the parity achieved through previous budgets between a married working couple and a cohabiting working couple. I am delighted that in February this Assembly supported my proposals to reform the way we tax married people and to pave the way to introduce independent taxation in 2022. That was P.119. This year, as I said a year ago, at last removed from Jersey tax law the archaic treatment of married women, which most jurisdictions dispensed with decades ago. While aspects of my reform of married people's taxation have been deferred in order to deliver the P.Y.B. (prior year basis) to C.Y.B. (current year basis) changes, I am pleased that this year's draft Finance Law empowers wives, spouses B and civil partners B to access tax information from the 2021 year of assessment. Further consultation on independent taxation will start in 2021, in particular to consider the role of tax allowances and how best to protect over 8,000 low-income couples at both ends of the age spectrum, who would otherwise suffer financial loss from this reform. I now turn to impôts or excise duties. Traditionally, within the Island, the income received through impôt duties have always helped pay for public services. Before 1928, when income tax was introduced, it was the significant contributor to revenues. In more recent times and in line with most jurisdictions, we have also recognised that taxes on consumption can be an important lever in influencing some people's choices and behaviours. We have for some years used duty increases to further our public health and our environmental goals. In this exceptional year, in regard to alcohol the Council of Ministers has carefully considered the balance between raising duty and providing the continuing support to the hospitality sector, which has been so badly hit by the enforced closure of premises due to COVID-19. Given the size of the increases this Assembly approved in last year's budget, we are proposing that duty on alcohol is frozen for 2021 and we hope that this in some small way will help in the hospitality sector's recovery. Turning to tobacco, the Council of Ministers does not waver in maintaining the recommendations of the 2017-2022 tobacco strategy by applying above-inflation increases in tobacco pricing. Evidence indicates that year on year the average quantity of tobacco charged to excise duty is reducing by 6 per cent. I am, therefore, increasing the duty on cigarettes by 5.5 per cent and on cigars and hand-rolling tobacco by 8.1 per cent. This represents an extra 41 pence on a pack of 20 cigarettes. In regard to fuel, we are continuing to apply the strategy of increasing by inflation, plus 2 pence per litre for the climate emergency fund. The cost of a litre of petrol or diesel will, therefore, increase by around 2.3 pence. G.S.T. and international service entities, I.S.E.s: there are no significant new measures proposed in this year's Government Plan in respect of G.S.T. However, recognising the devastating impact on many sectors of our economy from COVID-19 and lockdown, I have asked our finance sector, which to date has perhaps suffered less, to bear a greater tax burden in this year's budget through increased fees for listing as international services entities. This is a 40 per cent increase in aggregate and improves the state of the public purse by £3.5 million annually. I am, however, conscious that our finance sector may not yet have experienced the full impact both of COVID-19 and, indeed, of Brexit. I have asked my officers to work with Jersey Finance Limited, who have agreed to undertake a review of the competitive position of Jersey vis-à-vis our international competitors for inward investment, relocating and start-up businesses. The finance sector remains a mainstay of Jersey's economy, providing thousands of jobs for our Islanders and contributing considerably through taxes on employment. Assembly Members will also be aware that the O.E.C.D. is currently examining the way that large, multinational businesses are taxed and the global effective corporate tax rates they pay. International tax standards are always evolving and Jersey has a proven track record of successfully adopting and adapting to such changes. Jersey will continue to advocate the maintenance of the principle of the level playing field among tax jurisdictions so that new standards are of global application and are to be applied without discrimination. We are engaging

constructively and extensively in these discussions at the O.E.C.D. There are a number of other measures listed in the draft Government Plan. We are helping people get on to the property ladder by ensuring that where a property is purchased through an approved assisted ownership scheme, first-time buyers will pay stamp duty only on the affordable price element of the purchase, meaning that they will have access to the first-time buyer rates if the affordable price is less than £500,000 where the market value of the property is not. We have decided our approach to ensure that in future we will tax the transfer of land or property where the transaction involves the transfer of shares in a company that holds the property rather than a transfer of the property itself. This is often referred to as enveloped property. We anticipate, after a further short period of consultation, that the draft law will be debated in this Assembly early in 2021. We are readying ourselves to tax the profits of companies operating in the medicinal cannabis industry through the making of regulations. This will ensure that once all of the necessary steps have been taken to allow those companies to operate we will be in a position to tax their profits immediately at a positive rate. We have added the Clos de Paradis Housing Trust to the list of social housing providers who are exempt from income tax to ensure this trust receives the same advantages as those of other social housing providers, provided for in last year's Finance Law. We are amending the Revenue Administration Law to place the responsibility for collecting social security contributions on the Comptroller, reflecting the move of the contributions team into Revenue Jersey as part of the One Government proposals. This is also part of the work that will enable a similar approach for employers who currently have to file paperwork with various Government departments. From 2021 we are introducing new provisions into statute where previously these matters were dealt with by administrative concessions from the Comptroller of Revenue and his predecessors. There are currently a number of tax concessions published on the Government website, some of which have been there for a number of years. Revenue Jersey commenced a project in 2016 to review these concessions with a view to either removing them if they were no longer relevant, placing them into statute or updating them. So far, a number of business-related concessions have been reviewed as these were considered the priority. The ones identified as being appropriate to bring into statute have been included in the draft Finance Law for this purpose. This will help provide certainty to taxpayers and has been the subject of longstanding discussions with the tax agents and business communities. Work continues to identify other concessions that can be brought into statute in future. The work to reform Jersey's tax administration continues, but this has been hampered this year both by the volumes of additional customer enquiries it has faced arising both from its own transformation programme but also from the levels of support it has provided to taxpayers through the pandemic, especially self-employed people, smaller businesses and individual employees. I thank Islanders for their continued patience and forbearance while these changes proceed. They are necessary and it is a shame some of them were not delivered years ago. I would also like to thank every one of our officers for what they have achieved in 2020 in responding quickly to the COVID-19 crisis, both to support smaller businesses individually as well as our hospitality, agriculture, fisheries and finance sectors generally, among others.

[11:30]

Much of this work has not grabbed the headlines in the way other support measures have, but it has been vital to support the economy. It was indeed fortuitous that the new revenue management system went live in May 2019 as this has enabled around 30 per cent of taxpayers to file online during lockdown and many of our tax officers to work from home during lockdown. This has enabled Revenue Jersey largely to complete the 2019 tax assessing cycle, which is an important prerequisite for moving prior year basis taxpayers to the current year basis early in 2021. We have also introduced some of the biggest changes to corporate tax returns in living memory, reflecting, for example, the new requirements for our Economic Substance Law. The volumes of work still facing Revenue Jersey and the further reforms now needed, especially to introduce independent taxation, have led me to conclude, in agreement with the recent C.S.S.P. (Corporate Services Scrutiny Panel) report on

the prior year basis to current year basis reform, that additional resources do need to be deployed into Revenue Jersey, at least on a temporary basis for a minimum of the next 2 years. Once a degree of equilibrium has been restored to the tax system, I will ask the Comptroller to make recommendations on the future direction of transformation and for putting in place a taxpayers' charter with appropriate performance measures. In conclusion, this is a Government Plan that addresses our commitment to protect our Island's future by responding to the ongoing health and well-being challenges of COVID-19 and protecting our health services, investing in our economic recovery, rebalancing the public finances, investing in our future healthcare and education to protect the future of our Islanders. I and my fellow Ministers have had to make very difficult decisions on behalf of the Island. While responding to the pandemic has left us with a substantial and rising debt, I have put in place a plan that rebalances our finances and at the same time maintains reserves so that Jersey is ready and able to respond to any further economic challenges. There are still many uncertainties in the months ahead, but the arrival on the Island of the first batch of the COVID-19 vaccine gives us hope that our current situation can and will improve as we move through 2021. The Government Plan has been constructed and agreed by the Council of Ministers and we present this to the Assembly together. I commend this plan and finance measures that underpin it to the Assembly. We would like to propose the Government Plan as amended.

**The Deputy Bailiff:**

Thank you, Minister. Is the proposition seconded? **[Seconded]**

**3.2 Government Plan 2021–2024 (P.130/2020): sixth amendment (P.130/2020 Amd.(6))**

**The Deputy Bailiff:**

The first amendment listed in the running order is the sixth amendment lodged by the Corporate Services Scrutiny Panel and I ask the Greffier to read the amendment.

**The Greffier of the States:**

Page 2, paragraph (a) - after the words "Article 9(2)(a) of the Law" insert the words - " , except that the 2021 Estimate for Personal Income Tax shall be reduced by £240,000 by amending Child Care Tax Relief in accordance with the table below with other affected lines in Summary Table 1 to be updated accordingly." The table is set out in the amendment paper.

**3.2.1 Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):**

This is the second year that the Corporate Services Scrutiny Panel have attempted to amend child care tax allowances. It is not a silver bullet by any means, but in the words of the Children's Commissioner, child tax allowance or childcare tax allowance levels will not alone address the entrenched inequalities highlighted in her papers that she has recently published. However, any lever available which may combat child poverty should be explored to better protect, respect and fulfil children's rights in Jersey. Recently the Early Years Policy Development Board announced that they would be increasing the provision of nursery years, free nursery school years, to 30 hours per week for parents. This did cause the Corporate Services Panel to reflect upon whether it was still appropriate to bring forward this amendment to the Government Plan. After some careful consideration we have concluded that it is appropriate and we would like the Assembly to consider making this additional change to childcare allowances very seriously indeed for the following reasons. The nursery provision spans only the space of a year and of course despite that we have brought forward greater family friendly policies, there are still other years of a child's growth that require childcare to assist parents to attend work and other priorities that they may have in life. During just the last 2 years, inflation in this area has been considerable. The average childcare cost is now £8.51 per hour, whereas 2 years ago it was £6.87. This measure is a low cost and a modest measure. It will have only a modest impact on those parents who are experiencing childcare costs. It will not even meet one hour per week in an entire year. However, every little bit helps and

particularly in a post-COVID world, it is more important than ever, as Senator Mézec has so eloquently reminded us already this morning, to address the issues of poverty and particularly the issues of poverty that face families. I comment this amendment to the Assembly.

**The Deputy Bailiff:**

Thank you, Senator. Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment?

**Deputy S.J. Pinel:**

Sir, the Assistant Treasury Minister, Deputy Ash, acts *rapporteur* for this.

**3.2.2 Deputy L.B.E. Ash of St. Clement:**

Yes, I would like to speak as the *rapporteur*, thank you. The Council of Ministers opposes this proposal and urges that States Members reject the amendment. Childcare tax relief was created to support working families and enhance childcare tax relief. It applies to children aged 0 to 4 and wraparound care to children aged 4 to 12. Childcare tax relief helps working families who incur professional registered childcare costs, thereby enabling them to work and contribute to the economy. It is a tax relief that benefits eligible taxpayers only to the extent they have incurred these professional childcare costs, whether that be a nursery, a childminder or indeed after school or breakfast club. It is not a fixed tax allowance. The relief will only ever benefit marginal rate taxpayers with children that pay for childcare. It will not provide any benefits to parents that are already exempt from tax because their income is below the income tax exemption thresholds. As it is a relief for costs incurred rather than a tax allowance, the relief is limited to eligible costs to a maximum cap. As a consequence, any increase to the caps will not benefit the many taxpayers who claim relief below the cap. It will only benefit those that are currently claiming the maximum amount. If this amendment were to be adopted, the maximum value in terms of increasing the cap in respect of a school-age child is £32 for the year. This will only apply if the parents are already paying in excess of £6,150 for their childcare. In respect of a preschool child, the maximum value in real terms of the amendment would be £83 for the year. Again, this will only apply if the parents are already paying in excess of £16,000 per annum. Potentially I suggest there could be a risk that raising the cap could lead to an increase in childcare costs. As I mentioned previously, supporting children through the tax system will only benefit Islanders that do pay tax, then only if they pay at the marginal rate. It will not help lower income parents who pay no tax. Ministers wish to support families and put children first, but they must consider how they can provide the best targeted support and the correct approach to take, whether it is direct funding through our social welfare system or indirect funding through the tax system. I am delighted that this Council of Ministers has already demonstrated its commitment to targeted support for families and children. For an example, income support increased by £5.04 per week for all income support families with a child from 1st January 2019 and then a further £5.04 was added to the child component from 1st October 2019. Together these increases have provided an additional £1 million per annum of support to around 1,900 low-income families. Then in last year's Government Plan, extra funding of £2.5 million per annum was provided to single parents receiving income support as a recurring growth bid. This will have helped about 1,000 single parents, providing them with an extra £40 per week from January this year. The Nursery Education Fund is already providing 20 hours of funded nursery education to almost every child aged 3 to 4 in Jersey in the year before they start reception at primary school, and the Minister for Education has recently announced the intention that this funding will increase to 30 hours from September 2021. The examples I have cited are among a number that, in the view of the Council of Ministers, all represent a better investment of public funds than is likely to be achieved by increasing allowances or reliefs within the tax system. That is not to say that some measure of child-related allowances and reliefs will not necessarily remain in the tax system moving forwards. It is, however, too early to confirm this one way or another. The structure of child-related reliefs and allowances is being considered within the personal

tax review in advance of introducing independent taxation. The level of reliefs due, if they are to remain in the tax system, may vary depending on the outcome of this work. It is intended that this review will be completed with any decisions on child allowances and reliefs having been made in time for independent taxation to be introduced for the 2022 year of assessment. In summary then, this is opposed firstly because support is largely now being targeted on those with most need and we see little argument for revalorising these allowances/reliefs while a fundamental review of the delivery mechanism of personal taxation is underway. Even if they stay in the tax system, they would almost certainly need to change structurally in a system of independent taxation. I wholly appreciate the reasons behind this amendment, but I maintain that it is not the time to consider raising the caps on childcare tax relief while the whole structure of supporting families and children remains under active consideration. I therefore urge Members to reject this amendment.

### **3.2.3 Deputy K.F. Morel:**

I just wanted to understand - and unfortunately the *rapporteur* will not be able to respond, but maybe the Minister for Treasury and Resources can - when saying that the whole system of allowances and benefits for children and families is under active consideration, how long does Treasury expect such consideration to last? I think that because consideration is one thing, action is a completely different thing altogether, and I think the Assembly would like to understand what action is going to be taken rather than what consideration is going to be given.

[11:45]

### **3.2.4 Deputy G.P. Southern of St. Helier:**

Of course the Assistant Minister was bound to say that we had increased the allowances for single parents under income support, not magnanimously, but because of the extreme poverty that the removal of such a benefit was engendered by taking the single parent allowance away from those on income support. He then went on to talk about the extra money that went into the income support system in an extra £5 for a child. Of course this was not fresh money; it was not new money. What it was was one way - and perhaps not the best way, but we will leave that for another day - of delivering index-linking to benefits that you can claim on income support rather than, as has happened many times in the past, let the benefits slowly lose their value because the components are not inflation-linked. It was not fresh money in that sense, but merely one way of delivering index-linking, which should be happening with allowances and benefits anyway because anybody should be doing that, otherwise the support just fades away. Of course the Assistant Minister is right when he says this is not action on child poverty. How could it be, because those who are on low incomes do not qualify to pay tax? This is a move, a change in the taxation arrangement. Finally, again, like Deputy Morel, I would question the phrase "under active consideration". Under active consideration could apply to almost anything. The Minister, yes, has this under active consideration in the same way that people have to just get on with things and can always be said to be working on policy. It is policy under consideration and, as such, means no date, no measures, no amendment, their own amendment to improve things in this area yet at all, and could be in place under active consideration for the next 10 years. It is just a get-out clause, so please do not be attracted by "under active consideration". It is meaningless. It says: "Please go away and do not disturb me."

### **3.2.5 Senator T.A. Vallois:**

Appreciating the speeches that have been made so far with regards to this amendment. I am grateful of course to the Scrutiny Panel for bringing this because it is an important debate to have. In terms of its effectiveness, I think the point I want to make here is in terms of the substantial work and changes that have been made with regards to the family friendly changes and the importance of ensuring that we are targeting, whether that is relief funds or actual funds, in the right way to produce the appropriate outcomes. What the independent taxation report work will do ... and in the panel's own report, they refer to the fact that the Revenue Policy Development Board will be considering the

tax reliefs with the advent of independent taxation from the year 2022. Within the consideration of the work around the Early Years Policy Development Board, which is of course going through a process at the moment for the report to be released, the consideration around the review of tax and benefits will provide an opportunity to create a system which works across tax and benefits to universally improve the financial support available to parents in the first years of a child's life. In Sweden, for example, there is a single transformation fund and a focus on a universal offer of funded maternity leave followed by one to 6 years of early childhood centres. Members will be aware of course that we have recently announced our move from 20 hours to 30 hours for nursery education funding, and what is particularly critical here is what we will be able to do with regards to the hourly rate. We are aware that our hourly rate, as it currently stands, is something to be desired and in order to improve equality for our childcare offering, to assist with regards to C.P.D. (continuing professional development) offering and educational offering for those staff members, not just in our own nursery settings, but that of the private and charitable sector too, we will be considering around the hourly rate how that can be done for a phased approach and may assist in the cost in terms of those younger years for those settings who provide care for those under the age of 3. I stated in last year's debate my concern around just increasing the tax relief and the reason for me stating that was because it is not particularly targeted, but also it does not necessarily help those who may be in the relative poverty situation. Deputy Southern has quite clearly touched on the changes with regards to income support, but like I referenced at the beginning of my speech, we have an opportunity by reviewing the tax and benefits and bringing that together and ensuring that the money that is targeted to our younger early years is targeted in a way that it produces the appropriate outcomes for our children and our future generations with regards to prevention and early intervention.

### **3.2.6 Deputy S.J. Pinel:**

Just very briefly to address Deputy Morel and Deputy Southern's questions. Deputy Morel, the assessment is to be done for the 2022 year of assessment and introduced over the coming months, but for the 2022 year. The child allowances are not routinely indexed because we wish to target the low-income families. As the *rapporteur* said in his original opening remarks, this amendment is appreciated, but it is premature to consider raising the caps at the moment, while the whole structure is being actively considered. Thank you. That is all I wanted to say.

### **The Deputy Bailiff:**

Thank you, Minister. Does any other Member wish to speak? Accordingly, I invite Senator Moore to reply.

### **3.2.7 Senator K.L. Moore:**

I thank those who have contributed to this brief debate and I am sure Members will hope that all of the amendment debates will run as efficiently and effectively as this one. I still hope obviously that it will be successful. I was grateful to Deputy Ash and his description of the improvements to income support that directly impact upon families. That is a very good thing, yet marginal rate-paying families also struggle with the cost of living. It is our duty to try to assist all families who have to cope with the increasing cost of living. As I stated in my opening speech, the average cost of childcare has risen considerably in the past 2 years. Prior to the dates that I gave, the Jersey Community Relations Trust highlighted the cost of childcare as one of the key factors that impacts upon family life and they made it very clear at that point, which I think was about 3 years ago, that the cost of childcare was unaffordable for many people. In supporting this amendment, the Assembly would be supporting working families who have found, many of them - 30 per cent of them have found - since COVID that they are now worse off than they were in the pre-COVID world. We owe it to them to assist in any small way that we can to alleviate the burden of the cost of living and to keep them in work because it is good for everyone to be working and contributing to Island life as much as we can, and it is therefore good for their families too. I was grateful to Deputy Southern

and Deputy Morel for picking up on the point of the review that was proposed and promised by the Assistant Minister for Treasury and Resources. Last year, when the Corporate Services Panel and many others brought amendments to the Government Plan, we were told: “Oh, but please wait, please wait. Our Policy Development Boards will be bringing forward reports and measures that will eventually help others.” We have waited a year. Yes, it has been an unprecedented year. Yes, many things have happened that have taken the Government off course somewhat, but telling families to wait until 2022 when we are still in 2020 - mercifully only for a short period longer - but telling families just to wait when we could today give them a little additional support and help seems to me and to my panel to be unacceptable. I do hope that Members will support this amendment. It is minor, but it is another way of using the levers that we have at our disposal to help those families who will appreciate it and will benefit from it as they continue to work for the good of our economy and for us all. I ask for the *appel*.

**The Deputy Bailiff:**

Thank you, Senator. In a moment the Greffier will add a vote into the chat channel of the meeting. He has done so and I ask Members to cast their votes. If all Members have had the opportunity to cast their votes ... I note that there are 2 votes in the chat. I invite the Greffier to close the voting. I can accordingly announce that the amendment has been adopted:

<b>POUR: 23</b>		<b>CONTRE: 21</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.W. Pallett		Senator J.A.N. Le Fondré		
Senator S.Y. Mézec		Senator T.A. Vallois		
Connétable of St. Helier		Connétable of St. Clement		
Connétable of St. Lawrence		Connétable of St. John		
Connétable of St. Saviour		Connétable of Trinity		
Connétable of St. Brelade		Connétable of St. Ouen		
Connétable of Grouville		Deputy J.A. Martin (H)		
Connétable of St. Peter		Deputy of Grouville		
Connétable of St. Martin		Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		Deputy J.M. Maçon (S)		
Deputy M.R. Higgins (H)		Deputy S.J. Pinel (C)		
Deputy of St. Martin		Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		Deputy R. Labey (H)		
Deputy K.F. Morel (L)		Deputy S.M. Wickenden (H)		
Deputy of St. John		Deputy of St. Mary		
Deputy M.R. Le Hégarat (H)		Deputy G.J. Truscott (B)		
Deputy S.M. Ahier (H)		Deputy J.H. Young (B)		
Deputy J.H. Perchard (S)		Deputy L.B.E. Ash (C)		
Deputy R.J. Ward (H)		Deputy G.C.U. Guida (L)		
Deputy C.S. Alves (H)		Deputy of St. Peter		
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

[12:00]

**The Greffier of the States:**

Those Members who voted *pour* were: Deputy Ward, Deputy of St. Martin, Deputy Pamplin, Deputy Morel, Deputy Gardiner, Senator Mézec, Senator Moore, Deputy Le Hegarat, Deputy Ahier, Constable of St. Martin, Constable of St. Brelade, Constable of St. Peter, Constable of Grouville, Deputy Doublet, Deputy Perchard, Senator Pallett, Constable of St. Lawrence, Constable of St. Saviour, Deputy Alves, Deputy Higgins, Deputy Tadier, Deputy of St. John, and in the link the Constable of St. Helier. Those voted *contre* were: the Constable of St. Clement, Senator Le Fondré, Deputy Labey, Deputy Martin, Deputy Lewis, Deputy of St. Peter, Deputy Wickenden, Deputy Ash, Constable of St. Ouen, Deputy Guida, Deputy of Grouville, Senator Vallois, Senator Farnham, Deputy Maçon, Deputy Young, Deputy Truscott, the Constable of Trinity, the Constable of St. John, Deputy Pinel and the Deputy of St. Ouen, and in the chat, the Deputy of St. Mary.

