

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 14th JUNE 2023

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[9:30]

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

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

Before we start, may I ask - I do not know if it is the right time - I have 2 propositions one after the other, and I just wondered if I can move one so that I have a short break in between the 2 propositions.

The Bailiff:

That is a matter entirely for the Assembly. It depends how merciful people are feeling, I suppose.

Deputy R.J. Ward:

I propose to the very pleasant Deputy Max Andrews that I may move mine to before his, and I just wondered if he would be happy with that.

The Bailiff:

This is P.33 and P.34, is it?

Deputy R.J. Ward:

Yes, Sir.

The Bailiff:

The hopper bus service and the Andium Homes?

Deputy R.J. Ward:

Yes, I wondered if I could move the hopper bus service to before the gender pay gap, just so that there is a short break in between the 2 propositions. I would appreciate that.

The Bailiff:

That is a request to change the order of business, which is perfectly open to you to do. Is that seconded? **[Seconded]** Does any Member wish to speak on that? Deputy Andrews, you are the one probably most affected by it; no? Those in favour of making that small change to the Order Paper? Those against? Very well, we will take them in a slightly different order.

PUBLIC BUSINESS - resumption

1. Health and Community Services Interim Board (P.19/2023) - as amended (P.19/2023 Amd.) (P.19/2023 Amd.(2)) - resumption

The Bailiff:

Now we continue with the debate on P.19 and does any other Member wish to speak on the proposition? If no other Member wishes to speak on the proposition then I close the debate and call on the Minister to respond.

1.1 Deputy K. Wilson of St. Clement (The Minister for Health and Social Services):

First of all, I would like to thank Members for all of the points raised in our debate yesterday. It was a really helpful and constructive debate. Without repeating points at length, I would just like to respond to a number of issues. I think, most importantly, I cannot emphasise strongly that the board does not diminish or interfere with my political oversight of the department. I remain accountable. I cannot also emphasise clearly enough that the matter at hand is not a statutory board or an arm's length organisation. The terms of reference before the Assembly were for an advisory board. I would urge Members not to judge this proposition on the basis of what you think about statutory boards in Jersey or whether or not they have been a good thing for Jersey. This is not what is before us today. The board is an advisory board, it was always constructed as one and I inserted the word "advisory"

into the title because I was asked to make more clarification. As Deputy Renouf kindly noted, I listened and I responded and it was suggested that inserting the word “advisory” had resulted in potential candidates not applying for the non-executive posts. Given that we have received over 110 applications for the 5 roles, and given the assurances I have received about the calibre of the candidates and the fact that their applications clearly demonstrate their understanding of the role of the board, I think the Assembly should be encouraged by the interest in what we are trying to do here. I also amended the proposition to place an explicit commitment on the board to meet with the Council of Ministers at least every 6 months. This is because, in response to the points raised by Deputy Ozouf yesterday, it is recognised that the health and well-being of Islanders is not a matter for me alone. It is a matter for all Ministers and for this Assembly. The board will collaborate with Ministers, with Assembly Members, with all relevant partners. This is not something I am just reiterating now but it is set out in paragraph 4 of the terms of reference. What I want to assure Assembly Members is that I, as the Minister, am committed to this collaboration. Deputy Jehan pointed out that the terms of reference include that the board will direct the department. He is absolutely correct in that. That is because the board includes the executive directors who are currently responsible for directing the activities of the department. This will continue as Members of the Assembly would expect. The chief officer of the department will, as a member of the board, continue to provide the direction in the day-to-day running of the department but will do so with the benefit of the collective knowledge, advice and support of the board around it. This does not equate to the board determining health policy or strategy for the Island. I do that as the Minister with support of both the Council of Ministers and Members of this Assembly. Much has been said about whether the costs as set out in P.19 are correct, particularly in relation to the chair’s remuneration. The costs in the proposition are correct but it was apparent that the information provided was not clear. I clarified for Members that the 2023 cost for the chair’s remuneration as set out in P.19 includes both the remuneration of the fixed term chair and the substantive chair that we were going to point on. Deputy Howell asked if the current fixed term chair is conflicted and Deputy Jehan questioned both how much we are paying him and his contractual arrangements. I think we all understand that the terms of reference are not about one individual, as Deputy Ward noted. But I would like to assure Members that I nevertheless have heard the concerns previously raised about potential conflict. Recognising that the perception of conflict can be as damaging as conflict itself I have agreed with the chair of the Jersey Appointments Commission that the fixed term chair will not sit on the selection panel for the non-executive directors. I would like to clarify the role of the change team. The change team are health service experts who are embedded in the department and are working along with the senior executives. They are providing the executives with the additional capacity needed to deliver urgent reform, such as the development of a financial recovery plan. They are not filing an end-of-year report. Nor are they responsible for the ongoing clinical and corporate governance of the department. That is not their role. That is the role of the board. Some Members spoke about an additional layer of bureaucracy, and I understand these concerns but not a single member of staff or health provider consulted on the proposals have raised this concern with me. It has been exactly the opposite. They have all expressed support for the board. They want to see it in place. This includes the change team whose work and expertise Members acknowledged during the course of yesterday’s debate. The people in the system recognise that good governance removes layers of bureaucracy and ineffective management. It does not add to them. I accepted, as it was said yesterday, that some members of the public believe the department is top heavy. But it is also the case that the public are rightly outraged when we get it wrong.

[9:45]

As was so well articulated by the Minister for Social Services, the costs of getting it wrong significantly outweigh the costs of managers time and time again. So the board will cost. Health boards cost money the world over. But that cost is accepted in jurisdictions because it is recognised that boards are an effective mechanism for ensuring and assuring grip and control. There is no reason

to assume why it will be any different here in Jersey. But if that were to be the case we can change things in 18 months' time, thanks to the chair of the P.A.C.'s (Public Accounts Committee) helpful collegial amendment. I would ask Members also please do not lose sight of the fact that the Minister for Treasury and Resources tells us that the board represents value for money. No one more than me understands the need to get our health finances under control or delivering value for money. At this stage, I believe that the board offers a proportionate response to a very challenging set of circumstances. The Connétable of St. Lawrence is correct. It is the responsibility of senior officers to run the department effectively and efficiently but we know that competent, highly-qualified managers have not historically succeeded in delivering what we need. We could just keep blaming them, dismissing it as their job. But that has not worked and it will not work in the future. We need to learn and we need to try something different from what has gone before. Independent oversight is critical to ensuring that the information we receive at face value is reliable and we can trust it. The Connétable of St. Mary specifically asked me if there had been liaison with insurance companies, and I apologise if I did not fully catch his point, but it is the case that there is a regular liaison with our insurance arrangements. What we do know is that when there are clinical failures they are hugely costly. We need significant changes in our healthcare system for our patients and for our staff. No single Member of this Assembly has refuted that point during yesterday's debate, despite the points of contention raised and the understandable concerns about the cost. It is also the case that no Member of this Assembly has challenged the need to tackle the poor working culture in the department. You all recognise the need for staff to feel safe, respected and valued. Deputy Warr raised the issue of trust and how important it is to build this trust not only in our workforce but also between the public and the service. This is going to be a key responsibility of the board. I ask Assembly Members to support this proposition. The public needs to know and trust that we can deliver good healthcare. Deputy Luce talked about the need for solid foundations. I propose that this board offers the foundations needed to rebuild our health service and support our staff to do their best work. As the Chief Minister highlighted yesterday when recalling her own experience, the need to build clinical knowledge and understanding about what is happening in our healthcare system is critical to its success. This is a vote about whether we, in the Assembly, take our duty to Islanders seriously to assure them of safe services or not. As Deputy Morel put it yesterday, we have an urgent need to face the challenges of the future: ageing population, workforce challenges, new diseases, new drugs, new treatments. We have to be prepared and equipped not only now but for the future. We need all the advice we can get from this board to help us navigate this. I urge you to vote for the board. Patients need it, our staff need it, and the Island needs it. I would like now to move to the vote.

The Bailiff:

Will you give way for a point of clarification, Minister?

Deputy K. Wilson:

No, Sir.

The Bailiff:

Do you call for the appel?

Deputy K. Wilson:

Yes, Sir.

The Bailiff:

The appel is called for, I invite Members to return to their seats. The vote is on P.19. I ask the Greffier to open the voting and Members to vote.

Deputy K.F. Morel of St. John, St. Lawrence and Trinity:

Can we raise the défaut ...

The Bailiff:

The défaut is raised on Deputy Farnham, yes.

The Bailiff:

The voting is open, I ask Members to vote. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. I can announce the proposition has been adopted: 28 votes pour, 16 votes contre, no abstentions.