### **3.3 Government Plan 2021–2024 (P.130/2020): eighth amendment (P.130/2020 Amd.(8))**

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

The next amendment listed in the running order is the eighth amendment, lodged by the Corporate Services Scrutiny Panel. I ask the Greffier to read that amendment.

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

Page 2, paragraph (a) - After the words “Article 9(2)(a) of the Law” insert the words - “, except that the 2021 Estimate for Personal Income Tax shall be reduced by £260,000 by amending Child Tax Allowances in accordance with the table below with other affected lines in Summary Table 1 to be updated accordingly.” The table is as set out in the eighth amendment paper.

#### **3.3.1 Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):**

I thank those Members who voted for the previous amendment and I hope that they will be minded to do so for this one too, because again it is one that we argued for last year. Last year, as I rehearsed in the previous debate, we were told: “You need to wait because more good will be coming down the road for families in the future.” What we told the Assembly last year was that this tax allowance has been unchanged since 2011. In that time, the cost of living, R.P.I. has increased by 20.6 per cent. That is the equivalent of £612. In bringing forward this amendment, which is only a 2 per cent rise, it is in fact a very modest increase and one that does not impact or reflect properly the increase in the cost of living, so there is still plenty more to be done by the Treasury team when they bring forward their reviews. Of course the Minister will argue that she has increased tax allowances for both single people and married couples, which of course is to be welcomed, but this additional allowance for families will go a little way further to help families who are struggling with the cost of living. Of course we must all remember that due to that increase in the cost of living that in real terms most people are still experiencing that they are worse off due to their salaries and incomes not keeping up with the increasing cost of living in the Island. Of course the increase that this will have on revenue spending will be compensated for by the additional revenue that will be collected by the Treasury, thanks to our amendment to stamp duty rates. It is anticipated that at least, I think, £340 million in addition would be raised from the changes on stamp duty and land transaction tax for properties over the value of £2 million. We are very grateful to the Council of Ministers for agreeing to that amendment. If I could just remind Members that the Children’s Commissioner has identified to us that a quarter of people accessing foodbanks currently have dependent children and one in 7 households have expressed that they are materially deprived and 25 per cent are struggling. As with the previous debate, this is an opportunity to use one of our levers to give a little additional support and I hope that Members will support this amendment also.

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

Thank you, Senator. Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment?

#### **3.3.2 Deputy L.B.E. Ash:**



The Council of Ministers opposes this proposal to increase child tax allowances made by the Corporate Services Scrutiny Panel and urges Members to reject the amendment. The C.S.S.P. proposes reducing the 2021 estimate for personal income tax by £260,000 by increasing the child allowance by £60 for 2021 and the additional child allowance by £90 next year. Child allowance and additional child allowance, which is available to unmarried taxpayers, are universal allowances available to marginal rate taxpayers. These allowances are provided through the tax system as a contribution towards the cost of caring for a child. Historically it has not been the policy to increase child allowances in line with inflation. This is because supporting children through the tax system will only benefit Islanders that pay tax at the marginal rate. As was the case with the previous amendment that was carried to childcare tax relief - assuming the amendments are taken in order, which they have been - I would repeat, it will not help the poorest parents. As I said earlier, it has been estimated previously that approximately one-quarter of Islanders who are working age or above are outside the tax net. Increasing child allowance will not therefore help these families. When we think about supporting families and putting children first, we must surely consider how we provide the best targeted support and the correct approach to take, be this direct funding or indirect funding through the tax system. The structure of child-related reliefs and allowances is being considered within the personal tax review, as I said previously, in advance of introducing independent taxation. The level of reliefs due, if they are to remain in the tax system, may vary depending on the outcome of this work. It is intended that this review will be completed, as we said previously, by 2022, i.e. that work will be done hopefully in the early part of next year. In addition, the Early Years Policy Development Board is bringing forward recommendations imminently on how best to spend the resources allocated to support children in the Government Plan. The intentions behind this amendment are equally appreciated as for the previous amendment on childcare tax relief, but again, I maintain that it is premature to consider raising child allowances now when the whole structure for supporting families and children remains under active consideration. I therefore urge again Members to reject this amendment.

### **3.3.3 Deputy K.F. Morel:**

I would like to thank Deputy Ash for his input. There is a problem with the rationale that because this particular amendment only addressed those people who pay tax that therefore it should not be allowed. Unfortunately, while maybe 25 per cent of families are not in the tax-paying bracket and therefore will not be helped by this, of course that means 75 per cent of families are in the tax-paying bracket and will be helped by this very, to be honest, modest amendment. We know that Jersey is going through enormous turmoil in terms of its economy as it is being affected by COVID-19 and we know that it is a wide range of people who are being affected in terms of either losing their jobs, working reduced hours or just having to take salary reductions. Not all those people are in the lowest income areas and there is no question in my mind - and I know that there are plenty of people in the Assembly who agree - that those 25 per cent of families who do not pay tax do urgently need to be looked after as well. But that is not, in my view, a reason to avoid voting for this amendment, which as Deputy Moore did say, is being paid for by the increase in stamp duty, which has been accepted. Given that it is really important that we look after all those who are affected by COVID-19 and the economic problems that arise from it, that means helping middle Jersey as well as other income areas. I feel it is the right thing and it is morally the right thing to do, to support this, particularly as Corporate Services have raised the funding for it through their stamp duty amendment. It is clear in my mind that the stamp duty amendment has been accepted. That increases income and these 2 - the previous amendment and this one - are Corporate Services' intentions of how to spend that money. I think therefore it is the right thing to do, as much as I appreciate Treasury are not keen, but I do feel it is modest and it is therefore the right thing to do to help families across Jersey as much as we can.

### **The Deputy Bailiff:**

Thank you, Deputy. Does any other Member wish to speak on this amendment? If no Member wishes to speak, I invite Senator Moore to reply.

### 3.3.4 Senator K.L. Moore:

I thank the 2 previous speakers. As Deputy Morel said in his conclusions, it is the right thing to do to help working families as best we can. I think that was shown in the vote for the previous amendment and I hope that Members will show their support again. If we could just touch upon a couple of the points raised by the Assistant Minister for Treasury and Resources. Yes, it is understood that those families who do not earn enough to pay tax will not be impacted by this proposal. Of course that is regretted, but as the Assistant Minister for Treasury and Resources did state in his previous speech to the previous debate, there have been some measures to assist those on income support. This will, as Deputy Morel just stated, support and give some modest assistance to those families who are working and paying enough to pay tax. However, they are still on the marginal rate and those middle Jersey people do not find the living easy at this present time. We have already highlighted today the rampant cost of living increases that we have seen over the past 10 years and we have now next year the potential for quite high levels of inflation as a response to both COVID and also the fallout from the Brexit situation. The cost of living does not abate. The Minister, in her opening speech, mentioned also the cost of housing, which has also gone up in the past year. All of these aspects continue to place additional pressures on working families. In summing up, I ask Members to support this amendment and to support those families who are trying their best and would just simply deserve this modest bit of assistance to help them on their way.

### The Deputy Bailiff:

Thank you, Senator. In a moment the Greffier will add a vote into the chat channel of this meeting. The vote is now open and I invite Members to cast their votes.

[12:15]

If all Members have now had the opportunity to cast their votes, noting that there are 2 votes in the chat, I ask the Greffier to close the voting. I can announce that the amendment has been adopted, on the link:

<b>POUR: 25</b>		<b>CONTRE: 20</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.W. Pallett		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Senator T.A. Vallois		
Connétable of St. Lawrence		Connétable of St. Clement		
Connétable of St. Brelade		Connétable of St. Saviour		
Connétable of Grouville		Connétable of St. John		
Connétable of Trinity		Connétable of St. Ouen		
Connétable of St. Peter		Deputy J.A. Martin (H)		
Connétable of St. Martin		Deputy of Grouville		
Deputy M. Tadier (B)		Deputy K.C. Lewis (S)		
Deputy M.R. Higgins (H)		Deputy J.M. Maçon (S)		
Deputy of St. Martin		Deputy S.J. Pinel (C)		
Deputy L.M.C. Doublet (S)		Deputy of St. Ouen		
Deputy R. Labey (H)		Deputy S.M. Wickenden (H)		
Deputy G.J. Truscott (B)		Deputy of St. Mary		
Deputy K.F. Morel (L)		Deputy J.H. Young (B)		

Deputy of St. John		Deputy L.B.E. Ash (C)		
Deputy M.R. Le Hegarat (H)		Deputy G.C.U. Guida (L)		
Deputy S.M. Ahier (H)		Deputy of St. Peter		
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

### **3.4 Government Plan 2021–2024 (P.130/2020): fifth amendment (P.130/2020 Amd.(5))**

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

The next amendment listed is the fifth amendment, lodged by Deputy Ward, and I ask the Greffier to read the amendment.

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

Page 2, paragraph (a) - After the words “Article 9(2)(a) of the Law”, insert the words - “except that the estimate of income in 2021 for Impôts Duties Fuel shall be reduced by £56,000 by reducing the rate of fuel duty paid on 2nd generation biofuel to 0 per cent.”

#### **Deputy R.J. Ward:**

I am going to keep my camera off because, one, I have a lot of notes around me and I will not be looking at the screen and, second, my reception is not great at the moment. I think you are hearing me now.

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

We can hear you, yes.

#### **3.4.1 Deputy R.J. Ward:**

Apologies for that, but I think it is best for smooth running of this. On 2nd May 2019, this Assembly voted by 40 votes to one to declare a climate change emergency and that we will be carbon neutral by 2030. Part (d) stated the Minister for the Environment was requested to carry out, as part of the process for drawing up the forthcoming Government Plan for 2020, an examination and assessment of more ambitious policies to accelerate carbon reduction to include an assessment of the use of fiscal levels to change behaviour and raise awareness. So this amendment addresses the need for action in a relatively small but direct way. I recognise the challenge set by the adoption of P.27 and the actions we have started, but yet it is difficult to see tangible changes that are reducing the amount of CO2 we produce. The amount of second generation biodiesel available on the Island for the year was 100,000 litres. For carbon emission context, 100,000 litres of diesel produces 262,000 kilograms of CO2. This action will remove that amount, a small but significant change. It is renewable fuel, because within one generation the carbon dioxide is taken out of the atmosphere into the plants and whatever the constituents of the fuel is and then returned, so there is no net gain of CO2, just to explain that process. This is nothing other than a transition fuel and it is not the solution, but as we wait for longer-term solutions we must take small steps that are both possible and achievable. For this fuel, the infrastructure is in place. It works well in diesel engines. Indeed, for larger diesel engines it is seen as a positive, as the amount of carbon particulates produced are lessened, which is better both for air quality and engine filters. There are many people in Jersey who drive diesel cars. They were once sold as the green alternative because of the increased mileage per litre of fuel, but it is clear that the emissions produced are a significant source of pollution. I want to address the comments paper produced by the Government that sums up an approach that has been taken in general to climate

initiatives. All actions will be taken later once they have gone through all of the obstacles we can create to prevent them, then we will create a blue-sky vision of what the costs will be if fully implemented, thus preventing any current change we will action in the hope that yet again the Assembly will fall for this bluff. I urge the Assembly not to fall for this bluff. Let us look at the figures that the comments paper produces. It talks about an overall duty loss of £10 million. These are figures for current taxation. That would be 17.8 million litres of diesel that we would have to use away from diesel usage on the Island. That is an enormous amount of fuel and not something that I am proposing would happen in the first 6 months or year, which is what this is designed to do, given that we currently have 100,000 of biodiesel on the Island. In fact, if that was to happen then the price of that biodiesel would come down. It would come down significantly because that is one of the things that makes it high cost. So as it does come down, if the Minister wanted to reintroduce duty at a reasonable level, I would support that, but we are not in that world. We are nowhere near that world. It is a fantasy land yet again. Again, I urge the Assembly to look at the context we are in now. We need to look at the announcement made recently about the Sustainable Transport Policy and put that in the context of this small change. All of the following projects are being delayed or paused: the walking bus to St. Helier School; the school shuttle bus planning. That is not the bus, that is the planning that has been paused for the bus. Eco-driver training, whatever that means; a traffic-free events programme not even attempted; the AvanchiCard for carers, no movement on this; a Cycling Development Officer not recruited, even though the real strength of the department is employing more people to look at what we could possibly do. The trial of “car is a guest” project near school, whatever that is, has not even started. The plan for phasing out petrol and diesel cars has been scrapped. Even the U.K. has a plan for that. We are setting Jersey up to become a dumping ground for these vehicles. The pilot scheme for personal and light electric vehicles has been shelved and we still do not have air pollution monitoring. I mention this because time and time again, whenever I and others have brought an initiative to this Assembly, buses or fuel or any form that would have an impact, we are told: “We will have a sustainable transport policy, we will have a climate change policy” and then when it comes, nothing happens. There are no tangible outcomes from what is being done. This is another example of that. We need to make a small step. One of the biggest worries for me is that any impetus that we had from the change in behaviour during the COVID crisis closedown has been lost and the department still oppose this small change on financial grounds. I quote comments from the comments paper again: “The Council of Ministers support the uptake of policies to encourage an increase in second generation renewable diesel usage in order to reduce carbon emissions from road transport.” Fantastic. However, and I continue to quote: “These policies are not yet formulated.” I could say that I support a policy of anything in these terms, but it is not reasonable to oppose a simple, small-scale policy that can be enacted now. Indeed, this statement: “These policies are not yet formulated” sums up the entire approach to climate crisis from this Government. Much of the biofuel is being used by the States, paying tax to the same Government that is footing the bill, a circular movement of money that has no impact on overall income. But we need a step to be made. We are promised a citizens’ assembly this year; great. New posts will be created to plan our actions, fantastic. This all looks good for the long term, but since last May there have been no tangible actions to address our emissions. We will hear more speeches from Ministers that will promise action tomorrow. It is like Groundhog Day. This is a simple choice, vote for a small amendment that takes an action now and tests the ground for longer-term plans from Government for the use of transition fuels or take no action again, let another year pass and miss a golden opportunity. I would like to make the proposition for this amendment.

**The Deputy Bailiff:**

Thank you, Deputy. Is the amendment seconded? [**Seconded**]

**3.4.2 Deputy K.C. Lewis of St. Saviour:**

Can I start by saying I fully support the use of second generation renewable diesel? That is RD100 fuel. However, unfortunately I am unable to support this amendment. Members may have read the amendment and thought: “What is not to like about this? It is good for the environment, it mentions the word ‘trial’, which always suggests nothing can be lost by doing it.” However, Members must delve a little into the detail and also consider the context. I hope Members have had a chance to look at the Council of Ministers’ comments because this is a complex issue and the implications of voting this amendment through need to be clearly understood: the calculation of the £56,000 estimated to be the reduction on income, going against a policy agreed by the States, raiding the Climate Emergency Fund and operational issues in implementation. I will start with the £56,000. We can only estimate what the financial impact would be because there are variables. We do not know what the demand would be. However, we think we could fairly confidently say that demand would obviously increase. If the RD100 is much cheaper than regular diesel, everybody would use it and no one would buy the regular diesel, obviously which is more expensive. Indeed, that seems to be the object of the exercise, so to base your estimate on current demand would clearly be flawed. There is no barrier for any diesel vehicle to use biodiesel. It does not have to be converted in any way. I have spoken to officers regarding the trial of this fuel within the department’s fleets and they have told me they have not experienced any difference in vehicle performance. You will see from our proposition comments that: “Officers have undertaken research and have concluded that the loss of revenue would be likely to be closer to £1.25 million [I wonder if that is per annum] a considerable difference.” In fact, a very large sum of money. This is yet another proposition that pre-empts policy under development, which is disappointing. This Assembly unanimously adopted the carbon neutral strategy in February 2020. This proposition clearly falls within the scope of this strategy. In agreeing the carbon neutral strategy, Members endorsed a community participation programme and a citizens’ assembly that will take place early next year. The topics it will address specifically include carbon-reducing policy initiatives and revenue-raising policies. Obviously this would include second generation renewable diesel, which will be investigated and explored in detail. To assist the panel to make informed decisions, there will be presentations from subject matter experts. The citizens’ assembly recommendations will inform the development of a long-term climate action plan, which will outline Jersey’s ambition and journey towards carbon neutrality. I think Members realise that getting the public behind the carbon neutral strategy is crucial to making an impact. Government can facilitate, but the community has to effect change. The citizens’ assembly is an important cog in getting the public on board. They will be looking at the whole range of options on carbon reduction policies and consideration of their potential effectiveness in terms of each other and the appetite the community has in reacting to them. This is what Members agreed to earlier this year. This proposition will take away one of the tools from their toolbox and decide for them how it should be used. This is meddling with the process and warping the outcome. Deputy Ward states: “There was minimal spend of the Climate Emergency Fund in 2020 due to COVID-19 and due to time being taken to develop specific actions. This fund can be used as a whole or part reimbursement.” This is not the first proposition seeking to raid the Climate Emergency Fund and I am sure it will not be the last. It is very difficult to develop a comprehensive policy when the funding is being nibbled at. No, we are not looking at a nibble here, it is quite a substantial bite. Until the action plan for the Carbon Neutral Strategy is developed, how do we know where to prioritise spend? I also need to flag up an operational issue. If this proposition was adopted, computer software changes would need to be made to effect the new rates. Due to other commitments, these changes could not be worked on until next year and it is estimated that it might not be operational until March 2021.

[12:30]

Deputy Ward has made no secret of his impatience and wanting to see progress made with the Sustainable Transport Policy and the carbon neutral strategy. COVID has disrupted our plans although, perhaps ironically, it seems it had a positive effect on reducing carbon generation. Although the programme has been delayed, mainly through staff redeployment and difficulties in

getting equipment and services from the UK, there has been progress made, not as much as I would have liked, but we have to see it in context. We recently published the *Active Travel Update* which listed the projects completed, underway and planned for the near future. Just last week we published a report updating the work of the Sustainable Transport Policy. I would like to remind Members of some of the projects that have been completed or are in train this year: consultation of the FB Fields cycle path; consultation on Hill Street cycle lane; consultation on road safety and pedestrian improvements in Midvale Road; a trial pedestrian crossing at St. John's Road; support for the electric bike hire; Waterworks Valley trial closure for improved pedestrian and cycle activities; consultation on various aspects of the Sustainable Transport Policy, namely the active travel plan; bus service development plan; parking and a plan addressing mobility as a service; improvements at the West Park cycleway and provisions of bus shelters; and the biodiesel trial in the government fleets. I will just go through the detail. I notice I have got zero on the time. I hope I have not run out. In the Government fleet, we have 604 vehicles and 60 per cent run on diesel. I will give the breakdown: cars, 18 per cent; commercials, 18 per cent; vans, 59 per cent; and others, tractors and plants. Nine vehicles on the biodiesel trial ranging from small vans to heavy goods, all having tests with D.V.S. (Driver and Vehicle Standards) will be done and again at the end of the trial. Miles per gallon was also taken before the trial and will be compared at the end. We are very encouraged by the trial of the RD100. I ask Members to reject this proposition because it will cost a great deal more than estimated in the proposition. I think we should adhere to the agreed States policy and allow the citizens' panel to do their job without this restriction. Their recommendations will inform the development of the long-term climate action plan. This will include examination of the cost of carbon neutrality and mechanisms to raise revenue to implement the policies through the Climate Emergency Fund. This plan will be debated by the States Assembly. Surely this is the time for Deputy Ward or any other States Members to bring forward an amendment if he does not agree with what is being proposed, but now is not the time. I ask Members to reject the proposition.

**The Deputy Bailiff:**

Thank you, Deputy. Are you prepared to accept a point of clarification from Deputy Ward?

**Deputy K.C. Lewis:**

Indeed, Sir.

**Deputy R.J. Ward:**

During his speech - it is a very small thing - the Minister said that about £1.25 million being the cost. I think he used the phrase: "I wonder if that is per annum." Does the Minister know whether that is per annum? The comments paper was published under his name. Is that per annum is their estimate and how many litres is that per annum, if it is his estimate? Just I think it is a very important clarification when we are talking about figures.

**Deputy K.C. Lewis:**

That was if we went over to the RD100 completely, which obviously people would. Why would people pay more for a similar product? That is on the assumption that people would switch to the RD100 instead of regular diesel and that, as far as I am concerned, is per annum.

**The Deputy Bailiff:**

Is your point dealt with, Deputy Ward?

**Deputy R.J. Ward:**

It is, but I will come back to it when I sum up. It is very useful, thank you.

**3.4.3 Connétable A.S. Crowcroft of St. Helier:**

I would like to make a few comments in response to my good friend, the Minister for I.H.E. (Infrastructure, Housing and Environment). I am struggling to remember what the new acronym means because the name of the Minister's department changes so often. I have noticed they have stopped bothering to repaint the signs. I still think of it as the Department of Public Services, but perhaps we should really call it the Department of Inertia because so little seems to have been done. Only today on social media, the public are being invited to be consulted about the 4 new tenets of the Sustainable Transport Policy. It seems to me that the standard response by this department and this Minister, in particular, when faced with an urgent call for action such as the climate change emergency is to have a consultation exercise and why not also have a citizens' panel? Personally I do not think that the members of the public who signed up for the citizens' panel on the climate change emergency ever thought that the panel would be used as an excuse for inertia. But inertia is what we have got and the Minister criticises Deputy Ward for impatience. If Deputy Ward is impatient after his modest time in the States, how impatient does the Minister think I am, having amended successive strategic plans of the States and business plans and Island Plans and all sorts of other strategic plans in an effort to bring forward the kind of sustainable transport initiatives that Deputy Ward is now calling for, and they have never happened? The Minister reels off a number of small fragmented schemes which are underway. Of course we are all grateful for them, particularly if they are in our Parish and they are benefiting constituents, whose lives we are hoping to improve, but there has been no overall holistic approach to enabling Islanders to get around the Island in a more sustainable way. We have been waiting 2 decades for that and previous Ministers promised that they would bring it forward and failed to, so it is entirely wrong for the Minister to blame the pandemic for the fact that his officers have not been able to bring forward a joined-up approach to sustainable transport, particularly in respect of making vehicles less polluting, which is the purpose of this amendment. I applaud Deputy Ward for keeping going. I encourage him. I hope he will not be defeated on this, but if he is, I encourage him to keep going, as I try to, in the face of the rather bland and well-meaning promises from the Minister. I do urge Members to support this amendment and to get at least some activity out of a department, which is, as I say, not known for it at the moment.

#### **3.4.4 Deputy J.H. Young of St. Brelade:**

I share a lot of the feelings of both Deputy Ward and the Connétable. I think we are all frustrated and upset that we have not been able to make the progress on our journey towards carbon neutrality and of course we know the starting point here is that 50 per cent of our problems as an Island relate to the use of vehicles, and it is desperately important that we have this sustainable transport strategy really getting into top gear mode. I am not impatient, but I have seen it first-hand, the way in which our organisation has struggled to deal with COVID. We did not even have a transport player in that team. This Government Plan puts that person in place because we have to have the right body of people to progress these things and indeed the team that we have a small team. They were very substantially reduced because of the work they have had to do on public health policy and COVID, absolutely right, and in fact all that, if Members would read the minutes, the public meetings of the Scrutiny Panel, you can see we have discussed that *ad nauseam*. It has been disrupted. Also it is hugely disappointing that we could not get that, in all honesty, have that sort of process in the middle of a pandemic. I had hoped we were going to do it this autumn, which with the state of our infection rate now, we all know that it is just simply not possible. But nonetheless, that work is scheduled for early in the New Year. My worry about these 2 matters, Deputy, having said that I share all the frustrations, the solution we have got on the table in this amendment is not the right one. It would be counterproductive. I think what we are seeing now, because of frustration - and I think part of it is COVID exhaustion - is that our tolerance levels have gone down. People start to treat the Climate Emergency Fund as a kind of sweet tin that we can dip into and use for many projects that, frankly, should be funded properly through government programmes. I think we will end up with no funds and we will then not have the tools to be able to introduce the massive policy changes that we need as an Island to make sure we can hold our head up high as a community and go to C.O.P.26

(Conference of the Parties) - or whatever it is called next year - and play a real leading role with the actions that we have taken and achieve carbon neutrality by 2030. But if you treat it as a sweeties tin, as I say, there will be no money because I remind Members, the figures that were produced for the cost of that carbon neutrality, we are talking several hundred million pounds. Now, nobody of course at that time thought anybody in Government could possibly pay £300 million for a public project, but of course we have had to do that through COVID, but we have got this pot of money which is invaluable, £15 million-odd overall for the next few years and we have to use it to achieve long-term carbon reductions. That will mean a transformation of our tax system. People have had the free use of vehicles for far too long, effectively, and the environment is seen as a free good. That cannot go on, but we have to have carrot and stick arrangements for our funding. We have to have environmental taxes that give incentives for those people, financial incentives for those people that make those environmental measures and make those changes and those that do not, then they pay the price. Those are going to be quite tough. I cannot see how that can be introduced without the citizens' assembly approach that we have signed up. Now, I am not going to go into the complexities. My colleague has given you all that information, but please do not get lost in the detail here. There is definitely and will be a hit, a significant hit, on the climate fund if Members go for it. But second generation biodiesel is a really good option. We have certainly worked with the suppliers, but 2 problems. It is very expensive and very hard to get hold of because the demand is so high. The £1.25 million, as I understand, is a Jersey share of what can be potentially acquired in the market in the Channel Islands, for both Jersey and Guernsey in 2021. That is, as I understand, the way the £1.25 million comes in. Now, I think what potentially it could mean, if this amendment is approved, it will not be £56,000, it will potentially be a lot higher. That will reduce the monies available for all the other things that are wanted to do in the sustainable transport fund. We should have a much bigger programme and I am not proud that we do not have it, but it could be counterproductive. I ask Members - really, really, really ask yourself - please do not use this fund, the one major tool we have got to be able to achieve major change and major environmental improvements and deliver what has been long overdue. Do not leave it and do not let it drain away and be spent on short-term measures. It may be very attractive and it may make us all feel a bit better because we are not so frustrated about it, we are showing some action. I want to see action, but I am afraid in the way we are structured at the moment, with great regret, I have to say I cannot go for this. I would love to be able to go with it, but I am sorry, on this occasion I cannot. Thank you.

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Deputy Bailiff:**

The adjournment is proposed. Is that seconded? **[Seconded]** Does any Member wish to speak against the adjournment now? Accordingly the Assembly is adjourned until 2.15 p.m.

[12:45]

## **LUNCHEON ADJOURNMENT**

[14:17]

### **3.4.5 Deputy G.P. Southern:**

Congratulations to the Minister for Infrastructure. He has finally succeeded, after years and years of practice, in the perfect do-nothing motion. What does that require? Well, it requires a catchy phrase or 2. So: "Raiding the Climate Emergency Fund" sounds pretty dangerous, does it not, so that will get rid of him. Raiding the green fund: "Oh, dear, not allowed to do that so I will do nothing." We then move on to using the citizens' assembly - I am sure they did not want this - to postpone action. Absolutely no reason why they should not discuss, as part of the widest range of options, how we go carbon neutral. They should include biofuel as one of the aspects so that they can have a comprehensive discussion around what they need to do next, preferably with some early learning



from the supply and the motion before you to reduce the cost, take the duty off it. But if that fails, then we are back to consultation, another consultation, and the consultation on this, the Minister read out carefully all the consultation he has been doing. He has been doing stacks of consultation. Then the final lines finished off with plan, plan, plan. We can plan activity for some time in the future, sometime never. That is the way to get rid of awkward propositions that ask you to spend or to reduce income so that you can give a flying start to one of the aspects. The fact is there is absolutely no reason why we should not go ahead with this. Then, of course, fancy missing out: "Put a high cost on it." So £1 million-plus? I do not think so. It will be the duty, remember, the duty coming off a limited amount of biofuel that is accessible to Jersey. It will not be anything like £1 million. Do not be silly. So, to the Minister, I congratulate him for becoming the perfect do-nothing Minister, but time to get off his seat and take action. This is the perfect opportunity for the Minister to prove his worth.

#### **3.4.6 Connétable R.A. Buchanan of St. Ouen:**

I just want to make a couple of comments because I think anyone who comments and does not particularly comment favourably about the speech may well be viewed as an anti-climate change person. Well, I would just like to disabuse people of that. The Parish of St. Ouen, since we declared a climate change emergency, has moved as quickly as it can to do its best to help, and to do that we have introduced a couple of electric car charging points. We now have an E.V. (electric vehicle) bike stop and we are investigating turning all our oil boilers over to electric boilers. So, in our small way, we are keen to do our bit. But I do have some concerns about this proposition and it is less about the principle, because I accept to some extent the argument about biofuels and the fact that they are a sustainable fuel, except, of course, yes, there is a carbon offset because the fuel is produced from plants which absorb carbon from the atmosphere. But I would just like to point out that the carbon that is produced from those cars still resides in Jersey, so we do get some pollution but it is offset, and I accept that point. But the point that I would like to make - and it goes back to those of us who used to queue for our driving licences at the Chelsea Hotel at the beginning of each year - is the road fuel tax, and I have checked this with the Minister for Infrastructure, was originally levied on fuel to pay for the cost of roads. So, effectively, if we reduce biodiesel to zero, it effectively means that those people who are buying biodiesel are not making a contribution towards the roads, if you take it in its simplest form. That to me does not seem to be entirely right, especially as a road user myself. In that respect, I would say that the proposition is flawed because whereas there is, I think, some scope to reduce the cost towards zero, I think zero is an unfair rate intrinsically because it effectively means that those people are running around on Jersey's roads and not paying a penny directly towards the cost of maintaining those roads. If anyone thinks that maintaining the roads is a cheap affair, it is not, I can tell you. I run a Parish and our budget for road maintenance is quite substantial compared with the overall budget of the Parish. We spend a lot of time and effort maintaining our roads and with considerable help and assistance from the Infrastructure Department. So if I had a choice with this proposition I would have pegged the rate at a reduced rate to the rate of normal diesel, but I would have set it at a figure above zero so that the people who are buying biodiesel are, in fact, making a contribution towards the roads that they use in the same way that every other motorist does. I guess in many ways, yes, it is a good initiative and I think reducing the cost of biodiesel and encouraging people to use it is a good way forward, but I think this proposition goes too far because it does not allow for any contribution towards the roads that are used. You could make the argument that electric cars do the same, and I think as we move forward and there are more electric car users, we will have to find a way of taxing those cars to ensure that they do pay for the roads that they use. So, in that respect I find this proposition in its current format unsupportable, which is unfortunate because as somebody who is acutely conscious of the need to reduce our carbon I would have liked to have supported it. But I cannot because I cannot see that it is fair to other road users in its current format, so perhaps the Deputy might like to bring it forward later on or perhaps early next year with

some allowance made for the cost of using the roads. So, unfortunately I will not be able to support this proposition.

#### **3.4.7 Connétable R. Vibert of St. Peter:**

Like my colleague in St. Ouen, our Parish has made moves towards reducing our carbon emissions, and one initiative has been to introduce heat from air pumps in our senior citizens' flats. So we have certainly been making an effort. At the same time, however, I must dispel the rumour about this having anything to do with road tax. A decade ago L.P.G. (liquefied petroleum gas) was seen as a suitable alternative to petrol; it burned cleaner, slower emissions. At that time we put no tax whatsoever on L.P.G. and to this day I have a vehicle that runs on L.P.G. and I can go down to La Collette to the L.P.G. refilling tank there, fuel up for well under £1 a litre, and there is absolutely no tax that has ever been put on that fuel. So, trying to connect this to road tax simply is not a valid argument. Other jurisdictions, the U.S. (United States) and Scandinavian countries, certainly have lowered the duty and in some cases there is no duty on R100 diesel. I think this is something that we should be doing. We should be making any effort whatsoever to use fuels that either negate or lower our emissions. I would ask for Members to support this amendment. Quoting figures such as £1 million are scare tactics because the amount of R100 fuel available is limited and, therefore, we will never reach the levels of consumption that would result in £1 million-plus of tax being lost. At the moment it is around £56,000, quite a reasonable amount, and I think if we are looking to be greener, then this is something that we absolutely should support.

#### **3.4.8 Deputy G.C. Guida of St. Lawrence:**

I was very surprised when the members of Reform decided to leave Government and create an opposition because I thought, you know, why miss the chance of doing something within Government and go out and spend your time whinging. But I am now tempted to join them. It is extraordinary. When you are in Government, there are all those pesky, annoying things such as budgets, market forces, mathematics, the laws of physics, and you join the Opposition and all of a sudden all this stuff disappears and you can come up with the most utopic ideas and that is fine, nobody is going to do the math. Now, let us look at this particular proposition. First of all, it is a very good idea. We should definitely do something to encourage people to use sustainable fuels. It is the future. It is part of the future. It is not all electric. We will need fuels. But the figures are completely wrong. The figure today, what we are sold today in biodiesel this year, is what we are sold at 50 per cent above the price of normal diesel. So people like to go out and say: "I am such a green person, I am going to pay 50 per cent more for my biodiesel just because I want to save the planet. It is fantastic and I encourage anybody driving a diesel vehicle to do it," but it takes a lot of guts to say: "Nobody is going to know about it. Just because I like the planet, because I want to do my part, I am going to spend 50 per cent more."

[14:30]

Once the 50 per cent disappears, once this product is at the same price as normal diesel, there is no limitation to how much will be bought. When given the choice, I would say that people will normally want to buy more of it. It is the same price, but one I contribute 2 tonnes of carbon per year per vehicle and the other one I do not. You are going to buy the biodiesel, of course you are. Again, market forces. If everybody in Jersey wants biodiesel, we will find biodiesel. It will be on the market. We use 40 million litres of diesel every year. If 5 per cent of that is biodiesel, it is £1 million. If 10 per cent of that is biodiesel, it is £2 million. But now we have all forgotten something. The cost now is £1.50; 50p of that is tax. Normal biodiesel costs £1; 50 per cent of that is tax. So when we subsidise the additional 50p we also do not get the 50p included in the £1 of normal diesel. In other words, it costs us £1 per litre to sell biodiesel if we accept this proposition, 50 pence that we need to pay or that we do not get, but 50 pence that we would have received had people bought normal diesel, so £1 per litre. Again, we think that it is only going to be a few thousand litres but it is not. The last thing,

and this is also quite important, again market forces: this is one product sold by one distributor. There are several distributors in Jersey. They sell different products. Are the other competitors not going to be slightly unhappy that we are giving such a boost to one of them and do nothing about the others? What about other products? What about E25? What about E80, ethanol-based petrol? Some distributors are looking at distributing that. Are we going to just say: “No, no, no, we are helping one distributor. There is one company we really like and we are helping them and we are not going to help you”? What about additional quantities? If all of a sudden the market is completely open because the price is equalised, they can go out and say: “We bought 100,000 litres last year but this year what about 20 million litres? Will we not get a better price for 20 million litres? It is fine, it is subsidised, so we can sell it for the price of the normal diesel and make a fortune.” It is something that we have to do but we absolutely cannot do it in this form. It is a massive amount of money more than what it says. It is not £50,000, it is millions. Remember, it is not just 50p per litre, it is the 50p we have to put in and the 50p that we are not getting. It is £1 per litre.

#### **3.4.9 Connétable C.H. Taylor of St. John:**

This on paper appears to be an excellent proposition. It supports the environment, it will enable us to get cheaper fuel, and we are doing our bit for emissions on the Island. However, we have as an Assembly agreed a process and this is trying to bump that process and interfere with what we have already agreed with. That is not good governance and it is not a good reputation that this Assembly should have. We have agreed a fund and there is money in it, but we have in our process agreed how that money should be used and who should prioritise its use. We need to stick to our own process. Personally, I drive a diesel car when I am allowed to and I would be delighted at this discount. I can say that members of my family already buy this P100 fuel, whatever it is called, and it runs perfectly the same as any other fuel. But we need to be realistic. Nothing is for free and somewhere down the line it has to be paid for. If the new fuel is the same price, then everybody is going to start buying it. It is not the amount that the Deputy has budgeted in his proposition. It will be probably 80, 90, 95 per cent of the Island’s diesel will be this new fuel. Therefore, the sums of money lost will be substantial and that also is going to eat into the environmental fund that we have, and I do not think that that is appropriate. I would urge Members to reject this because this is not the way we should be tackling things.

#### **3.4.10 Deputy S.G. Luce of St. Martin:**

I am minded to speak after the speech by the Constable of St. Helier, who got me thinking. Recently, Members may have noticed that the motor industry have been asked for their views on vehicle inspections by the Minister’s department, and the date that I can see here is 30th November 2020. Then I remembered that back in October 2018 a Scrutiny review came out with the information that is being sought by the Minister now from the industry as to how we comply with vehicle inspection given the Vienna Convention and looming Brexit. Members may think I am a little bit off the pace here, but the point that the Constable of St. Helier made was that the Minister keeps going back to consultations and reviews and public questioning as to how to move forward when 2 years ago he should have been all over the subject following a Scrutiny review that gave him all the answers he needed. Why are the department not moving faster? I can understand - absolutely understand - Deputy Ward’s frustration. Because we all agree - and Deputy Guida said it just now - this is a good idea and we need to do something. That is what Deputy Guida said, and other people, all Members agree. We need to do something. As an Assembly we have made the decision to declare a climate emergency. The Minister said in the Assembly very recently when I asked him the question will he ban petrol and diesel cars by 2030 like the U.K. Government, and he said yes, he will. We say the words but we are not taking the action. While Deputy Ward’s proposition amendment may not have the figures quite right, and yes, we have had some complaints from Members of the Government about the figures being wrong, at least he is doing something and I am going to support him.

#### **3.4.11 Senator J.A.N. Le Fondré:**

It is a very easy subject this in terms of, as I think Deputy Lewis said, why would we not support this? I think the fundamental is it goes back to the quite difficult decisions we have had to make in putting this Government Plan together about where priorities lie. By that I mean we had to make decisions to basically move £80 million out of the spend. I think what we have been trying to say, and some Members do or do not get that, is that for every £1 million we now add to the bottom line, it is an extra £1 million of borrowing. I think that is what Members really need to think about. It is all very well and I can understand why Deputy Ward is saying: "Look, it is only £56,000" because that is based on his 100,000 litres of RD100 diesel that is on-Island. It is a seductive argument. It is a completely flawed argument, which is why I am slightly disappointed from someone who professes to be numerate and all the rest of it, because essentially it does not look forward. Obviously, the point being - and I like Deputy Ward a lot - that it is going to increase demand. Certainly, if you look in the comments made by the Minister in relation to this and by the Council of Ministers on page 3, second dark bullet point down, it says: "The current supplier has confirmed they could supply up to 5 million additional litres of second generation renewable diesel, which could be available across both Jersey and Guernsey in 2021." Very simple, and this is probably too simplistic maths: if you split it evenly between the 2 Islands, it is 2.5 million each, and therefore that is how you get to, in my calculations, over £1 million lost if that is the available supply during the course of next year. So, I think that is the fundamental is that, yes, we would like to do this but the whole fundamental point of the Climate Emergency Fund was to get us some sequel money, also being topped up each year by fuel duty, to do the long-term thinking to get us into a place for carbon neutrality in 2030. That was about having an holistic approach, a well-thought-through approach, endorsed by a citizens' assembly. Yes, as we have said on a number of occasions, COVID-19 frustratingly has come along and caused delay. No question, not anybody's fault, certainly not from this jurisdiction. But it has caused delay. What I will also say and, in fact, I think Deputy Guida touched on it very appropriately when he was talking about different other products, *et cetera*, and how you have to make sure you deal with it on an even-handed basis across all the suppliers on the Island, because that is what Government has to do. It must not be discriminatory in that sense. It must not be anticompetitive, *et cetera*. That is why we need to understand what the ramifications are and that is also why in the back of the Government Plan we have made specific reference to a review of fuel duty as a whole. We have also made a reference to parking charges. That all ties together with (a) changing behaviour; (b) essentially how we reduce congestion, whether it is from petrol-driven, diesel-driven or even electric vehicles, but also then equally it is how we deal with the reduction in fuel duty that we know is coming anyway, which is why we have to do it. Before anybody says that just kicks the can down the road, I looked at the Government Plan for last year and on there it refers to the current year payment basis, i.e. what we call C.Y.B. and P.Y.B. That was identified in last year's Government Plan and was obviously approved by this Assembly a certain number of months ago. In other words, it has been done. So we will be committing to doing this. It is part of the work that we are doing within the whole tax remit because it is within the impôt side, but also from the environmental taxes that, for example, Deputy Young and others are so keen on. So, that is really the fundamental. I do drive a somewhat elderly diesel vehicle and I would be delighted, when it is available, to switch across to using the new second generation replacement. I am going to do that irrespective of the money impact because it is the right thing to do. Therefore, it also depends on what behaviour one is trying to achieve. The fundamentals, though, it is not £56,000. If Members want to support it, that is fine, but the principle then is that it will either be that we have to borrow an extra £1 million-plus because of the projected loss in income that will take place arising from this than we would ordinarily have to do, or it will be a further £1 million out of the climate emergency, dealing with a short-term measure and not dealing with the fundamental issues that we all want to address through the carbon neutrality side. That is the choices that ultimately we face and for all of those reasons I will not be supporting this amendment.