POUR: 28	CONTRE: 16	ABSTAIN: 0
Connétable of St. Helier	Connétable of St. Brelade	
Connétable of St. Clement	Connétable of Trinity	
Connétable of St. Mary	Connétable of St. Peter	
Deputy C.F. Labey	Connétable of St. Martin	
Deputy M. Tadier	Connétable of St. John	
Deputy L.M.C. Doublet	Connétable of Grouville	
Deputy K.F. Morel	Connétable of St. Ouen	
Deputy R.J. Ward	Connétable of St. Saviour	
Deputy I. Gardiner	Deputy S.G. Luce	
Deputy I.J. Gorst	Deputy M.R. Le Hegarat	
Deputy K.L. Moore	Deputy S.M. Ahier	
Deputy S.Y. Mézec	Deputy L.J. Farnham	
Deputy P.F.C. Ozouf	Deputy R.E. Binet	
Deputy B.B.de S.V.M. Porée	Deputy A. Howell	
Deputy D.J. Warr	Deputy T.J.A. Binet	
Deputy H.M. Miles	Deputy B. Ward	
Deputy M.R. Scott		
Deputy J. Renouf		
Deputy C.D. Curtis		
Deputy L.V. Feltham		
Deputy H.L. Jeune		
Deputy M.E. Millar		
Deputy M.R. Ferey		
Deputy R.S. Kovacs		
Deputy A.F. Curtis		
Deputy K.M. Wilson		
Deputy L.K.F. Stephenson		
Deputy M.B. Andrews		

The Greffier of the States:

Those voting contre: the Connétables of St. Brelade, Trinity, St. Peter, St. Martin, St. John, Grouville, St. Ouen and St. Saviour, Deputies Luce, Le Hegarat, Ahier, Farnham, Rose Binet, Howell, Tom Binet and Barbara Ward.

2. Draft Stamp Duties and Fees (Amendment of Law – No. 6) (Jersey) Regulations 202-(P.22/2023)

The Bailiff:

We now come to the Draft Stamp Duties and Fees (Amendment of Law – No. 6) (Jersey) Regulations lodged by the Chief Minister. The main respondent will be the chair of the Corporate Services Scrutiny Panel.

Deputy R.J. Ward:

Sorry, to interrupt. I should have done it earlier. I just wondered as we go through today whether I can raise the issue of men removing their jackets when it gets too hot. It is reasonable at the moment but the temperature is going up and up during the day. I know for myself at the end of yesterday I baked all day, and I recognise your own attire, and you are doing very well.

The Bailiff:

Three layers.

Deputy R.J. Ward:

But I just wonder whether at some point we do have to address this issue of comfort in the Assembly as well because people are getting lethargic by the end of the day and it does not make for good decision-making. I just wondered if I can raise that.

The Bailiff:

The answer is I think it must ultimately be a decision for Members as to the standard of dress within the Assembly. Traditionally the Assembly has maintained an appropriate standard of dress throughout and I cannot recall any occasion on which jackets have been removed, no matter how difficult it has become. That is simply I cannot recall it. That does not mean it is there or not. Perhaps it has happened in the past. I would suggest the right thing to do is to leave it for the time being but if there is an interjection further along the line the Assembly can take a vote for the purposes of this meeting only and if arrangements need to be changed then P.P.C. (Privileges and Procedures Committee) ... of course it does mean what will the Chair wear? I am not entirely sure.

Deputy R.J. Ward:

The last thing I want is a long debate on this but it was just simply an appropriate time where the Assembly decide we just remove jackets. It did happen before when the temperatures were very high. It is a very high temperature in here at times. As for yourself, Sir, I think it is entirely your choice. I will ignore the comment about a suit of armour.

The Bailiff:

Yes, I was about to say there is a suit of armour waiting at home for me. Deputy Scott, do you have a ...?

Deputy M.R. Scott of St. Brelade:

I just wondered if I could make a proposition to that effect right now. I know we are being filmed but I think it would almost be a celebration of the fact that we can recognise that there is an inequity that I am dressed like this and other Members of the Chamber who happen to be of the male gender

are wearing jackets. I would like to make that proposition, if somebody is prepared to second it, and if it is allowable please. **[Seconded]**

The Bailiff:

A proposition has been made. I cannot say that it is out of order. It seems to be in order because it is to do with the States conducts its business. It is seconded. Does any Member wish to speak on the proposition?

Deputy M. Tadier of St. Brelade:

I think there are obviously 2 sides to this story but I think however Members decide to vote it is good that it is being recorded for posterity, because I know this is one of the recurring debated that happens in the Assembly and when youngsters come to visit, in particular, they are told about this debate that we have constantly about men having to wear jackets, the Bailiff having to wear heavy thick robes and the women can wear skimpy tops, as Deputy Scott has put ...

The Bailiff:

I think the proposition is only about men's jackets. I am not sure it is about the ladies' attire at all.

Deputy M. Tadier:

I think however we vote, it is good that there is a public record, that the Greffe now has official footage of it, which I think Deputy Ward must have known as well.

Connétable K.C. Lewis of St. Saviour:

To my recollection, this has only come up once in the past officially when the then Deputy Le Main asked the then Bailiff, now Deputy Bailhache, if jackets could be removed as it is so hot. The then Bailiff declined and Deputy Le Main pointed: "Well the ushers are not wearing jackets" and the Bailiff looked round and said "Yes, but they are working." **[Laughter]** The attire was maintained, Sir.

The Bailiff:

It would never have occurred to me to say that, Connétable.

Connétable M.K. Jackson of St. Brelade:

At the risk of being pompous about this, I think the risk affecting the decorum of the Chamber, and I would not feel inclined to support the proposition.

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

Just to aid the Constable's memory, I have raised this twice previously and the first time was with a previous Bailiff and that Bailiff raised the Standing Order himself without any debate from Members and it was a very swift decision. And we moved on. The second time I raised it we did have a debate which took a length of time, which I do not think we should do today. I just think it is a matter of common sense and I do think it is within your gift, Sir, to do it without debate. But here we are.

The Bailiff:

It is now a matter for debate so it is outside my gift now, I think, because it is a matter now for the Assembly. Does any other Member wish to speak?

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

I will not be long but I just wish to point out that if Members think it is hot it could get considerably hotter. This will not be a debate that ends just with removing jackets today. It will be a debate that ends with dress code for this Chamber for time moving forward. I will not vote in favour of this.

Deputy A. Curtis of St. Clement:

Very quickly, I will point out to the Constable of St. John that if my decorum is so insufficient from removing my jacket that I shall inform him at the end of the day.

The Bailiff:

I am not sure that I understood that speech.

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

I am being slightly flippant but perhaps we could look to our cold weather bonus and cold weather payment legislation and introduce a temperature chart for when jackets may be removed.

The Bailiff:

There is not going to be a reference back motion or anything of that nature. Does any other Member wish to speak on the proposition? No other Member wishes to speak on the proposition. I close the debate. Deputy Scott, did you wish to say anything in response?

Deputy M.R. Scott:

I thank Members for their contributions and I consider decorum has been respected insofar as Members of the Chamber, including me, arrived wearing jackets. If, in the event that the vote is not carried, I would also wish consideration to have the doors over there opened just to allow people to work in a more comfortable atmosphere.

The Bailiff:

That is an entirely different issue.

Deputy M.R. Scott:

That would be a second proposition, Sir, of course. Thank you. I urge Members to support this vote.

The Bailiff:

Those in favour of removing jackets for gentlemen kindly show. The appel is called for. A vote pour is to remove jackets for this sitting only. It is of no general application. It is for this sitting only and a vote pour is to remove jackets for gentlemen or leave to do so, and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The proposition has been adopted: 29 votes pour, 13 votes contre, one abstention.

POUR: 29		CONTRE: 13		ABSTAIN: 1
Connétable of St. Martin		Connétable of St. Helier		Connétable of St. Clement
Deputy C.F. Labey		Connétable of St. Brelade		
Deputy M. Tadier		Connétable of Trinity		
Deputy L.M.C. Doublet		Connétable of St. Peter		
Deputy M.R. Le Hegarat		Connétable of St. John		
Deputy S.M. Ahier		Connétable of Grouville		
Deputy R.J. Ward		Connétable of St. Ouen		
Deputy I. Gardiner		Connétable of St. Mary		
Deputy L.J. Farnham		Connétable of St. Saviour		
Deputy K.L. Moore		Deputy S.G. Luce		
Deputy S.Y. Mézec		Deputy I.J. Gorst		

Deputy B.B.de S.V.M. Porée		Deputy P.F.C. Ozouf		
Deputy D.J. Warr		Deputy M.B. Andrews		
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				

[10:00]

I am sorry, Deputy Miles, it did not apply to ladies. **[Laughter]** The Chair was being slightly flippant, as I think the ladies can exercise a discretion about this without any difficulty at all.

Deputy M. Tadier:

Can we have the 13, I think it is probably one of the more interesting votes.

The Greffier of the States:

Those voting contre: the Connétables of St. Helier, St. Brelade, Trinity, St. Peter, St. John, Grouville, St. Ouen, St. Mary and St. Saviour, Deputies Luce, Gorst, Andrews and Deputy Ozouf online.

The Bailiff:

It would be arguably interesting to hear that vote broken down by gender but probably that would be for analysis on another day.

Deputy M. Tadier:

I am resisting to ask about waistcoats now.

The Bailiff:

I think that might apply only to me so the answer is we will not do that. I think we have all the flippancy the day can stand and we are now on the Draft Stamp Duties and Fees (Amendment of Law – No. 6) (Jersey) Regulations lodged by the Chief Minister. The responder is the chair of the Corporate Services scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft Stamp Duties and Fees (Amendment of Law – No. 6) (Jersey) Regulations 202-. The States make these regulations under Article 3 of the Stamp Duties and Fees (Jersey) Law 1998.

2.1 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter (The Chief Minister):

The Stamp Duties and Fees (Jersey) Law 1998 contains regulation-making powers whereby the States may amend schedules 1, 2 and 3 of the law. Schedule 1 is concerned with the scope and level of judicial fees and currently permits the Viscount to charge for certain services provided in connection with insolvency procedures whereas other insolvency services are currently not within scope. These draft regulations seek to amend schedule 1 to include certain further functions which are administered by the Viscount Department's insolvency team. These services are subject to practice directions of the Royal Court and are functions for which the Viscount currently has no statutory power to charge. The functions referred to are fully explained in the accompanying report. They relate to applications for aid in bankruptcy and insolvency matters and relate to recognition in or out of the Jersey Court, *dégrévement* applications, and assisting the Jurats with *remise de biens* applications. The revenue that will be generated by these fees would be part of cost recovery helping to offset the cost of administration of the functions. I should emphasise that the new fees being proposed, which are only one, the £45 fee for *dégrévement* applications, would be fixed. The remaining fees would be discretionary, allowing the Viscount to take a view as appropriate, depending on the circumstances. For each of these functions to which those draft regulations relate, applications must be drawn to the Viscount's attention ahead of them being filed with the Royal Court. The Viscount's role is to filter the applications and to draw to the attention of the applicant any possible errors or omissions prior to them being presented to the court. In addition, either the Viscount or a member of the insolvency team will be available to assist the court when applications are presented, which is especially important when they relate to contentious and/or complicated matters. I move the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles kindly show. Those against? The principles are adopted. Does the Corporate Services Scrutiny Panel wish to scrutinise the matter?

Deputy S.Y. Mézec of St. Helier South (Chair, Corporate Services Scrutiny Panel):

No, Sir.

The Bailiff:

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

2.2 Deputy K.L. Moore:

I shall make a brief speech, if I may, just to relate to the 2 draft regulations, which require little further explanation than I set out when I moved the principles. Perhaps we should take them *en bloc*.

The Bailiff:

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? All Members in favour of adopting the regulations in Second Reading kindly show. Those against? Do you propose in Third Reading, Chief Minister?

2.3 Deputy K.L. Moore:

Before I move to the draft regulations in Third Reading, I would like to thank the Viscount and the senior manager of the insolvency team for their input and their co-operation in progressing these regulations. I move the regulations in Third Reading.

The Bailiff:

Are they seconded for Third reading? [**Seconded**] Does any Member wish to speak in Third Reading? Those in favour of adopting the regulations ... the appel is called for. I invite Members to return to their seats and ask the Greffier to open the voting. The vote is on the adoption of P.22 in Third Reading. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading: 40 votes pour, no votes contre, no abstentions.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Saviour				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				

Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

3. Draft Domestic Abuse (Jersey) Law 2022 (Appointed Day) Act 202- (P.23/2023)

The Bailiff:

The next item is the Draft Domestic Abuse (Jersey) Law 2022 (Appointed Day) Act, P.23, lodged by the Minister for Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the proposition.

The Greffier of the States:

Draft Domestic Abuse (Jersey) Law 2022 (Appointed Day) Act 202-. The States make this Act under Article 19 of the Domestic Abuse (Jersey) Law 2022.

3.1 Deputy H. Miles of St. Brelade (The Minister for Home Affairs):

If approved this Act will bring into force the Domestic Abuse (Jersey) Law 2022, which was approved by the previous Assembly on 28th April 2022. The key elements of the legislation are the creation of an offence of domestic abuse, which is defined in part 2 of the law. Article 3 creates the new offence of domestic abuse with a penalty of up to five years' imprisonment and an unlimited fine. Domestic abuse will be an offence where both parties are personally connected, they are aged 16 or over, and on more than one occasion one person is abusive to another. The abusive act or failure to act must cause or be reasonably likely to cause harm,. We will also include acts committed outside of Jersey if the offender is usually resident in Jersey. Very importantly, the law captures behaviour which is coercive or controlling as abusive. Article 4 requires the court that is sentencing a person convicted of domestic abuse to treat the presence or involvement of a child or a pregnant woman as an aggravating factor that increases the sentence. This recognises the significant harm to children from being exposed to domestic abuse. The second key element is the new powers for the courts to impose domestic abuse protection orders. This is dealt with in part 3 of the law. Article 5 allows a court to issue a domestic abuse protection order against a person aged 18 or over who has been convicted of a relevant offence. Domestic abuse protection order will only be issued where the court considers that on the balance of probabilities there is a risk of further abuse and it is necessary to protect the victim. The court is required to also consider the well-being of any children involved and any views from the suspect, the victim or the householder. Part 3 also contains the governance arrangements around these orders, including the right of appeal and the right to apply to vary or revoke such an order. The law also gives the court the power to impose notification requirements on people convicted of domestic abuse or similar offences. This is intended as a mechanism for risk prevention, following the same structure was the Sex Offenders Law, and the court may order such a person to provide the police with relevant details or any relevant changes for a specified time. I should note as well, that the Domestic Abuse Law has been fully reviewed for E.C.H.R. (European

Convention on Human Rights) compliance. Although I think that the note in the report says no human rights issues arise, I think this downplays the detailed and comprehensive analysis of the human rights issues engaged, which was carried out by the Law Officers' Department at the time and which found the law to be compatible. Domestic abuse is deeply damaging, invidious behaviour, and we know that it causes much harm in our community. The previous Assembly acknowledged that when they voted in favour of this draft Domestic Abuse Law over a year ago. I can only apologise to Members but, more importantly, to victims that it has taken some time to bring this law into force. The delay was not expected and I and my team have done our best to get things back on track. I am grateful to all those who have worked hard on the law and to prepare to bring it into force. This is a very important piece of legislation, which will significantly improve the protection available to victims of these horrible offences. I ask the Assembly's support in bringing this law into force.

The Bailiff:

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

3.1.1 Deputy M. Tadier:

I note that the Minister did address that there was a delay and I was thinking of asking a question, and now that she has mentioned it I thought I would ask for clarification on that point. We know that the previous Assembly adopted the law on 28th April last year and that it was sanctioned by the Privy Council on 19th July that year, and then it was registered in the Royal Court on 5th August last year. I think there is still about 9 or 10 months. Can I just ask why there are delays and if there is something that we should know about? Does the department need more resources or is there a technical issue or issues that can explain this delay?

3.1.2 Deputy C.D. Curtis of St. Helier Central:

I just want to say that the Children, Education and Home Affairs Scrutiny Panel supports this law being brought into force as a priority. It was approved by the States Assembly in April 2022, scrutinised by the previous Scrutiny Panel, and the current panel has questioned the Minister at length. It seems it is ready to go and very much needed.

3.1.3 Deputy R.J. Ward:

Extremely briefly, it was the previous panel that scrutinised it, we gave it our full support and this is a much needed change to our laws.

The Bailiff:

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

3.1.4 Deputy H. Miles:

I thank Members for their contributions and their support. In answer to Deputy Tadier's question, the delay in bringing this legislation is regrettable. The Assembly was previously advised in response to an Oral Question 24/2023 that the law required Rules of Court to be prepared and in place prior to implementation and that this was the source of the delay. Such rules are developed by the Law Officers' Department and made by the Criminal Procedure Rules Committee. However, further to my liaison with the law officers and the judiciary, officers were advised that the courts would be able to manage procedures so that the law can be brought into force ahead of rules being in place. On that basis, I maintain the proposition.

The Bailiff:

Do you call for the appel?

Deputy H. Miles:

Yes, Sir.

The Bailiff:

The appel is called for, I invite Members to return to their seats. The vote is on the adoption of P.23, the Appointed Day Act for the Draft Domestic Abuse (Jersey) Law. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The Appointed Day Act has been adopted: 41 votes pour; no votes contre; no abstention. I beg your pardon, 42 votes pour; there was one in the chat who has voted.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				

Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

4. Draft Social Security (Amendment of Law No. 18) (Jersey) Regulations 202- (P.24/2023)

The Bailiff:

The next item of public business is the Draft Social Security (Amendment of Law No. 18) (Jersey) Regulations, P.24, lodged by the Minister for Social Security. The main respondent is the chair of the Health and Social Security Scrutiny Panel and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Social Security (Amendment of Law No. 18) (Jersey) Regulations 202-. The States make these regulations under Articles 50 and 51 of the Social Security (Jersey) Law 1974.

4.1 Deputy E. Millar (The Minister for Social Security):

I would like to propose the Draft Social Security (Amendment of Law No. 18) (Jersey) Regulations. I am bringing these regulations to the States to clarify some specific references in the Social Security (Jersey) Law 1974.