#### **3.4.12 Senator S.Y. Mézec:**

I do not have any particularly great faith that this will happen, but I hope the Minister for Infrastructure and Chief Minister will have paid attention to the speeches of the Deputy of St. Martin and the Constable of St. Helier earlier and understood their rationale for taking the positions that they have on this, which is clearly coming from a place of frustration where people feel like nothing at all is happening. The Minister for Infrastructure, when he spoke against this, he accused this of pre-empting policy under development. Well, I am sorry to tell him that some of us just do not feel like there is any policy under development because nothing seems to be happening.

[14:45]

We have quite rightly set an agenda on the climate emergency and it is right that we do so because climate change is an existential crisis for humanity. It is not going to wait around and give us more time to solve it just because we have had a pandemic or anything else thrown in. It is happening and our species needs to take action on it, including us in our small Island taking what action we can. The clock is ticking before we reach a point of no return. We have to deal with politics in the meantime, where we have, I have certainly felt, over the last 2 and a bit years had excellent leadership from Deputy Ward, who has been prepared not just to bring forward propositions to establish the high-level principle about responding to the climate emergency but also to come forward with his own proposals with some greater detail on how we can move forward, how we can take action. Every single time he does that he hits a brick wall with the Ministers, who refuse to even consider these ideas and get quite defensive that a Back-Bencher would dare suggest a way forward on any of these issues. Consequently, we end up nowhere further forward on this. I cannot really off the top of my head think of a tangible measure that has been taken to improve our transport system by any notable degree or take any action properly to influence people's behaviour to encourage them to take more environmentally conscious choices when it comes to how they travel. Frankly, that is not good enough, and the reason that some Members have spoken how they have is because of their sheer frustration on that lack of leadership coming from Government. I hope that Ministers, irrespective of the outcome of this debate, will listen to that, respond to it properly, and rather than kicking the can down the road every single time try to come up with some innovative solutions rather than criticising those Members who seem to have a lot more initiative than the Ministers do when it comes to this subject. So, I will wholeheartedly be supporting this and if Ministers wanted a way of convincing me to not vote for it, it would be to put forward their own alternatives which I might try to have confidence will make a difference but, of course, they do not even try that so I will be voting to support this amendment.

#### **3.4.13 Deputy I. Gardiner of St. Helier:**

I was listening with full attention to the debate and where I am standing now, from one side I find myself agreeing that we need a holistic approach which will be endorsed by the citizens' assembly. I do agree that all road users need to pay for using the roads and I realise that we need to find the balance between reducing congestion and reducing fuel duty and how we will manage the budgets. One thing that came clear for me during this debate is that nobody I think has a clear idea how much it will really cost. The numbers were running from a proposed £56,000 through some hundreds up to £1 million-plus, and probably the truth is in the middle. The only thing that I would like to suggest, and this is why I am thankful to Deputy Ward for bringing this forward, is basically what he is saying is let us do it for 2021. He is suggesting £56,000; I agree £56,000, it might be more. We have been told that we need to borrow more. Maybe we do not need to borrow more. We have the Climate Emergency Fund that we can maybe subsidise this during the year because we had one year of climate emergency funds still sitting there. What can we get from this, from the pilot? We will have an understanding what is the update. Maybe we will be surprised. We do not know if it will be too little, too big. Maybe in 6 months' time we can have a report on what uptake there was in 2020 for the first 6 months and what the uptake was for this diesel in 2021. A citizens' assembly can look at some data and make policies and make decisions based on some data of what is required on the

Island. Then in the next Government Plan it can be accommodated. So, from not taking action to taking action, after listening to this debate, I will be supporting Deputy Ward.

**The Deputy Bailiff:**

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

**3.4.14 Deputy R.J. Ward:**

I will just get my notes together and reply as appropriate. I thank everybody for contributing to this debate. I would like to start by not making an apology, not apologising for bringing this, not apologising for bringing all of the amendments and the propositions I have brought that are directly related to ... sorry, can you hear?

**The Deputy Bailiff:**

Yes, we can hear you.

**Deputy R.J. Ward:**

Sorry, there was an interruption. Not apologise for bringing any of the things to this Assembly. There seems to be a suggestion by Ministers that now is not the time. Now is never the time to do anything, but when there is an absolute void of leadership, which is what we have on this topic, then we need to step in and do something as elected Members. Let us start with, unfortunately, the negatives first, then we can move on to the brighter future that perhaps we could have. I am very disappointed that the Chief Minister should lower himself so far as to make comments like I profess to be numerate. Yes, I do and I am, and personal comments like that I think bring down the level of debate and are unnecessary. I could say he professed to be a leader but I am not going to say that because I do not think that would be appropriate. Then we get to the numbers. The Chief Minister says it is easy to bring it. It is not easy to bring these things. It is not easy for me or any Back-Bencher to bring anything because, first of all, you do the vast majority of work on your own, although I would like to thank the researchers that have been provided by the Greffe because they have made the job so much more effective. Then you come up against that brick wall of opposition and the lack of communication from Ministers, officers and the fantasy land that we move into about what happened. Then you have to either drop everything and do nothing, which seems to be the theme of the leadership on this topic, or you carry on and then you would come to the Assembly and you sit here and you listen to this utter nonsense from some people again and again and again, the same old record that is broken and is failing this Island. But let us move on. Deputy Guida, you seem to have a real issue with reform. This is from a self-professed non-political politician, as you said last time, who then goes on to spout the values of the free market alone. I would like the Deputy to know that that is politics and it is very conservative politics, so I think you need to get out of that closet and explain where you are politically. Your obsession with reform troubles me, but you will have a couple more opportunities in this sitting on the Government Plan because I have a few more things to bring along. The reason we are not in Government is because we will not be part of a failing Government that is failing in so many different areas. The figures he has talked about, really, there is a term for this. I do not know what it is; I am sure Deputy Tadier would have an expression of this, where somebody brings an argument that is so failing, about an argument that is meant to be failing. I do not know if it is tautological or just nihilistic but it is one of those 2 things. We need to move on from these negative arguments. Let us deal with some more of the negatives again. The Constable of St. Ouen, you are a very nice man, I know you are. Could I just make a point that the CO2 does not reside in Jersey? It resides in the atmosphere, which goes all around the world. There is not a little block of Jersey atmosphere. There is obviously at a local level but we do not measure the pollution there because they have never got around to pollution monitoring, even though I have asked for that as well and that has been agreed somewhere along the line. Our roads are terrible already so whatever you spend on that, more needs to be spent. I would like to thank Constable

Vibert who just brought a reasoned, sensible and really clear explanation of why that argument is wrong. If this was a correct, genuine debating Chamber, people would be looking at those arguments and saying: "That was an argument from the Constable of St. Ouen, marvellous, but Constable Vibert has dealt with that so we can dismiss that." But we do not do that because we have these personality things going on and I really wish people would move beyond them. The Constable of St. John, I am not surprised he opposes and I just do not understand the logic behind it. Do I deal with Deputy Young or Deputy Lewis first? Deputy Lewis, when you talked about the projects that are ongoing, you mentioned consultation 4 times, trials, a cycleway and the good old bus shelters. We are talking about climate change, an existential threat to life on the planet. I do not think we are going to solve it with bus shelters. Slight improvements to cycle ways will do something along the line, but what we have is a situation where we voted on action and we have inaction, constant inaction. The figures that have been bandied around, the figures I got from the company that sells this fuel - and there are only 2 places to buy it so it was a very limited trial, and the word "trial" is in the proposition - was that there was 100,000 litres on the Island. By doing the simple maths, and yes, I can do some maths, it came to £56,000. Now, if that amount increases because it is popular and goes up to £1.25 million to have the entire diesel fleet of this Island not use fossil fuels but renewables anymore, the first thing to say is that is a bargain. The second thing to say is a large number of those are States-run vehicles that were paying the duty to the States itself using the coffers from the States. So that figure is not easy, but again we are looking at an ultimately significant change by the end of the year, which the Government themselves are saying cannot happen because it has to be planned for. So, the figures are just there to wreck the idea of this. This is a trial. The figures that I have produced are as close as can possibly be produced with the reality that is now. If you deal with figures, you need to deal in a world of reality, not a fantasyland of what may be. Deputy Lewis suggested I am meddling with the process. I am elected to meddle with processes on behalf of constituents, on behalf of the growing number of people on this Island who understand that the climate emergency is real and do not want to leave a planet for their children that we have done nothing about because we have kicked it into the long grass. So, COVID may have delayed something but it did not delay climate change. That is a geophysical reality and it is going to happen regardless. As for the argument about not having computer software, I cannot believe that a Minister would come along and talk about not having computer software when we have put millions aside to deal with I.T. and even that is not happening. Deputy Young, I am disappointed in his approach to this. He is right, this is not a solution, this is a sticking plaster over a huge gaping wound, if not an amputation. The issue of climate change is much bigger than 100,000 litres of biodiesel, but what it is is a stimulus to try and get people to change behaviour. We do not have a single one of those at the moment. The money from the climate change fund is being spent on employing people to talk about things and consulting people to talk about things, to look at ideas that might happen in the future if somebody there votes for a change that is not actually happening in this Assembly. It is a remarkable process in delay, conflation and a waste of everybody's time. What troubles me is that the Minister talked about going to C.O.P.20 or whatever it was and being able to talk about what we are doing. We have already done that. We went to the Commonwealth Parliamentary Association, myself and Deputy Gardiner, and proudly stood there in front of the cameras on behalf of Jersey and had the picture taken, saying that we had declared a climate change emergency, small Island state. It was marvellous. We have the P.R. (public relations). What we need now are some actions, some actual actions that are going to lower our carbon emissions beyond that that have happened because people cannot go anywhere because of COVID. I think the sad thing is that the Minister knows that he will not achieve anything that he would genuinely consider a success in this area before the next election, and that must be difficult, and I understand how difficult that is. But I would have suggested that he would have come to the Assembly today to support this and say that if it really does take on and we have to find some extra money he will go to the Council of Ministers and fight for that extra money rather than saying we simply cannot do this, we have to wait and let us carry on burning old-style fossil fuel diesel with the

carbon dioxide it produces, the carbon particulates and all of the particulates in the centre of our town that give people bad health, even though we still do not measure them.

[15:00]

It seems to me that the theme we are getting here is we do not want to spend climate change money on initiatives that will address climate change directly. Why are we doing that? We should be spending climate change money on consulting and talking about things that we could possibly do to deal with climate change. There is a Monty Python sketch which is a classic one, and he says in it: “I think all right-thinking people in this country are sick and tired of being told that ordinary, decent people are fed up in this country of being sick and tired. I am certainly not and I am sick and tired of being told that I am.” That sums up the debate that we have had today from Government about the way they are addressing climate change. It is a nonsensical, circular argument that has no outcome whatsoever. It is, by definition, nihilistic and it is, by definition, wasting everybody’s time. The Chief Minister talked about figures of 5 million litres of fuel. I would ask the Chief Minister: please, take a lead on this. Look at what we can do now to lower our carbon emissions in this way for the rather small amount of money. Rather than spending £600,000 increasing the resources of your Communications Department to communicate how we are consulting on perhaps doing something, actually take an action. The Assembly today has to make a decision as to whether it is going to take a small action right now to make a change that will lower our carbon emissions directly and show the people of Jersey that we are serious about making changes that are available to us, or yet again it goes along with complacency, the lack of leadership and a lack of action that has come from the Sustainable Transport Policy and from our climate emergency outcomes. I think we are all fed up with talking. One final thing: Deputy Young talked about COVID weariness. I am not COVID weary, I am Government weary. We are all Government weary and growing numbers of people in this Island are Government weary with the lack of action and correct decision making. I appeal to the Assembly: do not be part of that problem, be part of the solution. I make the proposition and ask for the *appel*.

**The Deputy Bailiff:**

Thank you, Deputy. In a moment the Greffier will add a vote into the chat channel of this meeting. I ask Members to cast their votes. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The amendment has been rejected:

<b>POUR: 21</b>		<b>CONTRE: 25</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.W. Pallett		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Senator T.A. Vallois		
Connétable of St. Lawrence		Connétable of St. Clement		
Connétable of St. Saviour		Connétable of St. Brelade		
Connétable of Grouville		Connétable of St. John		
Connétable of St. Peter		Connétable of Trinity		
Connétable of St. Martin		Connétable of St. Ouen		
Deputy G.P. Southern (H)		Deputy J.A. Martin (H)		
Deputy M.R. Higgins (H)		Deputy of Grouville		
Deputy of St. Martin		Deputy K.C. Lewis (S)		
Deputy L.M.C. Doublet (S)		Deputy J.M. Maçon (S)		
Deputy of St. John		Deputy S.J. Pinel (C)		
Deputy M.R. Le Hegarat (H)		Deputy of St. Ouen		



Deputy S.M. Ahier (H)		Deputy R. Labey (H)		
Deputy J.H. Perchard (S)		Deputy S.M. Wickenden (H)		
Deputy R.J. Ward (H)		Deputy of St. Mary		
Deputy C.S. Alves (H)		Deputy G.J. Truscott (B)		
Deputy K.G. Pamplin (S)		Deputy J.H. Young (B)		
Deputy I. Gardiner (H)		Deputy L.B.E. Ash (C)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		

**The Deputy Greffier of the States:**

Those voting *pour*: in the chat I have the Connétable of St. Helier and Deputy Southern, and in the link I have the Connétable of Grouville, Deputy Le Hagarat, Deputy Ward, Deputy of St. Martin, Deputy Pamplin, Deputy Gardiner, Senator Moore, Deputy Ahier, Senator Mézec, the Constable of St. Martin, the Constable of St. Peter, Senator Pallett, Deputy of St. John, Deputy Perchard, Deputy Doublet, Deputy Alves, the Connétable of St. Saviour, Deputy Higgins and the Connétable of St. Lawrence. Then those voting *contre*: Deputy Guida, the Connétable of St. Clement, Senator Le Fondré, Deputy Labey, Deputy of St. Peter, Deputy Martin, Deputy Pinel, the Constable of St. Ouen, Senator Vallois, Deputy Young, Deputy Wickenden, Deputy Lewis, Deputy of St. Mary, Deputy Morel, the Connétable of St. Brelade, Deputy Ash, Senator Gorst, Senator Farnham, Deputy of Trinity, Deputy of Grouville, Deputy of St. Ouen, Deputy Truscott, the Connétable of St. John, Deputy Maçon, and the Connétable of Trinity.

**Deputy R.J. Ward:**

Sir, may I ask whether Constable Le Bailly’s vote was counted *pour* because he was in a different chat?

**The Deputy Greffier of the States:**

No.

**Deputy R.J. Ward:**

I know it makes no ... but that means the vote difference is only one. May I thank everybody for their votes, Sir? Thank you.

**3.5 Government Plan 2021-2024 (P.130/2020): sixteenth amendment (P.130/2020 Amd.(16))**

**The Deputy Bailiff:**

The next amendment in the running order is the sixteenth amendment lodged by the Government Plan Review Panel, and I ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 2, paragraph (c) - in paragraph (c), after the words “to the Report” insert the words - “, except that the limit on funding required from the Revolving Credit Facility shall be reduced by at least one third, with the funding to be found through either the facilitation of a community bonds programme or the divestment of States-owned assets (including shares in companies in which the States has full or partial ownership), in accordance with the agreement of this proposition”. Page 2, paragraph (c) - After paragraph (c) insert the following new paragraph and re-designate the subsequent paragraphs accordingly - “(d) to request the Government of Jersey to facilitate a community bonds programme

as a means of generating funding to offset the reduction in the proposed funding required from the Revolving Credit Facility under paragraph (c) of the proposition”. Page 2, paragraph (e) - After paragraph (c) insert the following new paragraph and re-designate the subsequent paragraphs accordingly - “(d) to request the Government of Jersey to initiate a programme of divestment of States-owned assets (including shares in companies in which the States has full or partial ownership) in order to generate additional income to fund States expenditure and to offset the reduction in the proposed funding required from the Revolving Credit Facility under paragraph (c) of the proposition”. Page 3, paragraph (j) - After paragraph (j) insert the following new paragraph - “(k) to request the Ministers for Infrastructure and for Treasury and Resources to present strategies to the States by February 2021 in which property and other States-owned assets (such as land) are earmarked for divestment and for the maximisation of the States asset portfolio to its full potential”.

### **3.5.1 Senator K.L. Moore (Chair, Government Plan Review Panel):**

On the same day that the Government Plan Review Panel published this amendment so did Senator Gorst publish a very similar amendment, amendment 14, which has been accepted by the Council of Ministers and included in the reading of this proposition as amended. Noting, of course, that the Reform Jersey party will be prompting a debate on that amendment, there is some likelihood that the Government will be accepting this and, therefore, that the majority of States Members will agree to the measures proposed in Senator Gorst’s amendment. In the comments to his amendment, the Council of Ministers thank him for formalising a tighter approach to a borrowing strategy and that was very much where discussion arose from the Government Plan Review Panel and the initial stance that was taken in producing this amendment. I think we were all at the same public hearing, obviously on different sides, but listening to the arguments as we heard evidence from the Treasury team as part of our review into this Government Plan. So, there are, of course, other aspects to this amendment, one of which being to create a community bonds scheme. We are content and grateful to the Minister for Treasury and Resources, who in her comments to our amendment has stated that they agree to investigate a community bonds programme as part of the medium to longer-term borrowing strategy that is planned to be brought to the Assembly for consideration at the end of the spring 2021. It is good to hear that from the Minister for Treasury and Resources and I will reassure her that the Government Plan Review Panel members will continue to watch this very closely indeed to ensure that action is taken with this regard and that we see some progress. But at this point, and I say so with some trepidation following the previous debate and talk about action, the warning has been made to the Minister for Treasury and Resources that we will be watching. I feel and the panel agrees that with the acceptance of Senator Gorst’s amendment we have come a long way in ensuring that there is greater rigour around borrowing strategy and the pursuance of community bonds and we, therefore, withdraw this amendment.

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

So the amendment has been withdrawn?

#### **Senator K.L. Moore:**

Yes.

### **3.6 Government Plan 2021-2024 (P.130/2020): twelfth amendment (P.130/2020 Amd.(12)) - as amended**

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

The next amendment is amendment number 12, the twelfth amendment, lodged by Deputy Tadier, and I ask the Greffier to read the amendment.

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

Page 2, paragraph (f) - After the words “of the Report” insert the words - “, except that, in Summary Table 5(i), the Heads of Expenditure for the Office of the Chief Executive shall be increased by £2.6 million in 2021 in order to fund the repair and maintenance of Elizabeth Castle, with a commitment that funding shall be provided in 2022 and 2023 for the completion of this project, and that any such funding shall be over and above the 1 per cent allocation for Culture, Arts and Heritage of overall expenditure”.

**Senator S.Y. Mézec:**

Sir, it is Senator Mézec here. I have just had half a text message from Deputy Tadier which makes me think he might be having technical difficulties, just on the basis that it is not a full text message. I am not sure what that means but I just thought I would mention that in case he is having technical difficulties.

**The Deputy Bailiff:**

Yes. If there is no objection, we could go on to the next amendment and then come back to this one. The next amendment would be amendment number 19, lodged by Deputy Higgins. Deputy Higgins, are you prepared to deal with that now?

**Deputy M.R. Higgins:**

Sorry, Sir, I am having some problems myself.

**The Deputy Bailiff:**

We do seem to have 2 chats running at the moment. I wonder if it might be worth just taking a couple of minutes to ensure that everything is co-ordinated. We are not aware that there are 2 chats officially running, as it were, that there is a competing chat. We have 46 Members voted very recently in this link.

**Deputy M.R. Higgins:**

I am having some trouble myself with my computer at the moment and I am not even sure I am in a position to start. Can I ask, as some Members have asked in the chat, that we could have, say, a 5 or 6-minute adjournment while we try and sort out technical issues?

[15:15]

**The Deputy Bailiff:**

Well, if no Member objects to that proposal I am content for us to break for 10 minutes for that purpose.

**Deputy M.R. Higgins:**

Thank you, Sir.

**Deputy R.J. Ward:**

I think that might be very sensible because a number of Members seem to be having a few problems at the moment. I do not know, perhaps it is the weather.

**The Deputy Bailiff:**

Yes, all right. Let us break for 10 minutes for people to reboot or whatever we need to do.

**Senator L.J. Farnham:**

Could I just check that Members would stay in this meeting and be instructed or will a new meeting be set up?

**The Deputy Bailiff:**

No, we will definitely stay in this meeting, I think.

**The Deputy Greffier of the States:**

Yes, they just need to mute their mics. Just remember that it is going to be broadcast so Members should not be chatting over the airwaves.

**The Deputy Bailiff:**

Yes, I am reminded that the broadcast of what is being said will continue, notwithstanding the fact that we are breaking for 10 minutes for technical reasons. Thank you. When we resume, if we can we will proceed with Deputy Tadier. If he is still unavailable, then we will proceed with the first of the 2 amendments brought by Deputy Higgins.

[15:16]

**ADJOURNMENT**

[15:26]

**The Deputy Bailiff:**

We will now resume with the twelfth amendment lodged by Deputy Tadier and I invite the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Paragraph (f), after the words “of the Report” insert the words “, except that, in Summary Table 5(i), the Heads of Expenditure for the Office of the Chief Executive shall be increased by £2.6 million in 2021 in order to fund the repair and maintenance of Elizabeth Castle with a commitment that funding shall be provided in 2022 and 2023 for the completion of this project and that any such funding shall be over and above the 1 per cent allocation for Culture, Arts and Heritage of overall expenditure”.