[10:15]

Under Articles 50 and 51 of that law, the Minister for Social Security has the power to amend the law by regulations. The 2 regulations clarify different aspects of the law so I will speak to each regulation of course and will ask for separate votes. That said, I hope that Members will agree that both regulations are simple and represent sensible housekeeping changes. Regulation 2 aligns the calculation of contribution factors in the law with the original policy intention and current operational practice. If we do not do this we will need to reconsider the current approach to these calculations which could lead to additional costs to the Social Security Fund. Regulation 3 separately amends that part of the law that prevents a person from doing any work when they are in receipt of short-term incapacity allowance. This will make it possible to make a change by Order that will give Jersey workers the option, as they would in other places, of doing limited or adjusted duties in the workplace while they are recovering from an illness. Although the majority of changes will be accomplished through that Order, I will explain how this will work and I do that because I want Members to be sure that any changes will be sensible and beneficial. In particular, I would emphasise again that the changes absolutely do not change or remove a person’s entitlement to sickness benefit, they do not

introduce new conditions to obtaining the benefit or force people to do anything new in order to receive it. As confirmed yesterday, there is no sanction regime associated with this change. I very much welcome the supportive comment lodged by our Scrutiny Panel who have taken the time to consider both regulations in detail and make helpful observations about the impact of these changes. I welcome their engagement with the reasons behind these changes and will go into further detail about how I propose to meet the recommendation. Turning first to Regulation 2, this regulation, if passed, will amend Article 8A in the Social Security (Jersey) Law 1974 to provide that the rounding of the contribution factor will be according to the usual rules on rounding and not always rounded up. A contribution factor measures how much of a contribution record an individual has over a period of time. This determines their eligibility for and the value of any contributory benefits or social security pension due to that person. In the last step of calculating contribution factors they are, in practice, rounded up or down to the nearest third decimal place according to the normal rules of rounding applied in many financial calculations. The law currently requires all calculations to be rounded up; however, this was not the intention when Article 8A was added into the Social Security Law in 2012 as part of a list of minor housekeeping changes alongside the main changes required in the law at that time. If the Assembly approves this regulation no one will be made better or worse off because the law will be aligned with how we have always carried out these calculations. If the Assembly does not approve the regulation, then I will need to consider the reasons for this and what further legal or operational changes may be required. This might require providing slightly larger pensions by 24 pence per week, which is roughly £13 a year, and if so this would cost the fund eventually an extra £200,000 to £300,000 per year with the expected increase in the number of pensioners in the future. It would also create an issue regarding some of the contribution factors we have calculated and rounded down; again, we are talking about 24 pence a week since the law was changed in 2012. This will be difficult to resolve in a manner that is cost-effective to both contributors and pensioners generally. Turning now to Regulation 3. If passed, Regulation 3 will allow a person to claim short-term incapacity allowance on a day if it is prescribed as a day of incapacity by the Minister. This will ultimately remove the prohibition on a person claiming short-term incapacity allowance on a day on which they work. At present, a day of incapacity is currently defined as one on which no work can be done at all. Article 15 of the law includes a provision that a person is not entitled to S.T.I.A. (short-term incapacity allowance) or more commonly being signed off work sick for any day on which he or she works. This includes voluntary and even therapeutic work and means when someone is ill they are obliged to remain at home, not working or volunteering or doing anything that may improve their health condition. This regulation removes this prohibition without any further change to Article 15. As we discussed yesterday, removing this provision alone will not affect claims to short-term incapacity allowance because the current wording of the Social Security (Incapacity Benefits) (Jersey) Order 2004 contains a very similar provision as set out in the report to the proposition. If these regulations are passed, I intend to go on to amend that Order to allow that a day may also be a day of incapacity and thus a person may claim short-term incapacity allowance if a person does some work but only under specific conditions. This is how comparable benefits work in other places such as the U.K. (United Kingdom) and Guernsey and represents an essential modernisation of the Jersey system. It will have benefits to workers, their employers and Jersey's economy. I intend to make changes by Order that only allow a person to do some work if it is agreed that it will support their recovery from illness and management of a health condition. This will be part of an approved return-to-work plan. In order to qualify under the short-term incapacity rules, this plan will be agreed between the worker and their employer and, where appropriate, with input from relevant medical professionals responsible for their care. It will be designed to reflect modern medical understanding that a work-related activity can benefit recovery and management of some health conditions and it will be agreed by a specially-trained officer in Customer and Local Services. If these conditions are met, the worker will be able to do some work while also receiving short-term incapacity benefit. They will remain fully protected by the benefit and can return to complete absence from work if the return-to-work plan is not successful. There will be no penalty to

any person who decides that this type of return to work is not right for them. There is no question of a person being forced back to work when they are not well enough to return. This is the first stage of a major overhaul of benefits and a key part of my Ministerial agenda. Jersey faces significant challenges in skills, job vacancies and the difficulties that workers and their employers have in managing some long-term health conditions, in particular mental health and muscular skeletal problems. Our current system makes it harder for people to manage these common health conditions and others. Some of them are conditions that should not necessitate total absence from activity. This is causing some people to leave work permanently and I believe we have to offer more help. While there is evidence that amended or adjusted duties could help the person recover from their illness and could help them manage it across their working life, there is no sense in our benefit system enforcing total absence from the workplace. I am conscious that this speech is quite long, so I am going to shorten it a little, unless people have any questions, or would you like me to ...

The Bailiff:

It is entirely a matter if you are satisfied you have dealt with the principles. So there will obviously be the opportunity for anyone to ask you questions in connection with the specific regulations when you get to Second Reading.

Deputy E. Millar:

Yes, and I am conscious that Members will hear more about the new scheme in due course, so I will continue. The Scrutiny Panel have also asked that we work to expand the referral process to other healthcare professionals. I am happy for that to be something that we explore throughout the launch period of this new service. Scrutiny have also asked me to communicate the scheme very carefully so that workers, employers and healthcare professionals are all aware that they have a role to play in this new system. I absolutely agree with that and have asked officers to ensure that this recommendation is met. I would like to thank our Scrutiny Panel for their constructive engagement on this topic. I am sure you will appreciate that the detail of this new service is a lot to cover although it relates to a small change to our legislation. I am pleased to offer all Members a briefing with our specialist medical adviser and the policy officer leading the project and I believe that invitations for everything in the near future have already been issued. My officers and our adviser will be able to explain all the ways in which this new system will help Jersey workers and our economy. These regulations come into force 7 days after they are made. At that point, I will make the Order that enables the new scheme. I am aiming for the new service to be operational this year. I would like to propose these regulations. Thank you.

The Bailiff:

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

4.1.1 Deputy R.J. Ward:

Just briefly on behalf of the panel, I will not go on for ever because I know that every Member of this Assembly would have read the comments paper, the wonderful 5 pages of prose. I would like to publicly thank the officers who behind the scenes work on these comments papers to produce a coherent set of information, often with some very complex things going on in the background and a quite significant workload, so I would like to thank the members of the Greffe staff who do that. Just a few things on Regulation 2; I am not even going to try to detail it. I do recommend you read the parts of the comments paper because it does sum it up very well, the changes, but the panel did not have a significant problem with that at all. It was something that should have been done many years ago, we believe. In terms of Regulation 3, there were some key points. I think the intention of this, and this is why I speak in the principles of this area, was to improve recovery, mental health and give control over the circumstances by the individual who is off sick. That is a very important part of recovery and I think that if this system works well, that can be a very significant positive outcome.

It is very important that all parties have agreed and that people are not forced back to work, and we were very pleased to hear the Minister say exactly that on the public record. We would certainly keep a watch for that because that is not the intention of this and it is very important that the employee themselves has control over that return to work. There are also a couple of extra things. Support for businesses in navigating through the new rules is very important. The communication that comes with this change is going to be vital, particularly as people need to know what it means and to get the nuances of that not forcing people back to work. I think that is going to be a very important part of the work done by the department itself. Finally, the notion that a phased return to work may be agreed by others other than G.P.s (general practitioners) I think is something that is going to happen without changing healthcare systems and the increased role of things like physios, for example, and the return to work. The panel had no problem with that but we do need to keep again, the classic phrase of a Scrutiny Panel, a watching brief over what is going on in those circumstances to ensure that it works. Also, the phased approach through a range of conditions, I think that it is very important to make clear that not every condition is included at the beginning of this process. I think that phased approach is sensible so that it works and the information about how the system will work for employees and employers is very important as we move into the future. So, on behalf of the panel, I think I can pretty much say that we are unified in saying that we do approve this and we would recommend these regulations.

4.1.2 Deputy L.M.C. Doublet:

I just wanted to ask the Minister for clarification on a phrase that she used. She mentioned that those who are claiming incapacity benefits should stay at home and not work. I just wanted to clarify that because it is something that has been raised with constituents in the past whereby they have been signed off work and their workplace had told them that they must stay in their house, yet their G.P. is saying to them: "It is important that you get out for fresh air. It is important that you go and meet with people so that you are not becoming lonely." Indeed, I am aware of a pilot - I am not sure what happened with the pilot or whether it was continued - of social prescribing which I think happens a lot in the N.H.S. (National Health Service) more often where the kind of emotional and social aspects of well-being are being learnt about by G.P.s and taken into account when they are prescribing and recommending treatment. So I just wanted the Minister ... I am sure she will reassure us that if they are unwell and their G.P. has recommended that they get fresh air or spend time with loved ones and that is important for their recovery that they are permitted to do that while claiming that benefit.

4.1.3 Deputy S.Y. Mézec:

Whenever I see changes proposed to the benefits system I get very nervous and I do so because the rules are littered unfortunately with some very silly rules, from time to time, rules that I have come up against in my constituency case work where totally illogical and unnecessary hardship is often visited upon claimants because of rules that just do not work in practice or do not take into account people's individual circumstances.

[10:30]

So when I see something like this lodged I am very keen to give it a look and see whether it is going to make things better or worse for vulnerable people. I do that in the context of the changes which were made to long-term incapacity allowance in 2015 which I regarded as being cruel and caused hardship to many constituents who I had to support down at the Social Security Department and which I never want to see a repeat of. Having listened to what the Minister for Social Security has said and what is written in the report, I think what she is proposing makes a great deal of sense. She has provided a very helpful reassurance in her words on that where there may well be plenty of cases where there are people who are claiming short-term incapacity allowance where it would be good for them, and the community, to be assisted back into work without having to face any kind of sanctions or anything if they attempted to do that. We cannot construct a system to support them through that

while this prohibition of them working remains in the law, so the Minister for Social Security's drive to remove it from the law makes perfect sense and then that gives her the flexibility to come up with a scheme that will help those people. I think the reassurance that she has given in her words, the intentions behind that, to not resemble some of the schemes that have been tried in the U.K. that have been based on coercion and that have been based on sanction rather than looking at people's individual needs and finding out what is best for them and supporting them through that, that is fundamental. So I speak only to reiterate, request to her to just be absolutely clear as that work goes on so we can have confidence that it does everything that it sets out to do and we can be confident that there will not be situations where people who are ill inadvertently face hardship because of rules not being appropriately tailored to their circumstances. But what is proposed in these regulations today makes perfect sense and, as things stand, I am fairly confident that it is helping us move in a positive direction there, so I am happy to support them.

4.1.4 Deputy M.R. Ferey of St. Saviour:

Like the Minister, I urge Members to support these regulations. I would like to speak in particular to Regulation 3 which helps modernise our sickness benefits system. This is a system which most of us will use at some point in our lives but it has not evolved to keep pace with working life as it is in the modern age. I have a personal interest in this because, as well as the understanding that I have gained through working with disability groups and within the third sector, I hope that Members will forgive me for drawing on an anecdote from much earlier in my career. My first role at the Social Security Department was that of a visiting officer and I would regularly encounter people who would quite happily have done some work but were prevented from doing so by our benefit rules. Although this has been some time ago, it is a sad fact that Jersey's benefit system is very much rooted in an earlier age. I think we have a great opportunity here to help to change this. The awareness that doing some work would be helpful is counter to the image that perhaps some people might have about benefit claimants or even about people who are signed off from work. Most people like to be active. Even when they are not at their best, they prefer to reduce activity rather than to stop doing everything. This is definitely the case for certain types of illness that affect more and more people in their working life. I am talking about mental health and back pain. People may not be able to cope with a full working week but that does not mean that they need a week in bed. These ailments are all growing but our current system is not doing enough to help. It is good to rest when you need to but in lots of cases people miss the routine of work and worry about the jump from being totally signed off to being back into full-time work and assuming their full duties. They stop being physically active and under our current rules they cannot even take up voluntary or therapeutic work. We know that lots of conditions and a gradual return is going to benefit people. This is what the health advice says and that is what these changes will allow people to do. I say "allow" because it will be optional. We want to give people a service that they can choose to take up. We want to support them and understand what will work in their own particular bespoke case and to come to an agreement with their employer. We want to support employers too, to help them to understand how these changes can benefit them all in a time when employers finding suitable employees is becoming increasingly difficult. I think this is a really positive step and I am glad to see that our Scrutiny Panel feel the same way. I would urge all Members to support these proposals.

The Bailiff:

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

4.1.5 Deputy E. Millar:

I would like to start by thanking everyone who has spoken and in particular for their, I think, generally supportive comments on these regulations. If I could just touch on one or 2 points, please. Deputy Ward mentioned support for employers and that will very much be part of this scheme. I know from

having been a manager how it can cause employers some anxiety if you have an employee who has been off for weeks or months, particularly with things like mental health conditions, and they want to return to work on a phased basis, that that can cause concerns to how you get that person back into the workplace safely and in a way which promotes their recovery and does not make them more unwell than they have already been, so we will certainly be supporting employers through this process and helping them with getting their employees back into work. Deputy Doublet, thank you for that, that is a very strict interpretation of the rules. I think the rules do not say, or should not be interpreted as meaning, that a person must stay at home because, again, I know as a manager often people, if they do have mental health or muscular conditions, that their G.P. will be saying to them: “Get out in the fresh air, go for a run, go to the gym, because these are all things that will help your recovery” and our current rules should not stop people doing that but it does stop them, for example, volunteering in the charity shop or a charity café or doing any work. Yes, it should also help with concepts like social prescribing and it lets people have a much more normal life during their period of ill-health. Deputy Mézec, yes, I agree nobody hears a silly rule more than me. I am confident that this scheme will make things better for employees and employers and I assure him that we will monitor the scheme closely to make sure that there are no negative or unintended effects. So, I thank Members for their comments and I ask Members to support the proposition. I maintain the principles and call for the appel, please.

The Bailiff:

The appel is called for, I invite Members to return to their seats. The vote is on the principle for P.24, and I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted: 44 votes pour; no votes contre; no abstentions.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				

Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

I take it, Deputy Ward, from your previous intervention, your Scrutiny Panel does not wish to call the matter in?

Deputy R.J. Ward (Chair, Health and Social Security Scrutiny Panel):

No, Sir.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Minister? You have obviously already explained the regulations, it is up to you.

4.2 Deputy E. Millar:

Yes, I think I did say I would propose the regulations individually because they are different but if Members were happy to take them *en bloc* I would be happy to propose *en bloc*. I think given they are generally supportive, I will propose *en bloc*, please.

The Bailiff:

Very well, are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak on the regulations in Second Reading? If no Member wishes to speak, I close the debate. Those in favour of adopting the regulations in Second Reading, kindly show. Those against? The regulations are adopted in Second Reading. Do you propose in Third Reading?

Deputy E. Millar:

Yes, Sir.

The Bailiff:

Very well, are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting the regulations in Third Reading, kindly show. Those against? The regulations are adopted.

5. Draft Limited Partnerships (Continuance) (Jersey) Regulations 202- (P.25/2023)

The Bailiff:

The next item of public business is the Draft Limited Partnerships (Continuance) (Jersey) Regulations, P. 25, lodged by the Chief Minister. The main respondent is the chair of the Corporate Services Scrutiny Panel, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Limited Partnerships (Continuance) (Jersey) Regulations 202-. The States make these regulations under the Order in Council dated 28th March 1771 and the Order in Council dated 14th April 1884.

Deputy K.L. Moore:

Deputy Millar will be the rapporteur for this item.

5.1 Deputy E. Millar (Assistant Minister for Treasury and Resources - rapporteur):

I propose the Draft Limited Partnerships (Continuance) (Jersey) Regulations, otherwise “the regulations” during this speech. I am going to go off-speech for a moment just to say that these regulations, to a significant degree, reflect a law that has been in place since the early-2000s and allow companies to continue. Those continuance regulations have been well-used in the corporate sphere and I would just like to make the comment that I have always hated the word “continuance” and it would be much easier if we used “redomiciliation” because that is what we are talking about, but anyway that is just a personal bugbear. These regulations are a part of a piece of Financial Services Regulation which are intended to renew the existing Limited Partnerships (Continuance) (Jersey) Regulations passed previously by the States as triennial regulations in 2020 and which are due to expire on 17th July 2023. The regulations fulfil 2 key policy objectives. They will allow foreign unincorporated limited partnerships wishing to exit their existing jurisdiction of registration and migrate to Jersey, so basically redomicile from their current seat into Jersey and, secondly, to ensure our legislative framework continues to offer an attractive and competitive legal framework within which our international funds business can operate. The regulations play an important role in ensuring Jersey remains competitive with other financial services centres which specialise in funds business. The Jersey limited partnership is the preferred legal structure for fund managers and promoters to use for international funds managed from Jersey. Our funds sector is a core pillar of our financial services industry and a key area of growth with over £488 billion of global assets under management. Jersey is recognised internationally as a jurisdiction of choice for alternative fund business, primarily private equity. The regulations permit Jersey to capture opportunities where funds wish to exit from another jurisdiction and to relocate their operations and redomicile the fund to Jersey. This may be because of, for example, the European listing process or for some other

reputational, political or business reasons. The regulations create a statutory process by which a foreign limited partnership can continue and be registered as a Jersey limited partnership and be afforded the protections and benefits provided by our Limited Partnership Law. This statutory process reflects equivalent continuance provisions in competitor jurisdictions' laws. The regulations supplement our existing Limited Partnership Law and the Control of Borrowing Order. They were originally passed as triennial regulations due to the urgency and technical restrictions in amending the Limited Partnership Law in 2020. Since that date, the Limited Partnership Law has been updated with the amended law coming into force in July last year. However, within the timescale and resourcing constraints as a consequence of our MONEYSVAL assessment this year, it has not been possible, regrettably, to bring them into permanent law. The decision to renew the current regulations is also partly due to industries' own desire to extend the original regulations to include continuance out as well as continuance in provisions which would require further resource in time.