**Deputy M. Tadier:**

First of all, can I give my apologies? I was having a technical issue. I could hear everybody speak and I could not for the life of me log on to my laptop, so I thank everyone for their indulgence. I was just wondering, I wanted to take this as amended by the Council of Ministers, so I am accepting their amendment. I do not know if it is too late to do that but I was wondering if we could perhaps clarify that now.

**The Deputy Bailiff:**

They are 2 separate amendments. Are you accepting both amendments?

**Deputy M. Tadier:**

Sir, I will be accepting both amendments. Perhaps now that my proposition has been made, we should go through the formality but just to remind Members I will make the proposition and then the amendments will be read out.

**The Deputy Bailiff:**

If you wish to have your proposition read as amended ...

**Deputy M. Tadier:**

I would prefer that, Sir.

**The Deputy Bailiff:**

Any objections to the proposition being read as amended? No. The proposition will be read as amended.

**The Deputy Greffier of the States:**

After the words “of the Report” insert the words “, except that, in Summary Table 5(i), the Heads of Expenditure for Financial Services and Digital shall be increased by £750,000 in 2021 in order to fund the development of Elizabeth Castle, including the hospital and officers’ quarters, and the revised business case for that development with the commitment that funding shall be provided in subsequent years to complete the development no later than the end of 2025, subject to the agreement of an updated business case and after the Jersey Heritage Trust and Ministers have worked together to thoroughly investigate other potential funding mechanisms and that any such funding shall be over and above the 1 per cent allocation for Culture, Arts and Heritage of the overall expenditure”.

**3.6.1 Deputy M. Tadier:**

I will be keeping this fairly high level because, first of all, I think we have got a busy few days ahead of us and not because this is not an important amendment and not because it is not an important thing that we are seeking to do here; quite the opposite. But I am very pleased that all of the stakeholders in this have come to some kind of agreement. Myself, the new Assistant Minister ... are we getting feedback there, Sir?

**The Deputy Bailiff:**

I am getting feedback.

**Deputy M. Tadier:**

I am going to turn my mic off so ...

**The Deputy Bailiff:**

Yes. We cannot hear you at all now, Deputy Tadier.

**Deputy M. Tadier:**

Sorry, Sir, I will carry on.

**The Deputy Bailiff:**

We can hear you now.

**Deputy M. Tadier:**

Could everyone hear me okay before? Is there feedback?

**The Deputy Bailiff:**

The feedback is gone, I think it was someone else’s microphone, possibly not yours but, in any event, we can hear you clearly now.

**Deputy M. Tadier:**

Thank you, Sir. It could be me because I have got a slightly strange set up today, which I am coming through a Bluetooth speaker at home which is probably not helping things.

[15:30]

But anyway let us persist. I am glad that we have come to an agreement whereby, essentially, we are not getting bogged down so much in the exact figure that needs to be given to Jersey Heritage to complete the project at Elizabeth Castle. Rather we have seen a commitment now from Government and including the new Assistant Minister for Economic Development, Tourism, Sport and Culture. I am very pleased that, having spoken to Jersey Heritage, an organisation that I have been working with very closely during my time at Economic Development and which I hope to continue to do, is that they are also happy with the package that is being put forward. I say broadly happy in that there may be one or 2 caveats that I need to just expound on regarding the amended version of my

amendment. That is basically to say that I visited the castle only maybe 2 or 3 months back and was shown around the projects that need to be done. I must admit, I did not even really know that there was an old hospital at Elizabeth Castle and, apparently, certainly at the time of my tour I was told that there is probably still somebody in Jersey who was born over at the hospital who is living in the Island now; an elderly resident perhaps needless to say. It is quite remarkable. I guess there is a slight tragedy why this needs to be brought today, is that this project or globally these projects were passed by the States Assembly 40 years ago, pretty much 40 years ago to the month we are in now. These projects should have really been completed and delivered a while back. There are 2 aspects, the first is that we have struggled, I think, as an Island to perhaps fully value our cultural and our heritage assets, certainly when it comes to basic maintenance. I do not need to reiterate that we have been through a decade where we have not given the arm's length organisations, including Jersey Heritage, the monies that they need and deserve to look after what are, effectively, the Island's assets. There is an idea, I suppose, that this is something that Jersey Heritage own and that is not true. There is a usufruct on the castle, which is to the benefit of Jersey Heritage but they are custodians of our cultural assets in the Island. They need to be maintained anyway and whether it is the old hospital or the officers' quarters that are in need of renovation, there is an argument that they should just be done for historical purposes. But there is an added bonus and I think we need to pay tribute to whoever it was who had the idea back in the day to start renovating the heritage assets in our Island so that tourists could stay in them, whether it is tourists visiting the Island or locals who want to have a staycation and it is something, of course, which many locals have been enjoying during lockdown. It is really a 2 for one, by restoring this maintenance that we would need to do anyway. It is, effectively, cross-subsidising the work that would need to be done and I think it is great. One of the criticisms I have got is that it is perhaps not being quickly enough. I think the 5-year period for the plan to be delivered is not what was originally aspired to by Jersey Heritage, who I think could have delivered this in a 2 or 3-year period. My vision and I hope it is one shared by the Minister and the Assistant Minister for Economic Development, Tourism, Sport and Culture, is that we are in a period, of course, where it has been really difficult for the tourism industry. It has been really difficult for Jersey Heritage. It seems to me the ideal time to be investing, to be frontloading all those works, so that when Jersey bounces back and when it has all of its heritage sites open and when tourists are coming back, hopefully, in even greater numbers than they have been coming previously, they can be staying in some of these great self-catering units, whether it be at Hamptonne, whether it be at the Barge Aground and some of the amazing German fortifications that we have got around the Island, which have been converted or, similarly, in Elizabeth Castle, in those unique surroundings, which are unique selling points for the Island, as well as being really important historical assets for our Island. I think it is really important and that there is a commitment that needs to be reiterated, I think, from the Minister and from all Ministers that they will commit to this project. The slight concern I have about one part of the amendment is that there is talk about exhausting all other avenues of funding, or words to that effect. I think this is a philosophical issue here because, as I said at the beginning, these are Jersey assets, they are owned by the people of Jersey and there is a responsibility on Government, on the state to maintain these assets properly and to put aside adequate funding for them. Traditionally what might have happened in the past is that money would have been used perhaps from the revenue budgets, as well as from the usufruct I was talking about, the gate entrances would be put into a building fund and there would normally be enough monies available at any one time for Heritage to complete these kind of tasks themselves without necessarily having to come to Government. But of course when there is a big project like this, as well as having been coupled with decades of austerity, those monies are not available. I would not want, for example, us to make a verbal commitment today, which, in reality, is not worth the paper that it is not written on because it is verbal, which is to say I would not want us to tell Jersey Heritage: "You have to go away and try and get sponsorship. You need to be running around trying to secure private funding perhaps from a 2(1)(e) or perhaps from a corporate sponsor in order to complete or part-fund these projects", which, ultimately, as I have said, should be the responsibility of the state. Because that is not a good use of

anyone's time. Jersey Heritage already gets roughly half of its funding not from the States, so it could be a combination of donations from membership, from ticket sales and from private donors and from legacies. I do not think it is fair to put them in a position where they would be fruitlessly running around expending a disproportionate amount of energy when their day-to-day business is protecting, conserving and also curating Jersey's great cultural assets, both physically and in the abstract for everybody to enjoy. That is the one concern I have got and I hope that in accepting both of these amendments it is done in good faith with a spirit of willingness to progress, so that we can get to a position where there is a greater understanding by what Government, whether it is this Government or future Governments, expects from its relationship with Jersey Heritage and what Jersey Heritage can expect from Government and that we are, effectively, all on the same side. They are custodians, as I have said, of our natural and, in this case, our historical assets. I do make the proposition, anticipating of course the amendments.

### **The Deputy Bailiff:**

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

### **3.6.2 Deputy K.F. Morel:**

First of all, I would like to thank Deputy Tadier for bringing his amendments and subsequently for accepting the Council of Ministers' amendments as well. I would also like to thank Deputy Tadier for his 1 per cent funding for culture, arts and heritage, which I supported at the time and I certainly still support now. I believe we are going to lead to a genuine new era for culture, arts and heritage in the Island. I just thought it would be worth explaining to the Assembly how our amendments interact and also addressing some of the matters that Deputy Tadier ably put forward just now. First of all, as amended, Deputy Tadier's amendment will now mean that £750,000 is provided to Jersey Heritage Trust in 2021 and of that £750,000 some of it will be used to build a business case for further development of the hospital block and the officers' quarters in Elizabeth Castle. Once that business case is in place and agreed, the Government, through this amendment, are committing to ensuring that the redevelopment of the hospital block and the officers' quarters will be able to go ahead and be completed. It was really important for Jersey Heritage for them to know that they would be able to receive funding to be able to complete the projects, and quite rightly. There is no point in receiving some money next year and then not receiving any later. This amendment genuinely is designed to do that. While I understand Deputy Tadier's wish for commitments with regard to his concerns about exploring other avenues of funding, as the new Assistant Minister for Economic Development, Tourism, Sport and Culture, I can assure Deputy Tadier that I will absolutely do everything I can to make sure that that funding is there so this project can be completed. There is no point in starting a project which cannot be completed. Elizabeth Castle is, as I understand it, the most visited monument in Jersey. There is no doubt it stands so proudly in the bay, at St. Aubin's Bay. It is a massive landmark for the Island and we need to bring it into a new phase of use and a new phase of kind of future glory, I think, is what is needed there. Deputy Tadier is quite right, Elizabeth Castle has not had the care and the money spent on it that it needs and has not for the last 40 years, which is a huge shame. I hope that this is the start of turning a new leaf in that area. It is interesting, Deputy Tadier also referred to that usufruct with regard to Elizabeth Castle and other monuments between Jersey Heritage and the Government of Jersey, and I think it is something that we do need to understand and work out fully. Jersey Heritage Trust has these monuments and is there to care for them on behalf of the Government and the Island. But it is, ultimately, the Government's responsibility to make sure that that care takes place. It is in that spirit that I have worked with Jersey Heritage and obviously the Council of Ministers and Treasury to bring forward an amendment, which would see us finally start the redevelopment of Elizabeth Castle in a way that means that Islanders and visitors to the Island will be able to appreciate it and enjoy it and learn from it as part of our heritage, which is indeed something that I think we all need, is a better understanding of Jersey's heritage in a way that

helps bind us together as one Island and this is one start or one piece of that which can help us start that journey. In concluding, I hope that Members will be able to support this amendment. It genuinely is a really good way forward for Jersey Heritage Trust and for Elizabeth Castle. As this is the very first piece of work that I have done in my new role, I hope that before the end of this States Assembly in 2022 we will be able to see some of that money has already been put to good use and the redevelopment of Elizabeth Castle has started in earnest with a plan to bringing it forward and completed by 2025.

### **3.6.3 The Connétable of St. Helier:**

It is good to be able to thank both the previous speaker, the new Assistant Minister for Economic Development, Tourism, Sport and Culture, and the former one for their joint effort in this regard. As the Constable of St. Helier, I am particularly pleased that this delay of 4 decades is being put right today and I think it is a historic day, if I can use that phrase. I take my hat off particularly to Reform because I think we narrowly saw Deputy Ward defeated earlier today in his attempt to move forward the Sustainable Transport Policy. He has already done a huge amount in that regard in terms of climate change. Now Deputy Tadier has moved forward the restoration of the second most important building in the Island's capital. We do not need the Dean to remind us what the most important building is but I am sure Elizabeth Castle runs the Town Church a very close second. I am sure you are anxious that we do not have long speeches about Elizabeth Castle but I did want to express my enormous relief that this work is being done.

[15:45]

I particularly want to address it from the point of view of tourism. We have been advised for more than a decade, I think, that the cultural assets that the Island has are the reason why in the future more and more people are going to visit. Grant it we have wonderful countryside and beaches, we have a wonderfully resilient and varied offer in our town but our culture and our heritage in particular is what is going to drive increasing numbers of tourists to our shores. I think today that that truth is finally being realised and we are going to see, as travel resumes next year, the fact that Jersey's heritage assets will really appeal to people who want to come and see what we have to offer. There cannot be many places in the world where there are a handful of historic castles within such a small space as there are in Jersey. I look forward to seeing Elizabeth Castle restored and new parts of it invigorated. While on the subject, I just wanted to mention, of course, that the revenue funding for heritage is also important. There are some fantastic bits of living history that go on, mainly organised by volunteers, to whom we are very grateful. I remember being part of an official visit to Elizabeth Castle a few years ago and finding I lost the official party because I was so mesmerised by the blood-letting that was going on in the surgeon's quarters, a superb bit of living history that had us all engrossed and, frankly, terrified and relieved that we live in the 21st century and not in the 17th. It is important that the revenue funding of heritage is maintained, as well as the capital, so that these fine castles that we have and other heritage assets can be not only repaired and maintained but that they can be animated and interpreted for visitors as well as for locals.

### **The Deputy Bailiff:**

Thank you, Connétable. Does any other Member wish to speak on this amendment? If not, I call upon Deputy Tadier to reply.

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

It is not my amendment, Sir.

### **The Deputy Bailiff:**

As amended it is your amendment as amended, yes.

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



Yes, it is, sorry, Sir. I take that back. I forgot we took it as amended. Thank you, Sir. I will put my brain back in. It has been a brief debate but I think, hopefully, it is a brief debate because I think we are all in one accord. I thank those who did speak already, including the new Assistant Minister. I have said it already but I will take the opportunity to, again, wish him all the best in his new role. I am really pleased to be succeeded, if you like, by someone who I know gets culture, who is committed to it. I certainly remember his speech on the 1 per cent for arts and I thought there were some very excellent points that he made that have stuck in my memory about how valuable the arts are because it is the way that we see the world through somebody else's eyes and it is really difficult to do that sometimes. Of course this applies to historical culture as well and our heritage that we have as an Island. I love the French word for heritage, by the way, which is *patrimoine*, which has this idea of not so much patriarchy necessarily, which I would not necessarily be keen to promote. But the fact that it is our homeland, it is our father, our motherland and these are things which have been passed on and have been there. I think of Elizabeth Castle in the bay, which was completed towards the end of the reign of Elizabeth I, around 1600 and of course we know that Sir Walter Raleigh was Governor in Jersey for 3 brief years, although he was not in Jersey for a lot of that time. We still have that stone which sits in the Assembly, Sir, and you will be able to see it from where you are sitting if you just look up to your left and we would normally be able to see it if we were sitting in the gallery, reminding us of those historical links. While it is absolutely right that we all have different views of politics and ideas and even of history, there is not just one history, there are different narratives which get told at any one time and those narratives can change. But it reminds us that history is and can be both a living thing but also something that brings us all together no matter where we are from in the Island. I think it is important to remember that tourists love coming to the Island and they love discovering things which perhaps sometimes we take for granted. Everyone living in St. Helier, I think, as the Constable of St. Helier will have reminded us, is perhaps really privileged, as we all are, to have this beautiful Elizabethan castle sitting on our doorstep. Of course those of us who either live out east or who go out east know that we have also got a medieval castle on the other side of the Island. The Island's coast is dotted with Conway and round towers and fortifications and you can stay in some of these places, which in itself is really remarkable and we should not ever take that for granted. I am pleased that what we are doing today will give some certainty for Jersey Heritage and their volunteers. I am glad that the Constable reminded us of the good work that the volunteers do and the ones who are employed because they are so knowledgeable. They are often really unassuming, they go about their business, they are very helpful but they are there to answer questions. The knowledge that they have accrued over the years clearly because of their love of heritage and their love of the Island is plain for everybody to see. I think rather than using this as an opportunity perhaps to criticise either the current or previous Governments for not doing enough, I am pleased to say that we, as an Assembly, I think, have understood how important culture, arts and heritage are to the Island, to the fabric and to our collective soul, if you like, and that we only cheat ourselves if we try and reduce the amount of money that we spend on those fundamental nutrients that our cultural soul needs to be fed. I do make the amendment as amended by the Government, and I look forward to wherever possible working with Government and arm's length organisations to continue the good work that they do and that we all aspire to.

**The Deputy Bailiff:**

Thank you, Deputy. In a moment the Greffier will add a vote into the chat channel of this meeting in relation to this amendment as amended. She has done so and I ask Members to cast their votes. If all Members have had the opportunity of voting, I ask the Greffier to close the voting. The amendment has been adopted unanimously:

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				

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

**3.7 Government Plan 2021-2024 (P.130/2020): nineteenth amendment (P.130/2020 Amd.(19))**

### **The Deputy Bailiff:**

The next amendment in the running order is the nineteenth amendment lodged by Deputy Higgins and I ask the Greffier to read the amendment.

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

Page 2, paragraph (f) - After the words "Appendix 2 - Summary Tables 5(i) and (ii) of the Report" insert the words " , except that in Summary Table 5(ii) the overall head of expenditure shall be reduced by £200,000 through the removal of funding allocated to States of Jersey Police Firearms Range and that the overall head of expenditure in Summary Table 5(i) shall be increased by £200,000 to allow for a grant to be given to the Institute of Law in order that the institute can provide pro bono legal services for those who cannot afford lawyers or legal aid, assist litigants in persons with cases that they wish to bring and help with any perceived miscarriages of justice".

### **3.7.1 Deputy M.R. Higgins:**

All democratic countries have administrative, civil and criminal justice systems to protect their citizens and Jersey is no exception. Administrative law is concerned with the review of the decisions made by people or bodies with a public law function, for example, Ministers, government departments, especially Social Security, and employment tribunals, planning inspectors and regulatory bodies, such as the Financial Services Commission. Ultimately, it is carried out by the Royal Court who can carry out a judicial review to ensure that executive and legislative branches of Government, and the very tribunals established by them, are acting lawfully and within their powers. The criminal justice system consists of the police force, the Youth, Magistrate's and Royal Courts and the prison service and is manned by Police Officers, lawyers, prosecutors, judges, prison and Probation Officers. Effective criminal justice systems are capable of investigating and adjudicating criminal offences effectively and impartially, while ensuring the rights of suspects and victims are protected. The civil law justice system is concerned with private relations between members of a community, for example, libel, slander and breach of contract for civil matters. In contrast to criminal matters, which are prosecuted by the State, civil cases are initiated by a private party, referred to as the plaintiff in legal terms, and the cases are usually decided by a judge and any compensation can only be financial. Well-functioning civil justice systems protect the rights of all citizens against infringement of law by others, including powerful parties and governments. While we have administrative, criminal and civil law structure, the system has a major flaw and that flaw is that it cannot be accessed by a larger number of Islanders. Every citizen of Jersey expects and demands that administrative, civil and criminal justice systems should be accessible to them and that they will protect them. Just imagine if you are arrested and charged with a criminal offence which you had not committed or you or one of your family have been seriously injured through the negligence of others or that you have been a subject of a miscarriage of justice and have been sent to prison for a crime you did not commit. What can do about it? Believe it or not it largely depends on your wealth. Although this statement seems to be a simplification, it is largely true. If you are relatively poor on income support in social housing and have no assets, then you can apply to the Bâtonnier, a representative of the legal profession in Jersey for a legal aid certificate and an advocate will be appointed from the tour de rôle to provide you with legal representation. The cost is mostly paid for by the legal profession, although some cases are funded by the Government. If you have some money and/or assets you will be expected to contribute to the cost of your legal defence or action. Although it is not always true, it is usually a relatively junior advocate or newly qualified advocate with limited experience who will be appointed to represent you. If you are a 1(1)(k), or as we now call them 2(1)(e)s with £1 million or more in cash and/or assets, you can afford whoever you like to represent you. No doubt it will be a highly experienced and successful lawyer but, after all, you can afford it. If you are a Member of the States relying on your salary or someone earning average or even above average earnings or have assets that have considerable value, such as the home you have purchased or are buying on the mortgage to live in, then you cannot qualify for legal aid and nor can you afford

the most experienced and successful lawyers who may be charging around £500 an hour and possibly charging £200 for a paralegal assistant to assist them with your case. Why? Why can you not afford them? It is because even the simplest of cases takes hours and hours of preparation, meetings with your lawyer, carrying out research, attending case conferences, direction hearings, in addition to the time spent dealing with paperwork and the various procedural motions and the almost inevitable delays that occur, even before you get to the trial itself, which depending upon the case's complexity, could last days or, in extreme cases, weeks; perhaps over an extended period of time and all the while the cost of going to court soon mount up.