[10:45]

What I mean there is just simple reciprocity which allows a Jersey limited partnership to redomicile to another jurisdiction should it so wish. The original regulations passed by the States Assembly in 2020 were substantively in the same form as the regulations before you. They have been updated to account for changes to the Limited Partnership Law since they were passed and to modernise the drafting in line with current drafting standards. The financial services industry supports the renewal of the regulations and the revisions made to the original regulations. The draft regulations were shared with and worked on together with industry and approved in their final form. Furthermore, Government, before deciding to renew the original regulations, has sought the feedback of industry, the registry and the Financial Services Commission's supervisory team on their experience and use of the original continuance regulations. Industry has confirmed that they have enhanced Jersey's fund offer and that there has been business arising from their introduction. The registry and J.F.S.C.'s (Jersey Financial Services Commission) supervision team confirmed that their experience of the original regulations had not raised any concerns and they did not object to the renewal. It is a ministerial priority for the regulations to be incorporated into permanent law once the current constraints no longer apply and officers will be working on doing that from next year. If I could summarise briefly how the regulations supplement and add to the Limited Partnership (Jersey) Law as amended and associated law. They introduce a concept of an eligible foreign limited partnership. This is a foreign limited partnership which qualifies for continuance under the regulations. This requires it to be solvent, not in a state of being wound up, in administration or deregistered in its home jurisdiction and to be legally entitled to migrate out to another jurisdiction under its own laws. The regulations introduce an application process for eligible foreign limited partnerships to continue as a limited partnership under Jersey law. There are certain documents and statements which need to be filed before an application for continuance can be approved by the registry and a certificate of a continuance issued. This includes an application for the limited partnership to be registered as a limited partnership under our law and for an application for a consent to be made under the Control of Borrowing Order. This is to ensure that proper disclosure has been made of its beneficial ownership and to enable it to qualify if required as a Jersey private fund. The regulations set out the way the J.F.S.C. will determine any application for continuance and the basis on which appeals can be made by an applicant if an application is rejected. The Financial Services Commission is expressly given a mandate to reject an application on the grounds of it being contrary to public interest. The regulations also require that before any application for continuance can be made that an application for consent under the Control of Borrowing Order is granted and a consent issued. The registration of the eligible foreign limited partnership as a limited partnership in Jersey and the issuance of a certificate of continuance is made simultaneously. A certificate of continuance confirms that the eligible foreign limited partnership is from the date of the certificate continued as a limited partnership within Jersey and that it has complied with requirements of the regulation. This will give it proper standing in other jurisdictions as a Jersey limited partnership. The regulations also set out

the statutory effect of continuance. This provides certainty that it remains the same limited partnership that previously existed under the foreign jurisdiction's laws. This is important for tax reasons and also gives certainty as to the ownership of its assets, the validity of the contract as entered into, and its liability to third parties for its acts and omissions before its migration out. The regulations give the J.F.S.C. power to charge fees and publish forms and other documents for the continuance application and it introduces an offence for any person who provides or helps provide false or misleading information to the Financial Services Commission in relation to the application. The maximum penalty mirrors the equivalent provision under the Limited Partnership Law. It provides that the regulations will expire on 17th July 2026, the third anniversary of their commencement. The regulations will allow Jersey to maintain its competitiveness for funds business and keep it aligned to our competitor jurisdictions' laws. I propose the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Does the Scrutiny Panel wish to call this matter in?

Deputy S.Y. Mézec (Chair, Corporate Services Scrutiny Panel):

No, Sir.

The Bailiff:

Before we move on to Second Reading, Deputy Miles, I think you are ...

Deputy H. Miles:

Guilty as charged.

The Bailiff:

Yes, guilty as charged. Thank you very much indeed. The Greffier welcomes the contribution to the fighting fund. How do you wish to deal with the matter in Second Reading, Minister?

5.2 Deputy E. Millar:

May I propose the regulations *en bloc*?

The Bailiff:

I am sure you can, yes. Are they seconded? **[Seconded]** Does any Member wish to speak on the regulations in Second Reading? Those in favour of adopting in Second Reading, kindly show. Those against? The regulations are adopted in Second Reading. Do you propose in Third Reading, Minister?

Deputy E. Millar:

Yes, I propose the regulations in Third Reading.

The Bailiff:

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, those in favour of adopting in Third Reading, kindly show. The appel is called for, I invite Members to return to their seats. The vote is on the adoption in Third Reading of P.25, the Draft Limited Partnerships (Continuance) (Jersey) Regulations, and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The regulations have been adopted in Third Reading: 43 votes pour; no votes contre; no abstentions.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				

Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

6. Jersey Overseas Aid Commission: Re-Appointment of Commissioner (P.26/2023)

The Bailiff:

The next item of public business is the Jersey Overseas Aid Commission: Re-appointment of Commissioner, P.26, lodged by the Minister for International Development. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel. 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 appoint Mr. Douglas Melville as a non-States commissioner for a further period of 3 years, in accordance with clause 7.4 of the Constitution of the Jersey Overseas Aid Commission as set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005.

6.1 Deputy C.F. Labey of Grouville and St. Martin (The Minister for International Development):

It gives me great pleasure to propose Mr. Douglas Melville as Commissioner of Jersey Overseas Aid. For those of you who do not know Mr. Melville, his day job is the Financial Services Ombudsman for the Channel Islands where he brings an extremely valuable skillset to Jersey Overseas Aid combined with a great deal of development aid experience, so I believe we are extremely lucky to have him on board. Mr. Melville has served as a non-States commissioner since 2015 and since 2018 has served as vice-chair of the commission. He will be joined by 2 other non-States commissioners, all of whom give their time in an honorary capacity. I make the proposition.

The Bailiff:

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

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

I hope this is relevant, I am sure you will tell me if it is not. I just wanted to use this opportunity to congratulate the Jersey Overseas Aid personnel for the tremendous work they are doing with the current crises that are facing the world, not only the situation in Sudan, but the ongoing crisis in Ukraine resulting from the invasion by Russia more than a year ago. I want to pay particular tribute to the Overseas Aid Commission for making sure that substantial funding is going to Ukraine and now in particular following the twinning of St. Helier and Mykolaiv. The funding is going into that part of the country and doing tremendous good, so it gives me great pleasure to support the proposition. Thank you.

The Bailiff:

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

6.1.2 Deputy C.F. Labey:

I thank the Constable for his very kind remarks. They are extremely relevant and I am always grateful for my excellent team that supports the endeavours of Jersey Overseas Aid. With regard to the funding for Ukraine, I think it was not only our own funding but indeed yours, Sir, through the appeal to the people of Jersey who gave very generously. Thank you.

The Bailiff:

Those in favour of adopting the proposition, kindly show. The appel is called for, I invite Members to return to their seats. The vote is on P.26, the re-appointment of the commissioner for the Overseas Aid Commission. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted: 36 votes pour; no votes contre; and no abstentions.

POUR: 36		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy B.B.de S.V.M. Porée				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				

Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

7. Draft F.B. Playing Fields (Jersey) Law 202- (P.27/2023)

The Bailiff:

We now come to the Draft F.B. Playing Fields (Jersey) Law, P.27, lodged by the Minister for Infrastructure. The main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

Draft F.B. Playing Fields (Jersey) Law 202-. A law to permit the construction and use of buildings and other infrastructure on the F.B. Playing Fields for the purposes of sport and recreation and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

Deputy T. Binet of St. Saviour (The Minister for Infrastructure):

With your permission, I would like to pass this over to Deputy Stephenson who is the Assistant Minister for Infrastructure.

Deputy B. Ward of St. Clement:

I just wanted to register a declaration of interest because my property joins F.B. Fields, so if I do speak I just wanted to raise that.

The Bailiff:

Thank you very much indeed.

7.1 Deputy L. Stephenson of St. Mary, St. Ouen and St. Peter (Assistant Minister for Infrastructure - rapporteur):

I am grateful to the Minister for Infrastructure for the opportunity to present this to the Assembly today. I want to start by recognising the important role that F.B. Fields has played for Jersey's sporting community over many decades and continues to do so. From school sports days to elite level competition, its track and fields have seen it all. Only a couple of weeks ago I was reminded of just how wonderful a facility it is when Jersey played host to the I.C.C. (International Cricket Council) World Cup European Division 2 Women's Cricket tournament. The visiting teams were hugely complimentary of the facilities and I heard a particularly lovely story about the Turkish team who I was told do not often get to play on grass, let alone a surface as well looked after as the one at

F.B. That was a really timely reminder to all of us in Jersey about the facilities that we do have. So today, as well as cricket, F.B. Fields is used for athletics, school sports days, winter football, it has got cricket nets, a table tennis centre, multiple pavilions and changing rooms, 2 small parking areas, a very dated grounds maintenance shed, a recycling area and some rented office space. It is home to clubs like Jersey Spartans, the Jersey Table Tennis Association and also to our own Jersey Sport. This is a well-used and well-loved facility at the heart of our community but we know that it could be even better, particularly when you consider the densely-populated areas of housing on its edges. It has huge potential and it can play a vital part in the extension of the eastern cycle network. We also recognise that parts of F.B. are ageing. We need to act now to plan for its future and to enable the long-term effective use of this treasured part of the sports facilities portfolio. There are also some challenges that we need to address, including lease issues owing to the restrictive covenants currently in place, ageing changing rooms, facilities for our grounds keepers which need improvement and cricket ball strikes into nearby properties, to name just a few.

[11:00]

In order to continue to develop sport use on the site and improve the use of F.B. Fields for the community to access and utilise for recreational purposes, the current covenants on the site need changing which is why I am presenting this proposition to Members today. Earlier this week I emailed Members 2 images to provide some context for today's debate. The first shows F.B. Fields from above and clearly shows how the facility sits at the heart of this part of St. Clement and the housing I mentioned earlier around it. F.B. Fields is an important green lung in the east and in an area which has seen much development in recent years. The second image is a map which hopefully makes it clear the areas that we are talking about today. For clarity, this proposition relates to the blue and green areas on that map and that is, for anyone who has not got the map in front of them or listening to this debate, the athletics track and its surrounding areas, and then the playing fields. It does not relate to the old netball courts behind the pavilion which are subject to a separate covenant. A vote in favour of this proposition today will not impact on that covenant that applies to that highly-protected square of land which is known as the "Normandy Gift" nor are there any plans to seek to change it in future. That is really an important point and I know one that Members are really keen was put on record, not just an assurance, alongside those maps. So by way of a very quick history lesson, the grounds at F.B. Fields are named after benefactor Florence Boot who was the Jersey-born wife of Jesse Boot, the first Baron Trent. The 2 areas we are talking about today known collectively as F.B. Fields were gifted as sporting land to the public in 1951 and 1953. In 1983 the Education Committee received a report which concluded: "If the athletics potential of Jersey's youngsters is to be reached, the number one priority is a decent track and facilities with it." As a result, a 6-lane, all-weather 400 metre track was built in 1987 and a clubhouse was added in 1999. While it was resurfaced in 2015, the athletics track is now 36 years old. Before this, all-weather netball courts had been constructed and the Normandy Pavilion was built to accommodate players' needs. The Geoff Reed Table Tennis Centre was opened in 1999 following a donation from Mr. Reed and a grant from the Sport and Leisure Committee. Both of the green and blue areas on the map, the track and the fields, are subject to an identically-worded restriction set out in the relevant deeds of gift which state that the areas concerned must be kept and maintained as a sports ground or playing fields to be known as F.B. Fields for the benefit of the public of the Island. Those covenants limit both the current use of the site and any future potential proposals for its redevelopment as a centre for the provision of sport and community recreation. As it stands, 2 of the buildings which I have mentioned just now on the site contravene those existing covenants which would need to be amended to allow them to remain. This situation has persisted for a considerable period of time without challenge from the direct beneficiaries of the covenants or the public and it is not anticipated that any challenge is likely. Nevertheless, the situation should be regularised to ensure alignment between the covenants and the situation on the ground. The covenants also prevent any future development of the site. At this point I want to make it really very clear that when I say "development", I mean development which

absolutely respects the intention of the original covenant to provide sporting land to the public of Jersey. I will draw Members' attention to Article 4 of the proposed new law which provides for the continued preservation of the historical condition that F.B. Fields is a *terrain de sports*, a playing fields. Of course, normal planning processes and, prior to that, extensive public engagement and consultation on future use would still be required. For these reasons, we do not know exactly what a future F.B. Fields will look like or at this stage when improvements could be made. What we do know is there is huge potential. Possibilities include completing the eastern cycle network, creating an inspiring active place supporting a populated catchment area, including a densely-populated area of social housing right next door where many homes do not have their own outside space. It has the potential to offer space for young people and families to spend time and play, better facilities for athletics to grow and develop and for our athletes to compete. We can resolve issues on the existing site regarding the buildings there already, sort out the lease issue with the current athletics clubhouse. We can work to negate the cricket ball strike issues and provide fit-for-purpose facilities for our grounds staff to work in. Approving this proposition today unlocks the potential to seriously start considering these opportunities and it does so in a way which respects the gift made by the Boot family all those years ago. As a final point, and one which I think is incredibly important, contact has been made with representatives of the Boot family with the closest connection to the Island, and officers have discussed this all with them. We have their support for this move in writing and I just want to thank them for that but also more widely for all that their family have done for our Island over many years. In closing, here is a quote from their correspondence: "I am grateful to have been extended the courtesy of your approach and I confirm that, provided the use of any new buildings relates to the original use for which my great-grandmother gave the land, then we fully support any changes to the law to vary the original grant. With best wishes." Thank you.

The Bailiff:

You presumably move the principles?

Deputy L. Stephenson:

I do, sorry.

The Bailiff:

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

7.1.1 Deputy R.J. Ward:

I have been looking at this and I just have some questions, really. Obviously, it makes sense to do it, there are just some things that ring a few alarm bells in my mind which are the facility to build buildings, and I think the phrase was "we can seriously start considering" which is a long way away from what we might be voting for as to what the practicality is of what this might be. Whenever we start to talk about buildings in playing fields, there are questions that arise to me: what would the nature of those buildings be? Who will have control over these buildings? There is an ethos, I believe, in Governments, free-market Governments, of privatisation, of bringing in the private sector and allowing them to build on land for a minimal price for the land or access to the land or lease for the land. Then we lose control of that land inadvertently or by the back door or over a time because the nature of the beast that is there, if I put it that way, of the building itself, it changes in terms of its use, its ownership and who has control over that use and the nature of that use. That concerns me greatly when we have such a small Island with such a small number of spaces and facilities for people, particularly on the east of the Island - I used to work over there and travel over there every day - and they are essential for the schools in the area, for the increasing number of buildings in the area as well. We have that, I think it is a wrong phrase to say "urban sprawl", but we do have that urbanisation of those areas, so we have to be extremely careful. We do have to be careful regards the eastern cycle path because one of the reasons the eastern cycle path does not exist is because it

was not planned out from the beginning when buildings went up and those spaces just simply do not exist anymore. Now I believe that it is a pipe dream to have the eastern cycle pathway in the way that there are things out west from St. Brelade outwards. You are going to have to look for some alternatives in terms of road use and so on which does not seem to be something that is being done at all. So, therefore, I do have concerns and they are genuine questions about the future because we can agree this but there is a long way to go in terms of what this will end up with F.B. Fields being used for. So those are the main concerns I have that I would like to raise and some reassurance this is not simply going to be used to encourage private tender. Also, I will say that I think there are some issues that we do need to come back to in this Assembly and beyond with arm's-length organisations and sport on this Island and what the drivers are behind what they are doing because we have a very fragmented sports provision on this Island. We have lots and lots of different organisations, all really working hard to do their best, and they mean well for all sports. I am not going to start because as soon as you name a sport you leave one out and you get in trouble but there are lots of them. I am very aware that what we may end up with is a facility that is yet another arm's-length organisation with different drivers and profit motives and having to sell their services as we have seen with Jersey Sport in schools, for example, selling services from one government-owned organisation to another. It changes the nature of access to those facilities in the long term and I would like some reassurance that that is not going to happen as we come to the principles of this debate.

7.1.2 Deputy S.G. Luce:

I thank the Assistant Minister for bringing this to the Assembly. One of the overhead photos that she referred to shows the F.B. Fields for what it is: it is a fantastic green lung, a wonderful open space to be enjoyed by everyone but most especially those who live in the area. I was one who lived very, very close to the F.B. Fields when I grew up, and in the 1960s I enjoyed using the facilities both as a schoolboy and out of school at weekends. It was certainly somewhere that we all aspired to go to, a wonderful open space. I can see why the Assistant Minister wants to change restrictions, I am sure we all can, but in other ways I am a little bit surprised why she would want to bring this dilution of the restrictions on what can be done at the F.B. My Scrutiny Panel are not going to oppose this proposition or have it referred back but I would just ask Members to look at Article 5(1)(a) which will allow, if we pass this today, the construction of a track for the shared use of cyclists and pedestrians. Back in the 1960s, if I ever rode my bike on the F.B. Fields, I took my life in my hands. I look over at the Constable of St. John, his wonderful uncle, Basil de Guille, who guarded those facilities with his life and did a fantastic job but, boy oh boy, you did not dare ride a bike on the hallowed grass of the F.B. Fields. I make a joke but if we are to put a cycle track and a pedestrian facility through the F.B. Fields, there is no question that we will lose sporting facilities, we will lose the ability to play as much football as we do there, we lose the ability to play as much cricket as we do there. I say this because running a little cycle track down the side of the touch line is not going to be possible. You cannot possibly have a winger and a full back coming in for a tackle alongside somebody cycling at 20 to 30 miles per hour. There is a lot of regulation that would have to separate the 2. I draw that to Members' attentions. I close by saying this: I can see, as I said before, where the Assistant Minister is coming from. She is talking about unlocking the potential for the future. However, in many ways, this also unlocks the safeguards that maintain this facility, which is entirely for open air sport and those grass pitches, which I worry will have to reduce in size if we end up with a cycle and pedestrian track through these wonderful playing fields.

7.1.3 Deputy B. Ward:

May I thank the Assistant Minister for the assurances that the proposition does not seek to amend in any way the covenant which relates to the Normandy gift. I am sure that will give the residents around there a lot of comfort. May I also ask the Assistant Minister to confirm following this proposition that all residents in the area will be fully consulted and provided any proposed plans or any changes of use and constructions on the F.B. Playing Fields?

7.1.4 Deputy M.R. Scott:

Following on the subject of consultation, the Economics and International Affairs Panel has not formally scrutinised this because this is within the remit of the Environment, Housing and Infrastructure Panel. However, we do have a role in scrutinising sport and the proposition refers to the Inspiring sports strategy for which there is no former Scrutiny report. Having looked at this, I can see that there are tensions between various sports that could be played there, in particular cricket and there is mention of this track.

[11:15]

Rather like Deputy Barbara Ward, from a Scrutiny perspective, it would be useful to have some assurance from the Assistant Minister that in terms of the proposals for development of this area that there will be some prior consultation with both Scrutiny Panels.