[16:00]

It is not unusual when legal fees, court costs and fines in the case of criminal cases and damages and your opponent's legal costs if you lose a civil case, then you may end up having to sell your home or the other assets to settle the debt or to take out a bank loan to be repaid out of income over time; that is providing you are considered credit worthy. I have come across a number of people over the last 12 years who have ended up with costs ranging between £100,000 and over £1 million and had to sell or have lost their family homes to cover legal fees. In a number of these cases the quality of legal advice and representation received was extremely poor. What I call the magic circle law firms in London, or we could say our leading law firms in Jersey who specialise in dealing with corporations, financial structures, mergers and acquisitions and very high net-worth clients, will not do legal aid work as it costs them too much money in lost revenue. It is easier for them to pay one of the smaller and cheaper law firms to do it for them. If you are very lucky you may have a legal insurance policy, either with your house, car or contract of employment to enable you to hire a lawyer to fight or conduct your case. The problem with many of these policies is, like all insurance policies, full of exclusion clauses, usually contained in the small print, which enable the insurance company to wriggle out of their obligations just when you need them, perhaps after paying thousands of pounds over the years in premiums for the cover. If you are not eligible for legal aid because of your income and/or assets are outside the limits and do not have a legal insurance policy that covers you or because you are not very wealthy, then you either have to give up and accept the injustice or fight the case as a litigant in person. A litigant in person is a person who represents themselves in court. Because they are representing themselves against trained and experienced advocates or publicly-funded Law Officers, who after all are employed by the state and have unlimited taxpayers' money to cover their costs, then you have little chance. You have little or no idea of the time it takes to prepare a case, the mental stresses that you will experience throughout the whole process or the strict court procedures and processes that have to be followed to strict timetables or know how to research the legislation and legal precedents that may determine a case and, very importantly, how to present your arguments before the court. Because of this litigants in person are basically on a hiding to nothing and it may be the source of why Abraham Lincoln once said: "He who represents himself has a fool for a client." However, litigants in person in Jersey have no alternative and even though judges are expected to give them greater leeway due to their lack of knowledge and experience, it is still an uphill struggle and they are very rarely successful. The purpose of this amendment is to try and redress the balance and give litigants in person and others who do not qualify for legal aid a fighting chance of getting justice in a court of law or a tribunal. It may also enable those who have been subject to a miscarriage of justice, which can happen in Jersey, just as it can anywhere else in the world, to have their cases re-examined. I was proposing to take £200,000 from the £1.2 million allocated to pay for a new police firing range at Crabbe in the Home Affairs budget and to give it to the Institute of Law at Highlands College. The institute will use the money, firstly, to employ a legally qualified advocate or 2 to lead and guide students to help litigants in person to prepare and assist them with their cases. They would also conduct some pro bono legal work, i.e. work for free and to assist those who have been subject to a miscarriage of justice to appeal their cases. Secondly, to enable a legal practice company to be established, legal insurance to be obtained and a client management system to be purchased. It will also allow law students at the Institute of Law to get practical hands-on training

as they learn, which itself is very beneficial to the law firms that will ultimately employ them. I think Jersey is very fortunate in that the Institute of Law have recently appointed Ms. Janine Griffiths-Baker as the Dean of the Institute of Law. She was previously Dean of the Nottingham Law School, which is part of Nottingham Trent University, one of the leading providers of academic and professional legal education in Great Britain. In 2015 the school set up a regulated law firm, which operates as a legal advice centre, its aim being to provide high quality legal advice and information while offering practical experience to its law school students who work under the supervision of qualified lawyers. The centre delivered vital legal services to individuals, businesses, charities and other community groups. The students offered advice and pro bono assistance on employment, housing law, business support, commercial law, social justice, criminal law, community legal issues and tribunal and court representation. Over the 5 years to 2019 2,100 student volunteers recovered over £4 million in compensation or benefit for their 1,900 clients. I have stated in my report that I feel that the Home Affairs Department is buying a gold-plated firing range for its £1.2 million and that a lesser sum could be used to upgrade existing Crabbé firing ranges, which could be shared with other users. The department has also said that the range would be used by the users, perhaps the military or perhaps by, I do not know, cadet organisations or civilian shooting clubs but this already happens at Crabbé. I do question the amount of money that is being spent on this. On Friday I had a briefing from the States of Jersey Police and one of things I asked them was: "What is the specification for the range? Can you give me a copy of the specification?" I was told, no, they could not and the reason why was that they were trying to meet the College of Policing standards, and I could not have a copy of that document. That surprised me for a start, so I did contact the College of Policing who have sent me a copy. I might add that although I have been told by the police they had to build a range and then have it certified by the College of Policing, I am not absolutely convinced that is the case. However, that is another argument. The money for it can come from the Criminal Offences Confiscation Fund, which is not part of this budget. I made a mistake when I put this proposition forward, in that in the past I had never seen criminal offences confiscation money included in the accounts and, therefore, I thought the Minister for Home Affairs was double-counting. Therefore, I thought it was a straightforward process. I will take quite happily the £1.2 million and distribute it on this proposition, the £200,000 and £1 million on the next proposition because I thought at that point the Home Affairs Department could go back to the Criminal Offences Confiscation Fund if the rifle range was desperately needed, so they could get the money from that source. Anyway, it appears I am wrong, that the money is coming from the Criminal Offences Confiscation Fund and, therefore, on the face of it, it would appear that the use that I have in mind is not suitable for funds from the Criminal Offences Confiscation Fund. Had I had more time and did not find out until Friday afternoon, I would have looked for an alternative source. But, however, I have done further research and I do believe that the money can come from the Criminal Offences Confiscation Fund. In other words, there is no reason, in my view, if the States agrees, why the police force cannot get their firing range and the grant to the Institute of Law cannot come from the same fund. At this point I would like to clarify a point regarding the Criminal Offences Confiscation Fund with the Attorney General. If I can, Sir, I would like to ask a question of the A.G. (Attorney General).

**The Deputy Bailiff:**

Yes.

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

It is the Solicitor General but I am available.

**Deputy M.R. Higgins:**

Okay, thank you. Would the Solicitor General confirm that if the Minister for Home Affairs sought to fund the grant from the Criminal Offences Confiscation Fund that he could do so by asking for £1.4 million for the police firing range and then based on precedent could transfer the extra £200,000

to the Institute of Law or, alternatively, that he could dip into the fund, £1 million in the first instance to cover part of the cost of the rifle range, with £200,000 for the Institute of Law and then could dip in again later and go back for the additional £200,000 if it is felt that they needed the extra £200,000 to top up their funds? To assist the Solicitor General, I am not trying to catch anyone out, I am going to be straight upfront on it, I am going to quote from Hansard ... sorry, I am having trouble getting the right document up. This is an answer in 2014 from the Solicitor General at the time, Howard Sharp Q.C. (Queen's Counsel) and he said: "The relevant part of Article 24 of the Proceeds of Crime (Jersey) Law 1999 provides that the Minister may apply confiscated funds in promoting or supporting measures which may assist in preventing, suppressing or otherwise dealing with criminal conduct." This, by the way, the debate was in relation to the purchase of the Plémont headland by using funds which came from the Criminal Offences Confiscation Fund. He said: "In my view, the use of confiscated funds to provide facilities for the States of Jersey Police, such as the new police station in particular, falls within the ambit of the Article and the Minister may authorise such expenditure as he sees fit." Let me remind Members what was happening, the Minister for Treasury and Resources at the time was trying to use the Criminal Offences Confiscation Fund to fund the National Trust of the Island by giving them £3.5 million towards the £7 million cost of purchasing the Plémont headland. The Criminal Offences Confiscation Fund is a ring-fenced special purpose fund. As I say, its purpose is supposed to be promoting and supporting measures that may assist in preventing, suppressing and otherwise dealing with criminal conduct. What happened here was that the Solicitor General said: "Yes, there is nothing to stop the Minister for Home Affairs taking £3.5 million from the Criminal Offences Fund and then giving it to the Chief Minister's office, who would then give it to the National Trust of Jersey. I might add that was approved by the States and that is what was done. The Solicitor General at the time explained, he said: "De Smith on Judicial Review observes that once it is established that a statutory power has been properly used, the fact it may also achieve a subsidiary object is, I quote, immaterial. De Smith gives a very different set of facts but rather a more extreme set of Acts of a deportation case where the Minister in the United Kingdom deported a person to the United Kingdom but that also had the practical effect of returning that person to a country where they were wanted on a criminal offence." In other words, the person was being deported, they did not have a legal power to it, it was a non-extraditable offence but the court still upheld the decision; they said the deportation was legal. The fact that it had a subsidiary object was, and I quote again, immaterial. Just finally quoting the Solicitor General at that time he said: "It follows that if there is a proper use of confiscated funds, the fact that that may have a subsequent consequence, i.e. it creates a surplus in the existing budget, that additional consequence does not render the Act unlawful; it remains lawful." On my interpretation of that it strikes me that if the Minister for Home Affairs, as I say, asks for £1.4 million, £1.2 million for the police firing range and then passes on £200,000 to the Institute of Law as a grant to enable pro bono and legal advice services to be provided, then that would be lawful. Again, whether they are doing it in one dip or 2, either way the funds could be transferred out. This set a precedent, which has never been changed. The 1999 Proceeds of Crime Law has not been amended to prevent this thing happening. On the basis of that decision, I believe the States, if they feel that we need to fill this gap in our legal system and enable people to get justice, who at the present time cannot get it, then I think that would be a reasonable proposition to support.

[16:15]

I will leave it at that point. Sorry, I will ask the Attorney General if he confirms that interpretation.

**The Deputy Bailiff:**

Mr. Solicitor, are you clear what you are being asked by Deputy Higgins?

**The Solicitor General:**

I think I am and I am happy to assist. My advice is this: Article 24, the Deputy is quite right, the Proceeds of Crime Law prescribes those things that C.A.C.F. (Criminal Offences Confiscation Fund) money can be spent upon and it is only those things by law that it could be spent upon, subject to a caveat, which I will come to. What the C.A.C.F. money can be spent on, if in the opinion of the Minister for Treasury and Resources application of the money has this effect, is the following. That, first of all, in promoting or supporting measures that may assist in preventing, suppressing or otherwise dealing with criminal conduct. Just pausing there, giving pro bono legal advice or assistance to defendants who are accused of criminal conduct is not, in my view, preventing, suppressing or otherwise dealing with criminal conduct, it is something rather different. It is providing a defence to someone accused of criminal conduct and providing them with, one hopes, a fair trial. I do not think what is proposed in this proposition falls within that provision. Second, in dealing with the consequences of criminal conduct, I do not think it falls within that provision either. Thirdly, without prejudice to the generality of those 2 things, in facilitating the enforcement of any enactment dealing with criminal conduct, I do not think that the suggestion falls within that and then, lastly, discharging Jersey's obligations under asset sharing agreements. Those are quite specific things that are concerned with, effectively, combating criminality and dealing with criminality and the law prescribes that that is the limit of what C.A.C.F. funds can be used for. However, there is in addition Article (4A), which empowers the Assembly to enact what I would call enabling regulations and therefore it is clear it requires legislation. Those enabling regulations may provide that: "Such particular monies or particular class of monies in the fund, as be specified in those regulations, shall be applied for any such purpose as shall similarly be specified." My recollection - and I will be corrected if I am wrong - of the Plémont headland was that the States in those days enacted enabling legislation permitting C.O.C.F. funds to be used for a very different purpose, namely the funding towards the acquisition of the headland, and that did not fall within the stipulated provisions of Article 24(4). I do not agree with the Deputy's analysis. It is not appropriate. It would not, in my advice, be appropriate for one Minister to take money out of the C.O.C.F., spend a proportion of it on a use that falls within Article 24 and hand the balance over to another Minister for different purposes. Such a course of conduct would, in my view, probably be quite vulnerable on a challenge by way of judicial review as being unlawful. In terms of, as it were, a parallel benefit from the use of funds, I think that the Deputy has in mind something rather different. Perhaps a different example would be if you take money from the C.O.C.F. and quite rightly spend it on one of the prescribed uses, if that appropriate use has a knock-on effect which gives a benefit perhaps of a different nature, that is, as it were, incidental to the proper use of the monies. It is not a separate and different use, it is simply an incidental outcome. That is my view of it and that is my advice. I hope that is helpful.

**Deputy M.R. Higgins:**

I must say that it is very interesting hearing the Solicitor General on this particular point because at the time of the Plémont debate I, together with other Members, challenged what was happening because the police station was fully funded at the time. They were given an extra £3.5 million, which was immediately transferred to the Chief Minister's office, which then went to the National Trust to purchase it. There was not, to my knowledge - and I would ask the Solicitor General to go away and check - a regulation which gave an exception. I am not aware of any exceptions to this or any changes of the Proceeds of Crime (Jersey) Law 1999. Could I ask the Solicitor General please to go away and look and come back and tell us before the end of this amendment? If I can just stop at this particular point, I do believe that we have a major gap in access to justice in this Island. I happen to believe that we have, for the first time, a possible solution to aiding litigants in person and others who cannot afford to go to court to get justice. I hope Members will support this, bearing in mind the Plémont headland experience, which I think you will find when the Solicitor General comes back there was no exemption made and therefore the funds had been used and a precedent has been set.

**The Deputy Bailiff:**

Thank you, Deputy. Is the amendment seconded? [**Seconded**] Senator Moore, you had a matter you wished to raise, a declaration of interest, which I think you went on in the chat sometime after the debate began, but that is certainly when we received it, at 4.09 p.m. Do you want to declare an interest?

**Senator K.L. Moore:**

I would like to declare an interest, as my husband is an advocate. Although he has finished his 15 years of the tour de rôle, there might be other people in his practice who would still be on the tour de rôle and therefore provide legal aid at the cost of the firm.

**The Deputy Bailiff:**

Do you regard that as being a direct financial interest for these purposes?

**Senator K.L. Moore:**

I think it does have an impact on their business, which is in this paper.

**The Deputy Bailiff:**

So accordingly you will not be voting on this amendment, is that right?

**Senator K.L. Moore:**

Sadly, as I would support it. I will take your advice there.

**The Deputy Bailiff:**

I think that is probably the right course to take, in view of what you said. Thank you very much.

### **3.7.2 Deputy D. Johnson of St. Mary:**

When I first saw this proposition my initial reaction was to question whether what was proposed was within the services provided by the institute, so I took it upon myself to write to what turned out to be the former chairman of the Board of Governors. Over the weekend I got a reply, which was effectively to include the statement which Deputy Higgins has circulated this morning, which is helpful. If I can just refer to that statement, on a positive note, it does finish off by saying: "Deputy Higgins raises an important issue and it demands serious consideration and the Institute of Law welcomes the debate it will prompt" but I respectfully submit that that debate is not now. Earlier on in that statement the institute says it is keen to do what it can, but says: "The precise structure, scope and operation of such a pro bono scheme is a matter which requires significant thought. The institute will certainly look to work with all stakeholders, including the Law Society of Jersey, the Legal Aid office, the Citizens Advice Bureau and States Members to bring a pro bono scheme to life to assist the public." Now, where I am coming from is I, among others, are on the Legal Aid Review Panel. There is a review of the legal aid system, which has been going for too long, I have to say, and I presume Government will argue that has got again side-lined by the COVID crisis, but during the work which the review panel did, we took witness statements and interviews with very senior people, including the Bailiff, the Magistrate, the Bâtonnier and others. I even attended the Magistrate's Court to get a feel of what that was about. The precise terms of the new legal aid scheme are yet to be reviewed, and I think there are the 2 States Members on the panel to so review, but nowhere during that review did we, I think, consult the Institute of Law, nor did they come forward. Certainly I think the Deputy has touched on a matter, which is that there is a gap in the legal aid system, but until that legal aid review has been carried out we do not know what it is, so it is effectively to suggest it is premature to allocate any money to the institute for a scheme which it is perhaps not in a position to administer or the States perhaps do not know what form it is in so it can administer. Again, I respectfully suggest that the way forward would be for the proposal to be combined and taken into account when the legal aid panel meet - not the review panel, the panel considering the legal aid scheme, which includes members of the bar, *et cetera* - and that the Institute of Law should be very



much involved in that. But until that has happened and we can work out how funds can be applied to bridge a gap, if there is one, I think that the allocation of any funds to that cause is, as I say, premature. For that reason, I cannot support the proposition as it now is, but I do commend the Deputy for bringing it and hopefully it will be fruitful in due course.

### **3.7.3 Senator J.A.N. Le Fondré:**

I am glad to follow the last speaker because it kind of encapsulates some of the dilemma we have been having on this one. Can I first just apologise to Members for not getting comments on this particular amendment out to Members? This was, I think, one of the last amendments to be lodged, from memory, and was slightly later than all the rest, so it had been a combination of that with trying to find a way through on this in the way that we have done with a number of other amendments brought by other Members. I think part of the dilemma is particularly around, for example, the advice from the Solicitor General, which if I have understood it correctly, to me it seemed pretty clear that this was not the way the amendment has been drafted. Essentially, it does not quite work in accordance with the terms of the C.O.C.F. That is important. Also, from memory, in relation to the example being used on Plémont, because I do recall that particular incident, was that the police station, I think, was fully funded from normal funds, or the new police station of the day. I believe what happened was that the budget was reduced to pay for Plémont. That was separately one decision and then separately a top-up was received from the C.O.C.F. directly for the police station, which apparently met the requirements of the day. I believe that was then what was debated by the Assembly. But anyway, what I did want to say, which is also picking up the points of the previous speaker and the proposer, we absolutely recognise the passion and the interest of Deputy Higgins on matters that form the focus of the amendment and we also, as the Council of Ministers, acknowledge that further co-ordinated work could be undertaken in respect of some of the issues highlighted. As I have indicated, it is a matter of regret that the view is that the Deputy's intentions, as drafted, are somewhat misdirected and therefore that is why we cannot accept the amendment as proposed. Principally, that is around the fact that the firearms range is being funded from the C.O.C.F. and therefore this is to divert those funds to something else, which we do not believe would be appropriate; I would also say in conjunction with the terms of the fund. I would also suggest that either way the source of funds is capital and this is obviously for a revenue matter. Therefore there will only be an irregular flow of funds out of the C.O.C.F. and obviously what Deputy Higgins is looking for is sustainable revenue recurring funding. What I would also suggest, which I think again the previous speaker has very eloquently summarised, is that the proposition essentially - or the amendment - allocates the money proposed solely to the Institute of Law, which we are not entirely sure is fully appropriate. Obviously the institute is an academic organisation. It is the centre for legal learning in Jersey.

[16:30]

Its principal objective is to advance learning and knowledge by teaching and researching. Now, that said, and particularly in the light of the correspondence that all Members have received now, and Deputy Higgins was very kind to share with me over the weekend, the institute is likely to have a relevant role to play, working with other organisations, as part of a rounded approach to these challenges. That is what we are proposing as an alternative to adopting this amendment. Essentially what we are suggesting - and I can certainly commit to - although it does not form a formal part of the Government Plan as presently written, we believe we can allocate funds from the Central Reserve, if required, to support essentially a piece of work, potentially in line with the Legal Aid Guidelines Advisory Committee, but also in conjunction with the Institute of Law and other organisations, to undertake any such engagement or further research around how the issues raised in the amendment could best be addressed and by whom. We can absolutely commit to that. What we are saying is we are asking, if Assembly Members are so minded - and bearing in mind the difficulties to date outlined, for example, by the Solicitor General in the way this amendment is drafted - is that the Assembly

opposes the amendment, but we believe that there are key strands of work that certainly I, as Chief Minister, is committing to take forward in 2021, some of which have been referred to and I eagerly await a date in my diary to be briefed on. It is imminent - it has mainly been juggled sideways because of the various commitments around Brexit, COVID and getting the Government Plan in place - and on which I will obviously seek to work with Deputy Higgins and obviously with other Ministers in recognition of the intention of this amendment and his long-term interest in the subjects raised. The idea would be to result in proposals that deliver and enhance services to those who require pro bono legal advice and are acting as litigants in person. The intention there would be to bring it forward as part of the next Government Plan as a sustainable funding source, but the point being there are various pieces of work that are coming together. We have already talked about the ombudsman. The Legal Aid Guidelines is another piece of work which I expect imminently, hopefully to then go to its next stage and going to the Scrutiny Panel. Those pieces of work need to be bedded in, and in the context of those to then look at what else needs to be done in terms of the gaps identified, for example, by Deputy Higgins. The summary point is we do not think the proposition as written works for all the reasons alluded to, but particularly as identified as well by the Solicitor General. It is, whatever happens, coming out of capital and we need to find a sustainable funding source. We are committing to work with Deputy Higgins to try and bring that together in a coherent way with a view that once we have identified the issues and how they need to be addressed with the relevant bodies he has identified to then put something into the next Government Plan for a sustainable revenue source. I hope that will be acceptable to the Deputy and Members, but on that basis, I will not be supporting the amendment.

**The Deputy Bailiff:**

Thank you, Chief Minister. The Solicitor General has further advice to give in response to the additional question asked by Deputy Higgins.

**The Solicitor General:**

Yes, thank you for the time. My advice essentially has not changed. It is not clear, I think, to us precisely what happened over Plémont, but I am satisfied from the face of the Proceeds of Crime (Jersey) Law 1999 what it means and the advice I have given so far, I stand by it. It is not a pot that can be used for anything. It has very prescribed specific uses, which I have already outlined. If the Assembly wishes to use it for purposes other than those, it is open to the Assembly by passing regulations specifically for the purpose to have the money from the C.O.C.F. spent on a completely different purpose. But it really comes to this: whatever happened over Plémont, if you take £1.2 million from the C.O.C.F. for the purpose of spending it on a police firing range, then one way or another £1.2 million must be spent on a police firing range. I say that even if administratively money finds itself being swapped between one fund or another. Ultimately, £1.2 million, which has come out of C.O.C.F., that sum must be spent on a firing range. What you cannot do, in my opinion, is take £1.2 million out of the C.O.C.F. for a police firing range, spend £1 million of it on a firing range and use the other £0.2 million for a different purpose completely and one that is not prescribed within Article 24. Now, it may be that that is not an ideal answer, but it is my answer and my advice on the face of Article 24 and from thinking further about the points that Deputy Higgins has raised with me.

**Deputy M.R. Higgins:**

I found this very interesting. As I say, I was not trying to deceive the Solicitor General. I was upfront on what I was basing my information on. I could have asked it without that and then thrown in what happened in July of 2014 in the Plémont debate. I would, however, ask the Attorney General to go away - it will not help us in this debate - and to produce a paper for the States setting out the Plémont funding and how it was done and how that was appropriate then, but is not appropriate now.

**The Deputy Bailiff:**

Your request has been heard by the Solicitor General and I am sure he will consider it. Are there any other Members who wish to speak?

#### **3.7.4 Deputy R.J. Renouf of St. Ouen:**

This is an interesting debate for those interested in legal issues, as I might be, but I would like to inform Members that Citizens Advice in Jersey does provide pro bono legal advice on just about every subject under the sun, including legal aid and the availability of courts, employment issues, business, property, crime, consumer protection, family, in fact, all issues. How that is delivered is by advocates and solicitors giving up their time pro bono, no charge to the clients who attend at Citizens Advice. Citizens Advice conduct regular advice clinics. In fact, I understand they are held weekly every Wednesday. At the moment of course during COVID, those clinics are by telephone consultation in the main, but that advice is available in the Island and has been for years. In fact, Citizens Advice is largely funded by a grant that comes from the Health and Community Services Department, a grant of £224,000 in 2019, taxpayers' money, which ultimately helps Citizens Advice provide this service. In addition, the Social Security Department or C.L.S. (Customer and Local Services) now will provide a smaller grant, which was £12,000 in 2019, so those 2 elements of funding provide approximately 70 per cent of the total income of Citizens Advice. The service is available. In addition, for decades, at least as long as I was in practice, just about every firm - and you would know this, Sir - took on some pro bono work from time to time, and indeed lawyers do so the world over. I do not suppose though that that would meet Deputy Higgins' objection, because he would want something that is more regular and assured. It is probably the case that we do need to look at how legal advice is provided in the Island. As the Chief Minister has said, the Legal Aid Board is being established and there is probably some room for a greater provision. I think the provision in Jersey can certainly be improved, because Deputy Higgins has outlined something here, that those who are just above the threshold for legal aid do find difficulty accessing legal advice, for which they have to pay, aside from being able to reach the Citizens Advice services or finding a lawyer who might take on their case pro bono. But the Deputy has spoken about litigants in person, saying that they have little chance before the court. I do not believe that is the case. The courts will always strain to help litigants in person while retaining that strict impartiality they always have. The Judicial Greffe is always ready to help, though cannot provide legal advice, as such. The Library Service helps a great deal also, though not providing legal advice. It is the case that many litigants in person do end up, as such, having been eligible for legal aid, but they do not accept the advice of the lawyer appointed to them on legal aid. Under the legal aid scheme they can receive a second opinion, but it happens that sometimes litigants in person do not accept even that second opinion. After that, I think rightly, the legal aid ceases because no lawyer should be required to fight a case on legal aid for somebody where that case is not warranted after 2 legal opinions. It is right that people should always have access to the courts, even though they would have refused to accept advice, and so though some of those people end up as litigants in person, they have received advice. I think it is significant, and the Deputy of St. Mary has alluded to this, that the statement by the Board of Governors of the Institute of Law circulated this morning does highlight that the precise structure, scope and operation of a pro bono scheme is a matter which requires significant thought and that the institute will look to work with all stakeholders to bring a pro bono scheme to life to assist the public of the Island. Now, in this speech, Deputy Higgins spoke about the institute establishing a legal practice and obtaining insurance cover. Clearly that is not in place yet. There is no structure to which the public funds can be applied. There is no governance around the application of the money. We would have no assurance, were this money to be paid over, that such a scheme is workable at this time. I think we need to know how the institute will work in conjunction with the legal aid scheme and the Citizens Advice, the Law Society and indeed the courts before voting money to the institute. I think the Deputy may be on to something here. Whether the service will be provided by the institute ultimately we cannot say, because so much needs to be worked through yet. I would urge that the

voting of this money at this time is premature and cannot be supported in the best interests of the use of public funds and therefore I would urge all Members to reject this amendment at this time.

### **3.7.5 Senator I.J. Gorst:**

I do not want to necessarily comment on the Deputy's concerns about legal aid. They are well-known and a number of current Members and previous Members have sat on a committee which has brought forward, and is still bringing forward, changes to that system, as the Chief Minister has reminded us. But of course what I do want to focus on is the appropriate use or not of the C.O.C.F. I must say, for my part - and I am sure you recall, Sir, as well - the advice that the Solicitor General has given us today is absolutely in line with the advice that the Law Officers of the day gave in regard to using the C.O.C.F. to fund the building of the new police station.

[16:45]

Of course the use of that money to fund the new police station was a perfectly appropriate use of that money, as the Solicitor General has reminded us today. The issue that States Members of the day did not like was the fact then that released an amount of a head of expenditure which would previously have gone to the police station back to the Central Reserve or other departments, which then in its turn could be used for another use, which was the part-funding of the purchase of the Plémont headland. Therefore, while of course the Solicitor General can go and review the files of the advice given of the day, his advice aligns perfectly with the advice - perhaps unusually, that 2 lawyers are advising almost the same - at the time and therefore, as much as Members may think that the proposal around the changes and the improvements to the legal aid system and the access to justice across the Island are worthwhile, and the Chief Minister has given his commitment in those regards, it is not appropriate to take the money in the way which the Deputy suggests. It would not be appropriate for the Minister for Home Affairs, who is probably going to speak after me and contradict me, to ask for extra money from the C.O.C.F. to do something else with it other than in the terms of the rules around that particular fund. For that reason, unfortunately the request of the Deputy from a funding point of view I cannot support and I ask Members not to support it either.

### **The Deputy Bailiff:**

Thank you, Senator. Does any other Member wish to speak on this amendment? Yes, I am going to back to the Connétable of St. Clement. He is ready now.

### **3.7.6 Connétable L. Norman of St. Clement:**

I am certainly not going to disagree with Senator Gorst, who is absolutely right. What I think is for sure that we recognise - I recognise, I think we all recognise and the Chief Minister recognises - the passion of Deputy Higgins on the subject, but I think even Deputy Higgins now recognises, judging by his speech, that this amendment is inappropriate. The money which the Deputy would have us allocate to the Institute of Law is needed to build a firearms range for the States of Jersey Police. The funding has been secured, as we heard, from C.O.C.F. with the agreement of the Treasury and the Attorney General. It simply cannot be used for an entirely unrelated project. We have heard from the Solicitor General that what the Deputy is proposing is likely to be found unlawful by any potential judicial review. As Minister for Home Affairs, I cannot associate myself with anything which might be unlawful and therefore I must implore Members to vote against this amendment. The Deputy also referred to questionable decisions regarding Plémont and the police station made by former States Members. I do not think this is something that we should seek to replicate. That would not be a good thing to do at all. As Minister for Home Affairs, I feel I must underline the benefits which a new purpose-built firearms range could bring. I am surprised that the Deputy said that he could not get hold of the specifications and standards required, because on 25th November I sent to the Home Affairs Scrutiny Panel, of which the Deputy is a member, a full report on the requirements of the police. But in order to keep the Island safe and secure, the police provide a Tactical Firearms Unit

to provide a proportionate response to serious threats. The provision of a range which is safe and of an acceptable standard is necessary in order to achieve the issuance of range safety certificates so that police qualification development shooting can take place in accordance with the National College of Policing standards. In addition, because most of the training on firearms has to take place in the United Kingdom, it costs the police budget something up to £150,000 per year and can cause operational shortages when those officers are off-Island instead of being on duty in the Island. A robust business case has been prepared and accepted for this project. The Deputy has failed to convince me that this allocation of funds to the Institute of Law would be an appropriate use of public money or indeed an appropriate solution to the problems that he finds and which do need attention. A scheme such as this must be well-planned, considered and it must include appropriate governance arrangements to ensure that public money is well-spent. It is not clear that due consideration has been given to this effect and I would not be comfortable in supporting such a scheme for all the reasons I have given. The Deputy of St. Ouen mentioned the note that came through from the chairman of the Institute of Law, which backs up what we have been saying: "The precise structure, scope and operation of such a pro bono scheme is a matter which requires significant thought." Significant thought has not yet been given, therefore this amendment should not be supported.

**The Deputy Bailiff:**

Connétable of St. John, you have a point of clarification to raise. Is that for the last speaker?

**The Connétable of St. John:**

Yes, it is. I was just wondering: have plans been approved for the proposed shooting range and have the other clubs that use the shooting range also been consulted and do they agree with the proposals for the shooting range at Crabbé?

**The Connétable of St. Clement:**

Plans have not yet been submitted, but certainly there has been full consultation with all interested parties.

**3.7.7 Deputy I. Gardiner:**

I would like to ask the proposer to address the following questions during his summing-up. I understand that there was lots said about legalities and moving funds from one place to another place. I am sure the Deputy will address it. I would like to have clarity why the Deputy decided to bring this proposition forward and not engage with the Legal Aid Guidelines Advisory Committee that is basically developing legal aid. We all agree - not all, I agree - that we need affordable legal representation in Jersey. I would like to understand why it should go through the Institute of Law and not go through the legal aid team and whatever will be developed during the next year. Thank you.

**3.7.8 Deputy R.J. Ward:**

Just briefly, I was on the Legal Aid Review Panel and I have got to say that I have concerns about what may be produced in terms of a legal aid scheme, particularly on the levels of earnings that people would have before they lose the right to legal aid. What Deputy Higgins has done here is uncover an area that is really important and definitely lacking in our system of supporting people. It is not just the poorest on our Island, it is that large group of people who have incomes and perhaps both work full-time and are basically doing what the vast majority of people do, which is working to get by and to earn a living, but if they find themselves in trouble in some way, in any of the ways that Deputy Higgins in particular has mentioned, then there is a real problem for them in terms of paying for assistance. I have heard evidence via a panel, but just to mention briefly of situations where that has led to genuine problems for people in terms of their home, their income and their future because it goes on and on and on. Even as a bridging system before a decent legal aid system is produced, if this can in any way bridge that gap to give support to people, I think it really does seriously need our

consideration because, as I say, there is a problem there. Perhaps it may not be perfect in terms of where the money comes from, *et cetera*, but I think something has to be done urgently. There is a facility there, that Deputy Higgins is suggesting we use the expertise that is there and available. I think what we will have is less litigants in person because I do not think that is a good idea, because if you try to encounter the legal system on your own, it is a very difficult thing. I know it does not help the case at times, so we do need a support mechanism in place. I would just say to Members, please think very carefully before you oppose this. We have heard from the Government, and we have heard from the Government again about things that are being developed. *et cetera*. In terms of where the funds come from, I think that is a reasonable use of funds. I think there is a wider debate to be had regards the firing range and whether it needs £1.2 million. Deputy Higgins has identified a source of money, which is the difficulty for a Deputy when they bring a proposition on an amendment in any shape or form. So he has done the work, he has done the groundwork and I think we need to seriously consider supporting that. I am certainly considering supporting this amendment. I think that is all I have to say at the moment.

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

I do want to speak to at least give Deputy Higgins some encouragement because I think his underlying idea is definitely worth consideration. It is essentially an idea which I think has been around in different formats, if you like, and I even seem to recall Deputy Young - and I am not sure if he said it in the Assembly, but maybe in conversations we had, but I think he said it publicly as well - the idea of having some kind of legal aid chamber available somewhere in Town, possibly in the Royal Square, which would essentially be run at arm's length by a law firm perhaps that decided that is what they wanted to do, they wanted to specialise in legal aid, which could get some subsidy from centralised funds is something which potentially has legs. It obviously does not have universal support and it is difficult probably to find any radical idea that might have universal support from the established legal stakeholders, but nonetheless I think that there are people out there who live and breathe in these areas who are interested in finding new ways of effectively delivering, especially in areas where there are lacunae. I think it does have some merit. I guess there was always going to be a practical issue with this proposition in the sense that even if those of us who support or are open to the idea of what Deputy Higgins is proposing, we also have to then be open to the idea of it taking money away from the police firing range, which we may support also or which we may at best be agnostic on, and then of course there is this issue of whether or not it is even a legal or lawful process by which to use the money. I think it is unfortunate that, perhaps unwittingly, these obstacles have appeared at some point, which put barriers between those who might want to achieve the same or similar to what the Deputy seeks to do, but perhaps do not want to have those other barriers in the way or we cannot find a way to overcome those barriers. It is perhaps worth noting that there is certainly always money available. When I was talking to Treasury about some of my amendments, I was reminded by one Treasury official that there was about £8 million of estimated underspends for this year which were likely to of course not be spent, and that money could theoretically be diverted into other areas.

[17:00]

It is perhaps unfortunate that the methodology rather than the actual end product that the Deputy is seeking is faulty. Nonetheless, I think it is still incumbent perhaps on Ministers to consider the idea and it is worth reminding Deputy Higgins, as Members have done, that any Member can seek to engage with the legal aid panel, whose work unfortunately, I think - and I am part of that - has been delayed because of the COVID situation, but I think it is certainly welcome if any Member has ideas about broadening access to justice and making it affordable and practically accessible as well that they can come forward and put those ideas on the table. Again, I will be listening to the summing-up, but I think I may be supporting simply to support the principle, even though there are perhaps practical reasons which make it difficult to support.

### **3.7.10 Deputy G.P. Southern:**

I shall be as brief as I can at this stage of the day, but I want to get back to the basics about this Assembly, which is that it is fundamentally a debating society, a debating group, and remind Members that we make decisions as a consequence in those debates, because it seems to me that what is happening time and time again is that Ministers are taking their plans to Scrutiny and relying on Scrutiny to debate the issues and explore the debate and then forgetting to go back to the States and persuade the whole States equally that a course of action is right. What is missing today for me is that I have not heard the fundamental argument between spending on whatever good cause and building a firing range. That fundamental one thing or another - it is very straightforward for me - has not been fully explored by Home Affairs in terms of making the case that the best use of £1.2 million is to spend it on a firing range and not to spend it elsewhere, whatever the merits or demerits of particular alternatives to that. I have not heard that, simply have not heard it. As far as I am concerned, if you have not made the case for the option that you wish, then I cannot vote for it.

### **3.7.11 Deputy J.H. Young:**

I wanted to speak briefly basically because I was a member of the Access to Justice group from 2011 to 2014, which produced a report which reported on what are the very, very severe limitations for access to justice in this Island. A lot of years ago, that. I think Deputy Higgins is absolutely right to put this forward today. Unfortunately, it is a real disappointment to me that the measure of achieving this really important piece of work is proposed to take money away from another important piece of work in looking after our facilities that our defence team require to keep up to decent standards, and doing so in a way which is, if not illegal, frankly highly dodgy, I think a piece of smoke and mirrors accounting and it is a shame. I am sure the Deputy did not want us to repeat that. I think he was probably working under the old rules of the M.T.F.P. (Medium Term Financial Plan) rules when Members were told, and I remember being told this: you can never bring in an amendment to bring in spending extra to the figures in the budget unless you propose somewhere to take it from. Those were the rules. Now we have got a different law and we do not have that situation, so that is disappointing. But I do think it is important and I was very pleased to hear the Chief Minister give his commitment that he will find - if I heard it correctly - money from the contingencies or Consolidated Fund or whatever it was as soon as we can to give whoever, whatever body it is that finds a way of improving access to justice, because - I will be frank - I do not have a great deal of confidence that the work that has been longstanding and set in train on the legal aid review will be able to break through unless, and this is the key point, there is a substantial element of public money going into that situation, because we all know at the moment legal aid is effectively funded by law firms, by having an obligation which they sign up to which requires them to deliver legal aid to people nominated through the legal aid office, and those lawyers have less than 15 years. That is a burden that law firms have to carry. There are all sorts of distortions about that. Law firms are sometimes - in fact, often - not very keen to help people qualify as lawyers because they know they are going to get stuck with an extra legal aid requirement and that have extra cost on them and so on. Those are all distortions, so there does need to be public money now. I wish that team luck with reviewing the rules, but I think they are very restricted, as Deputy Ward told us; well, they are very severe. In my experience and my awareness, lots of people do have needs but cannot fit those rules. Of course we are talking about people having to deal with life-changing decisions, life-changing pieces of litigation, divorce, separation, children and so on, family law issues. They are huge, and what we have seen is a major growth in litigants in person because of this very thing. Of course there are other gaps and issues, as Deputy Higgins told us, in property law, in litigation to do with disputes and of course people then are told: "Well, if you do not have the money, do not risk litigation because you could come out of it losing your home because of your costs." I think there are some very famous cases - that I am not going to mention now - that we are aware of in the public domain where that has happened to people. People have made unwise decisions and have taken a risk and paid the price. So these things need proper processes to help our community provide that better access to justice.

Having a piece of work, as the Chief Minister said, I was delighted to hear what he said. Who will do that work? I would not be so opposed to it being the Institute of Law. That was a great move, setting that body up. It has certainly helped dramatically to improve law training and access to proper teaching texts and so on, much of which before we had that, there were no proper structures and texts in place and things like that, teaching texts. That has all been done; great strides have been made. But they need to evolve. Why would you stop them evolving? Yes, the C.A.B. (Citizens Advice Bureau) had an excellent role. I say the Chief Minister's commitment, which is what I think I heard him say and what I think is in the draft comments I saw, is a piece of work to bring those various bodies together and come forward with a way where, if you like, we get a more holistic approach to it and of course at the same time the police get what they need. The Chief Minister has said he will provide or facilitate access to other funds. For me, I enjoyed this debate because many of the things people have said I know very well from my personal experience in the past. These problems are there and we do need, I think, to try to upgrade that access. We cannot just put it on the current legal aid team, form a committee and say: "There we are, guys and girls, sort it out." I think a wider approach is necessary.

### **3.7.12 Deputy S.M. Wickenden of St. Helier:**

I think we need to bring the debate a little bit back to what it really is about. Of course I absolutely agree with everyone that has spoken to say that legal services in Jersey for the poorest in the community is not quite up to scratch yet. We have got stuff in place, but what we see here is that we have got money for a rifle range and the rifle range is needed because currently there is not a rifle range on the Island for certain types of weapons to keep our Police Officers up to the level that they need to be, not only for their certification for the Island, but also if they wanted to go somewhere else. It is something, if they wanted to leave the Island and go and work in a police force off the Island, having that certification as part of their training and learning. But we do not have a rifle range that suits that need over here. What we are having to do right now for those Police Officers is to send them off the Island quite regularly, away from their families, away from their children, to continue keeping their qualifications up to date. This rifle range would be there to stop that from happening for family health and for their jobs and for the safety of the Island. That is what the money is there for, that is why we have done it and it is a plan that has been proven, a business case has been approved and it can be done. If we take that money away and try and put it into what the proposer is asking, to give that money to a system that is not in place, that has not been proven, that is not ready to be set up, it is giving money to nothing, really. The letter that was put around by the Institute of Law, who support that something should be in place, at no point within their letter did they say: "We are ready to do it and we are going to hire these people and this will be delivered in this way." It said: "Absolutely, we agree this has to be sorted out. We wish there was further movement. We want to be part of that movement as it happens." Of course the piece of work the Deputy of St. Ouen said has not moved along fast enough. Of course we all know - and it does sound like an awful mantra at the moment - we have had a massive pandemic which has taken up a lot of time and energy and massive disruption in this Island. We have heard that the money cannot be used in the way that the proposer has asked for from many sources. It will be taken away from something that will have a benefit for the Island, it will have a benefit for the Police Officers and it will save us money in the long run by not have to send police officers multiple times off the Island away from their families and the costs associated with that as well. It could be used by other clubs. It could be a revenue-raising measure to try and offset some of our costs. Let us not take the money away from something that is needed, that has got a business case that is proven and will make a difference for the Island and give it to something that is not quite there yet, so we are just putting money into a fund, taking it away from something and putting it into a fund that is not ready to go yet. I absolutely applaud Deputy Higgins for his continued fight for justice and to improve things for our legal services and the likes, absolutely approve him. Unfortunately this is not something that we should be supporting. We should be supporting Deputy Higgins and his continued fight, but we should not be supporting it



in this way. I do ask Members to look at the reality of what this proposition will do, as good-intentioned as it is, and continue with what we have got in the Government Plan and support our Police Officers. It is officers that have worked so hard over this year, certainly during the pandemic, to continue their career progression and not take them away from their families by providing this very much needed rifle range. With that, I ask Members to reject the amendment, unfortunately, but support our hardworking Police Officers.

### **3.7.13 Senator S.C. Ferguson:**

I appreciate Deputy Wickenden's feeling for the police. However, if he has ever had to do a legal action, I had a wayward husband who did not pay maintenance. In the end, my husband went to the U.K. and I had to apply for maintenance as my son's best friend, so we got legal aid.

[17:15]

But it was a real falderal, it was quite ridiculous and it took a lot of work. I took a property appeal against a very large property that was right on top of me, and Deputy Young might well remember that I was told by one of the legal people that if I had not done it as a litigant in person, it would have cost me about £75,000. This is quite ridiculous for just a sort of ordinary person. I would like to see a cost-benefit analysis of the £1.2 million, exactly what it costs, why it costs £1.2 million to have a range. It could be certainly surely joined with the Crabbé set-up. Why has it got to cost something like £1.2 million, £1.5 million? It is rubbish. Let us have people look at it and examine the cost of it. I am not sure, some of our hardworking police might quite like a couple of weeks away. It is not always a trial to go away from home, so let us just re-examine the whole thing. As I say, I know what the cost of litigation is and I think it is quite ridiculous to be all sort of: "How dreadful for them to go away" and people effectively saying that poor people just have to put up with it. I am sorry, they do not, and it is quite wrong. I think we should go for this one.

### **The Deputy Bailiff:**

Thank you, Senator. Does any other Member wish to speak? If not, then I will call upon Deputy Higgins to reply.

### **3.7.14 Deputy M.R. Higgins:**

I will just get my papers, obviously scribbling lots of notes as Members were talking. I think they are in order now. I would like to thank everyone for speaking. I must admit, I felt at one point Members were not going to speak and I thought a matter as important of getting justice for Islanders deserved a debate. I am pleased that in the end I think 13 Members or 14 Members have spoken. I am going to go through some of them and I will try not to repeat myself as I go through because some people made similar remarks. I will start off with the Deputy of St. Mary. I happen to like the Deputy of St. Mary, a very nice gentleman, legally trained, he is an advocate, and certainly has knowledge of the legal system. I think he mentioned the Council of Ministers are putting it forward and speaking with the legal aid body and so on, which he was a member of. A number of comments I would make about that. First of all, this body was set up a long time ago - a long time ago - and it has not reported even now. It was supposed to be coming forward with guidelines to run the legal aid system, and just going back to Deputy Wickenden's comment, I think it should have reported well before COVID. They had had meetings and so on. Why it has taken the extra delay, I do not know. In answer to one of Deputy Gardiner's points, she asked, I think, why I was not involved with this particular body. I might say that I put my name forward. I got up in the States and said: "This is a panel I would love to work on" and I might add, because I have an interest in it, no one asked me. I have spoken to a number of people over the years who are on the panel and said: "How is it going?" "Oh, we have not done very much. There are not many papers flying around." I do not know what the current situation is. I am not happy with the way that the Legal Aid Advisory Panel has worked and its ability to come forward quickly with results. I will mention that again later in reference to the Chief

Minister's remarks about working perhaps with them. I think we need to be very proactive on this and act quickly because there is a major deficiency in this Island and people are being damaged by it, severely damaged. One of my big regrets in life is that I had a choice when I was at university to choose between what subjects I wanted to take and I could not make up my mind. After the first year I attended all the different classes: I went to economics classes, legal classes, history classes, sociology - and another one I cannot remember at the moment - and I enjoyed them all. I have got that sort of mind, I enjoy dabbling in all sorts of things. In the end, I opted for economics and mainly because I thought the law was boring, boring in the sense that a lot of law students spent all their time poring over the cases, looking at the precedents. I regret that now. Since I came to the Island and since I have been a Deputy in the States trying to help people, I have realised how deficient the system is and I wish that I had studied law and qualified as a lawyer so I could help the people with the problems that they have, because they are certainly not getting it at the present time. Anyway, carrying on. So the Deputy of St. Mary, he mentioned ... I was just going to make the point too, one of the problems with the legal aid system as it is coming forward is the fact it is highly likely that it is going to be funded by the States because the lawyers have got fed up covering the cost of it themselves and do not want to do it. That is common knowledge, they do not really want to provide the legal aid system. If they do not do it, the only way they will do it is to be paid for it. Now, I am looking here at a system that is looking at pro bono legal assistance, free legal assistance for those who could not possibly afford to pay and also legal advice. It is legal advice different to that performed by I think it is the Deputy of St. Mary and Deputy Renouf as well from St. Ouen. The legal aid from Citizens Advice is welcome, but it is not detailed advice. They may tell them whether they have got a case or not, but they are not going to help them go through all the papers to lodge it before the court and then help with the procedures and then help them perhaps with some of the arguments and with some of the precedents. They do not have the time for that. The Institute of Law, being an educational institute where they are teaching the students this and the students are doing the research, is far better equipped to help these people with their problems. Remember, they are students who have to learn all these procedures, have to learn all the precedents and everything else associated with going to court. They, I believe, would be in a better position to provide that legal advice service. I am not saying take money away from the C.A.B. because I believe they do a good job in other forms, but I do believe when we are coming to legal advice, perhaps it is better suited to the Institute of Law and the Citizens Advice either could do some of that, but equally could concentrate on other areas of giving support to the citizens of the Island. My other fear about it going to the legal aid body is it is going to get kicked down the road. We are very good in this Island at kicking bad decisions down the road. One of the reasons why I supported Senator Le Fondré in the vote of no confidence a few months ago or weeks ago - I do not know how long it was, it seems like a never-ending procession of States meetings - was because he at least has taken on many of the problems that have previously been kicked down the road by previous Councils of Ministers. Now, some of them have not come to fruition as fast as I would like, but at least he has attempted to deal with them, whereas the usual technique is just kick it down the road and maybe in a few years' time someone will pick it up. The Chief Minister said I was seeking recurring funds. No, I am not. I am just seeking funds for 2021. I realise that there is going to be a new Government Plan in 2022. If this was funded, then I would be coming back for funds for it to continue, because I believe in that time we could demonstrate its use. So at this particular point, it is a one-off grant for one year to see if we can get it going and then if it is working, I would be more than happy to come back, or maybe the Chief Minister, as he said, would be prepared to put it into the Government Plan in 2022 to 2024. Again, going back to the idea of kicking things down the road, I am slightly critical of Senator Le Fondré on this one, and that is the ombudsman scheme, the Public Sector Ombudsman scheme. It is a measure that has been required for so long. When I was a senior manager with the Financial Services Commission I had the job of creating and drafting the law drafting instructions for the Financial Services Ombudsman Scheme, which was very much needed at that time, long overdue. I do not think anybody can fault the Financial Services Ombudsman Scheme for what it has done.

Therefore, as I say, I would say to the Chief Minister, I know he has put some money back into the budget after the Children, Education and Home Affairs Scrutiny Panel asked him to. I am pleased he has put it back, but I am even prepared to make an offer to the Chief Minister. Because of the experience I had with the Financial Services compensation scheme, I am even prepared to help draft the law drafting instructions for that and work on it for nothing, because it is so desperately needed. Right, moving on to Deputy Renouf. He mentioned Citizens Advice. I have mentioned that. I just do not think it is totally adequate again and I have given the reasons why I do not think it would be as good as the Institute of Law. He mentioned 70 per cent of the funding is coming from the States. Fine, I have got no problem with the States funding it because they do a very good job in what they do, but I believe in this area we need to go that extra mile. Senator Gorst, he was saying that the use of the C.O.C.F. was appropriate with the Plémont decision. I am still not convinced and I really do want the Solicitor General to come forward, because all the arguments ... anyone who wants to read this, read Hansard and you can see what was said and you can see it was ... in fact, I called it at the time a device - others used “mechanism”, others called it a fudge and a fix - but it was a means of getting money for something that, to be honest, we all wanted to save Plémont. My objection and the objection of others was the way it was done. Now, they set a precedent. They said they did not, but they have set a precedent with the way that the C.O.C.F. can be used. Irrespective of what the current Solicitor General says, a precedent was set and will be. If he does the work and presents it to the States, you will see there was no regulation to enable it to happen, it was just done. It was a real fudge. Now, I will leave Deputy Renouf with that and Senator Gorst. Constable Norman, he was again stressing the need for a police firing range. We have 35 officers who are trained to use firearms in the Island and they go across to Southampton at the present time to do their training. Now, the only thing that they require with this firing range, as I understand it, from my briefing on Friday, was they happen to use the MP4 automatic weapon. Now, the MP4 is the old M16, or an upgraded version or replacement for the old M16 of the Vietnam era which the American troops used. An excellent weapon: I have fired it myself, very lightweight and accurate. However, they say that the existing butts at Crabbé are not sufficient for stopping it. I know of military units that have been up there and using the ranges up there who are firing the S.A.W. (Squad Automatic Weapons) and others, high-powered weapons on those ranges, and they have done it. They say, according to the police, that the health and safety side of the College for Policing would not allow it. It would certainly cost a lot less than £1.2 million. The other reason why the police want a new range is that they want to be able to use their cars. I had visions of Hot Fuzz in Guernsey, the video the States of Guernsey Police had where they were doing all these fantastic things, which in a quiet Island like Guernsey and Jersey do not normally happen. Yes, cars are used as cover for officers when they are facing a confrontation.

[17:30]

I do not envy them. They have a hard task when they have to use their weapons, but I do question whether we need to spend £1.2 million on this range and cannot just send the officers to Southampton. Deputy Southern mentioned in his speech that we need to look at this thing and everything else. I am sorry, they are going to get the money anyway because the police and the Law Officers' Department and others who are in that particular group can tap into this fund whenever they wish. They have to go to the Minister for Treasury and Resources, who consults with the Attorney General, and if they find it falls within the criteria, then the money is given to them. In the past, I believe it was used as a slush fund. I know that is a popular name for a separate fund, but basically it has been used to pay leases on offices for the Law Officers; it has been used to fund most police equipment. If they want something, if they want, for example, their Tasers, I am sure it is coming out the C.O.C.F. Now, this fund is separate to the general budget of the States. Why should the police or the Law Officers' Department not be subject to the same restrictions as every other government department? In other words, if they can be denied under the general budget, they can go and dip in that fund. Now, in this particular case, I am saying let us dip into that fund for something that will benefit of the

majority of the people of this Island, middle Jersey, the people who are earning above the income support level, but less than the very wealthy in this Island and who cannot afford access to justice. By the way, Senator Norman made a statement which I was fascinated by. He said he did not think we should replicate a previous decision of the States, implying he did not agree with the use of the C.O.C.F. for funding the Plémont purchase. Regarding his comments about standard specifications of the range, he said it was given to the Scrutiny Panel. If it was, I missed it. However, I did ask last Friday for a copy of the specifications and I was told I could not have a copy; they could not give it to me. As I say, I have got one. I have not had a chance to go through it, but if I have, I will do so. In fact, it was received this morning, so while the debate was going on, but I will have a look and I will be watching that development very interestingly. Now, Deputy Gardiner obviously was concerned about the legality of moving the funds. All I can tell you is when you see what was done with Plémont, it was considered legal then and nothing has changed. Despite what the Solicitor General is saying, if one Solicitor General says it is legal and the next one says it is not, we have got a problem, have we not? But I believe it could be legal. It was previously. The precedent was set. He asked why I could not work with the Legal Aid Advisory Board. I have already said I did ask in the States to be a member of it and I was ignored. Yes, I am happy to work with anybody, but remember, I think the lawyers generally, although they have done some excellent pro bono work in a number of cases, I am afraid in this Island money talks. I have spoken to people in the last week who said they, for example, have an injury claim against the States of Jersey. The first thing the lawyer says is: "Can you afford the cost of going to court?" and basically another lawyer who spoke to this person said: "You realise you could lose your home?" because what we are facing are ordinary people who have affected by negligence by a States department, facing the Law Officers' Department, who will defend it or - I do not know - Crown advocates or others who are appointed by the Law Officers' Department to defend the States. Money is thrown at it. The ordinary individual does not have a hope in hell and it is one of the reasons why we must do something about this. Again, why not work through the Legal Aid Review Panel? It has taken them long enough. They talk and talk and talk and we do not have the guidelines. To be honest, the way things are going, it will be a long time more. In the end, it will be the public who will be picking up the bill for the scheme. Deputy Ward, yes, I agree with him. It is the people in the middle who are not getting access to justice. If you are relatively poor, then you will get legal aid. It may not be the best because many of them are untrained advocates or very new to it. I must say, in the criminal category, the number of times I have heard the lawyers who tell them to plead guilty to a lesser charge because if they get it over with, it will be less complicated. In other words: "If I can get the charge from aggravated assault and get it down to common assault, you will only get probation or something like that. Do not worry about it, just plead guilty." That is wrong. In any legal system it is wrong to encourage people to plead guilty to something that perhaps they have not done. I also agree with Deputy Ward when he said something needs to be done urgently. I have spent 12 years with this and it tires me. I hate to see the mental anguish that people have gone through, the financial distress that people have gone through. To be honest, I cannot put up with this much longer, and that is why I still want Members to support this, even though there may be some problems with it, but I believe it can be funded and we will see. Deputy Tadier also mentioned it probably does not have the support from legal aid stakeholders. Yes, there are many lawyers who would not want to see a pro bono law scheme in place. Others will, but there are those who will not. Deputy Southern, as I say, I have just to remind him with this particular proposition, if the Minister for Home Affairs wants to give the police their firing range, he can do it easily because of the way that the C.O.C.F. is structured. Again, if I look at Deputy Young, yes, I did get it wrong. I got caught out on the change between M.T.F.P. and the rules and the current plan, and I regret that. Again, everything with this Government Plan, we all know how busy we have all been. I managed to get it in and then discovered on Friday about the possible problem with the C.O.C.F., until I read Hansard and realised how it was done last time. However, if I could have found an alternative source, I would have done so. There is nothing to stop the Chief Minister. I know he said he is prepared to offer funds to look into this and so on. The truth

of the matter is, Chief Minister, I know you are sympathetic and if you could find the money you probably would do. I would please ask you, go away, try and find it from central funds or whatever and for those who say: "Oh yes, but it is not structured. There is no governance", the Chief Minister can lay down the governance. If he is paying the bill, I am happy for him to put in governance with the Institute of Law or any other body that we want to use for this. It should not be something that will stop us going ahead with this scheme at the present time. Deputy Wickenden, yes, mentioned the legal assistance to lower paid. He wanted to know about the range and I have told him the only reason they want the range is because all their weapons, bar the MP4, which is a high calibre - I think it is 5.56 round ammunition - they say they cannot use on the existing ranges on health and safety grounds. I would look at the cost of beefing up our existing ranges compared to spending £1.2 million on a new one. Again, he mentioned the legal aid scheme. He was trying to justify its delay on COVID. I am sorry, I do not believe that. I think it should have reported long before COVID. The number of times I asked about in the margins of people who were on it and they were saying: "We have not had a meeting" or: "We have not had the papers" or: "We do not need any more" is not good enough. It should have been a priority. That was working with the Law Society. Yes, basically we are talking about £1.2 million for the cost of the range. I think the police, if I remember correctly, they have got 7 firearms teams of 5, so there is a serial of 7, and they go across to use the ranges near Southampton. I am sure it does not cost £1.2 million in a year or 5 years or even 10 years. I would be amazed if they spend that in 20 years on going across for those courses. Another point I would make is how long is it going to take to construct a range? After all, we do not have planning permission for it yet. It could be another year before that range is built. Senator Ferguson mentioned about the cost of the range, we are on similar views on that, and she also mentioned the high cost of legal action and she mentioned some of them. I think that has covered everybody who has spoken. The Chief Minister I mentioned in passing, but I would appeal to the Chief Minister, find this money and let us get it underway now rather than later. In conclusion, and I will answer Deputy Norman for clarification at the end, but I will just finish off the final points. I was just going to say that I am fully committed to ensuring access to effective justice for the people of the Island and to follow the Council of Ministers or other naysayers will see it be kicked down the road for probably a year or 2 and those people will still be denied. I think of the distress that I have seen among the families and the individuals who have done it, who have taken on the legal system and failed. It grieves me, it really does grieve me, and I do not want to see another person have to suffer because, as politicians, we cannot take decisions now and deal with matters. Again, I will go back to say to States Members, think of what I said almost at the start of my amendment. Imagine if you need assistance. Many people think we are well-paid and, yes, we are compared to many people in the Island, but we are not well-paid compared to many others. States Members cannot afford to go to court. Legal aid will not apply and they certainly cannot afford the best to try and fight their cases, no matter how just they may be. Think of the people that we represent. They are, in many cases, in a worse position and we must help them. Going back to the legality, if it was good enough for Plémont, it is good enough for this. I think finally, my last comment, yes, I just say to Members, if this proposition is not successful I shall be lodging a proposition, which I have shared a copy of the proposition with the Chief Minister, where I will be proposing amending the C.O.C.F., which is part of the Proceeds of Crime (Jersey) Law 1999, to include the funding of bodies such as the Institute of Law or bodies that are going to help people on a pro bono basis to try and add a bit more support to the people of the Island. I will lodge that before the end of this week if I have to, but I hope Members will support this proposition. It may be a bit iffy in places, but please, show your view, vote for it. If we find out there are some technicalities that enable it not to happen later, then perhaps the indication that you give to the public of the need for this will encourage the Chief Minister to find the funds elsewhere and bring this project into play now rather than later. I ask for the *appel*. Sorry, there is a clarification from ...

**The Deputy Bailiff:**

There is a point of clarification from the Connétable of St. Clement.

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

There were just 2 things that the Deputy said in his summing-up which were factually incorrect. I wonder if I may just point out that he said that Tasers would be coming out of the compensation fund. That is not the case. Also he said that it would take 20 years to recover the cost of officers going for training in Southampton. That also is not accurate, I am afraid. We are spending up to £150,000 on sending officers on training, so the payback here, it would be about 8 years. Thank you.

### **Deputy M.R. Higgins:**

If I can just answer the Constable. Sorry, I forgot his first point. On the second one, about the cost of training, I said it could take up to 20 years, it could be 10 years or whatever. The truth of the matter is the Constable is probably mentioning the entire training budget in the U.K. as opposed to just to range shooting. I may be wrong on that and he can correct me later if he wishes to. I am sorry, the point that he made, the first he was asking ...

### **The Deputy Bailiff:**

He said that Tasers are not paid for out of the C.O.C.F.

### **Deputy M.R. Higgins:**

I was not sure. I did not say definitely that they were, but it is the sort of thing that the police have paid for in the past. If I remember correctly - and I may be mistaken - police cameras were originally funded out of this fund, so police equipment has been funded out of the C.O.C.F. Anyway, I hope that Members will support this. There is a definite need for it and let us show the Island we want to help them. I call for the *appel*.

### **The Deputy Bailiff:**

Thank you, Deputy. In a moment, the Greffier will add a vote into the chat channel of this meeting. The vote is now open and I invite Members to cast their votes.

[17:45]

If all Members have had the opportunity to cast their votes, I ask the Greffier to close the voting. The amendment has been rejected.

<b>POUR: 16</b>		<b>CONTRE: 30</b>		<b>ABSTAIN: 0</b>
Senator S.Ferguson		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of St. Helier		Senator J.A.N. Le Fondré		
Connétable of St. Lawrence		Senator T.A. Vallois		
Connétable of St. Peter		Senator S.W. Pallett		
Connétable of St. Martin		Connétable of St. Clement		
Deputy G.P. Southern (H)		Connétable of St. Brelade		
Deputy M. Tadier (B)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of Trinity		
Deputy L.M.C. Doublet (S)		Connétable of St. Mary		
Deputy R. Labey (H)		Connétable of St. Ouen		
Deputy J.H. Perchard (S)		Deputy J.A. Martin (H)		
Deputy R.J. Ward (H)		Deputy of Grouville		
Deputy C.S. Alves (H)		Deputy K.C. Lewis (S)		
Deputy K.G. Pamplin (S)		Deputy J.M. Maçon (S)		
Deputy I. Gardiner (H)		Deputy S.J. Pinel (C)		

	Deputy of St. Martin		
	Deputy of St. Ouen		
	Deputy S.M. Wickenden (H)		
	Deputy of St. Mary		
	Deputy G.J. Truscott (B)		
	Deputy J.H. Young (B)		
	Deputy L.B.E. Ash (C)		
	Deputy K.F. Morel (L)		
	Deputy G.C.U. Guida (L)		
	Deputy of St. Peter		
	Deputy of Trinity		
	Deputy of St. John		
	Deputy M.R. Le Hegarat (H)		
	Deputy S.M. Ahier (H)		

**The Deputy Greffier of the States:**

Those voting *pour* in the chat: Deputy Southern and Senator Ferguson. Then in the link: Deputy Labey, the Connétable of St. Helier, Deputy Perchard., Deputy Ward, Deputy Higgins, Deputy Tadier, Senator Mézec, the Constable of St. Peter, Deputy Pamplin, Deputy Doublet, Deputy Gardiner, the Connétable of St. Martin, Deputy Alves and the Connétable of St. Lawrence. Those voting *contre*: Deputy of St. Mary in the chat. Then in the link: the Connétable of St. Clement, the Connétable of Grouville, Deputy Morel, the Deputy of St. Martin, Senator Vallois, Senator Le Fondré, Deputy Guida, Deputy Martin, Senator Gorst, Deputy Hegarat, Deputy Wickenden, Deputy of St. Peter, the Constable of St. Brelade, Deputy Ahier, Deputy of Grouville, Deputy of Trinity, the Constable of St. Ouen, Deputy Young, Deputy Ash, Deputy Pinel, the Connétable of Trinity, Deputy Maçon, Deputy Lewis, Deputy Truscott, Deputy of St. Ouen, Senator Pallett, Deputy of St. John, Senator Farnham and the Connétable of St. Mary.

**The Deputy Bailiff:**

Thank you. Deputy Pamplin, you have a question to raise about tomorrow morning's Public Business.

**Deputy K.G. Pamplin:**

In light of us having a question time period, can the Chief Minister, if he is able to, confirm that he will be delivering a statement before that question time period? Because obviously that will impact the question time Members might work on tonight. Thank you.

**The Deputy Bailiff:**

Chief Minister, do you want to respond to that question?

**Senator J.A.N. Le Fondré:**

Apologies, Sir. The communication was slightly garbled. Could the question be repeated?

**The Deputy Bailiff:**

The question was will you be delivering a statement in addition to responding to questions tomorrow morning?

**Senator J.A.N. Le Fondré:**

No, that was not the intention, I do not believe. As I understand, the requisition is to allow any Ministers to be answering questions.

**The Deputy Bailiff:**

Yes, that is what the Order Paper says. The adjournment has been proposed in the chat by Deputy Tadier. **[Seconded]** Does any Member wish to oppose the proposition to adjourn now until tomorrow morning? Thank you. Accordingly, the Assembly is adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:48]