7.1.5 Connétable D. Johnson of St. Mary:

Perhaps I could begin by making the somewhat obvious comment that I congratulate the Assistant Minister in contacting the family for their consent. I say that in the knowledge that some years ago a similar proposition came to the Assembly and no such consent had been obtained. The matter was sent back, so I am pleased that courtesy was observed and common sense used. My second point, and the Assistant Minister has already covered this, there is nothing in the proposition which says that any development will be subject to planning, but she has confirmed that it will be subject to the usual planning consents, of course. That touches on points made by Deputy Ward, I think. I was on the Economic Scrutiny Panel at the time when sport was removed from the ambit of what was the Minister for Education and Sport. At that time we did express concerns as to the interaction between sport and schools, in particular, and that, for instance, to take an obvious example, a sports facility would not be hired out to commercial organisations at the weekend when there was a rival claimed by the school to which it belonged. Deputy Ward's comments and concerns are very valid. I simply wish to flag that or endorse the flagging which the Deputy has already made that that does need to be taken into account. It may well be that some scrutiny function, whether in the Scrutiny Panel for Economic Affairs or Environment might need to have further regard to that in the future. Those, are my only comments.

7.1.6 Deputy L.V. Feltham of St. Helier Central:

I feel like the Assistant Minister is asking the Assembly to place a lot of trust in the Government and how this change in legislation will be used. I have a lot of sympathy for what Deputy Barbara Ward said with regard to consultation. I would like to encourage the Assistant Minister to learn from the past where things have not been done so well. Speaking as a representative for St. Helier Central, I can use Springfield as an example of that and recent changes of the use of Springfield. I would encourage the Assistant Minister to learn from where consultation has not worked or has not been done previously, and absolutely I agree with Deputy Barbara Ward. I would like to get some idea from the Assistant Minister in her summing up what the overall vision is for F.B. Fields right now. In this proposition I do not feel that it is clear. Whose vision is it? What is the Assistant Minister's vision for this space? I know that Inspiring Active Places is mentioned within what we have before us, but I also know that some people within the sports sector are not that supportive of the vision within that Inspiring Active Places documentation. I was pleased to hear the Assistant Minister make mention of the great work that the ground staff do. I would also encourage that if there are going to be any changes in operating models that people like the ground staff are not forgotten in that change. **[Approbation]** I would also like further clarification from the Assistant Minister about what future potential uses may well be in the pipeline for the space and who will be able to use the space. For example, if it is the intention that schools will be utilising F.B. Fields, will they indeed get access to those facilities when they need them? Will they be charged for those facilities? There are still lots of questions that need to be answered before the Government brings back any changes that they

intend to make to F.B. Fields. I do not see that as a reason to vote against this, on the basis that the Assembly is showing their trust in the Assistant Minister, but also that the Assistant Minister will act in good faith and will respond to our questions and also bring back plans in a consultative manner and ensure that residents, sporting organisations and other people that may well use it, such as schools, are well consulted.

7.1.7 Deputy M. Tadier:

First of all, it is good to hear the slight history lesson about where F.B. Fields comes from. I think most people know it, but we often need to remind ourselves that a lot of the open green space that we have in the Island is not here because of any benevolence of previous States Assemblies to want to purchase land for the public, it is because it was given by wealthy philanthropists, who had some skin in the game in Jersey to give over vast swathes of land. It will be interesting to see if the continued high-net-worth programme, as the Government likes to call these people, might be making similar donations in the future. We only need to think of Howard Davis Park, which was given to the Island, which is still a beautifully maintained area with the hall attached to it, for people to use. We saw how that area was used just before Christmas or around Christmas with the beautiful lighting that attracted lots of people down there who might not normally go there. So it is also with F.B. Fields, which is a more pragmatic use for sports, but we must not forget the cottages that exist around there, which is part of the legacy of Jesse Boot and Florence Rowe, as she was born; the Jersey girl who was born in town and married Jesse Boot. This is not especially controversial. There have been some right comments to highlight here about what is going to be coming forward and the structures that exist. Deputy Rob Ward is quite right to put those comments on board saying that. I certainly also would not want to see any kind of stealthy privatisation or incorporation of that area. One can imagine a scenario whereby a particular Government might be tempted to effectively do what they have done with the Ports of Jersey and give over certain areas to Jersey Sport, let us say, for example. Then you find out that Jersey Sport ends up, effectively, owning these areas without necessarily the same democratic oversight that we might have had before. I do not think that is the intention. Perhaps the Assistant Minister for Economic Development, Tourism, Sport and Culture can clarify that. I know she is committed to sport and I know that she has been very active in her first year in office. It is worth congratulating her and hopefully she can put some of those comments on record now, about what she sees as a wider vision for this area, but also maybe more generally for sport in the Island. I am going to pre-empt some of the Articles. One of the central themes that is being proposed here is that we are being asked to legally validate a previously unauthorised construction of a club house on F.B. Fields. That might need to be addressed again in summing up in this part before she goes on to the Articles. I am sure it is a technicality, but you can imagine people listening to this debate thinking: "Oh, so it is all right for the States to give authorisation where there has been an unauthorised construction on their land, but if we had done it on our land and had not sought the correct provisions and it was not done within the realms of the law, we might be asked to take that down. We might be fined. There might be all sorts of processes." I would like the Assistant Minister to address that and say exactly why it is okay for us to be doing that here, not simply because it has got the nod from the family. I do not know if this is an appropriate time to say it, we hear often lots of the bigger sports get lobby groups, quite rightly. Football and rugby often come up. There is tension between which of those is the poor relation. We do have advocates for hockey and for cricket. We do not seem to need advocates for golf in the Island, because we know that a lot of the Island is already given over to vast areas for playing golf. I do not necessarily have a problem with that. What I do have an issue with is that there seems to have been a lack of outdoor basketball facilities in the Island. I raised this previously with the previous Assistant Minister for Economic Development, Tourism, Sport and Culture. I would ask the Assistant Minister: is there going to be any provision for outdoor basketball on that site or anywhere else in the Island? Basketball should also be seen as a street sport. We have had lots of discussions in the last few years about skate parks, quite rightly. Skateboarders, and there have been some famous skateboarders in the Island, refine their skills and hone their skills by skating,

which needs to be outdoors. You do not have to be a member of a club to be a skateboarder, but there is this feeling that if all of the sports that you effectively need to do in Jersey requires you to be a member of a club and therefore you need to physically access those spaces. I am thinking about things like tennis, for example, whereby in the past in Les Quennevais I know you could have just rocked up and started playing tennis outdoors, because those courts were public. They are no longer public in that same way. For youngsters who want to play basketball on their own terms, go out and shoot a few hoops, as the Americans would say, there are not many places in Jersey where you can do that. Where there are outdoor basketball courts, they are often combined with other uses. You have a basketball court with 5-aside goals inside, for example. I am thinking of the Millennium Town Park. If you started doing that for other sports like pétanque there would be an outcry. I raise that issue here. It is not directly relevant, but it is relevant insofar as we are talking about the future use of F.B. Fields, and this is something which has not been put in there up until now. It is a multi-use site and it is something which the Assistant Minister could consider.

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

I have to say that on behalf of St. Clement Parish, we are pretty comfortable with this. I was very lucky, when I was first elected, to be asked to a meeting with the ex-Minister for Sport, the now deceased Deputy Hugh Raymond, who extended a welcoming arm a week after I was elected. We went down to F.B. Fields and he told me what his plans were. Of course, I was as green as grass, excuse the pun, and I was delighted to be asked. It seems to me that this is a tidying-up exercise. I am quite comfortable with the way that the current Minister for Sport is handling things. If she is not, we know now that there are many eyes upon her. As far as we are concerned, as a Parish, we want the green lung, which is in St. Clement, kept. We have very little space for our people. Notably the Andium Homes in La Marais estate area have not got much to play with. I would only say that if any buildings are going to be changed they must obviously be retained for the sporting facilities for which they support, but they are hugely old-fashioned. If that is not going to be the case, well then St. Clement will react accordingly, as we did with greenfields of the bridging Island Plan. We saw them off quite well, with the support of our parishioners. As we did with 5-aside football, with the help of the Planning Department and Committee, we saw them off from the Normandy gift in fairly short order, although about 40 of them decided to appear and lobby us at the committee meeting. We are on board. We want it kept virtually exactly as it is for sporting facilities for the Island. I am comfortable with the way the Sports Committee and the Minister for Sport is handling things. If not, we are ready to react. Thank you very much.

7.1.9 Deputy A. Curtis:

I am very happy to be following the Connétable of St. Clement, who echoed a lot of the hopeful optimism that we can have surrounding the continued use for sports and recreation by parishioners of St. Clement, east of the Island, and the whole of the Island. I have taken a bit of time in my mind recently, wrestling with the concept of covenants and gifts to the Island and our future use of land. One of the things that challenged me is as an Island we have not been very good at utilising our land well, respecting the reasons we were given our land, the Le Seilleur workshops and the Le Seilleur gift. I think, of course, about Deputy Tadier mentioning Howard Davis Park, and I think of Howard Davis Farm. I have been spending time reading about the abrogation of covenants on Howard Davis Farm, which was an opportunity squandered by previous Governments without replacement of facilities, such as agricultural research facilities.

[11:30]

I do not enter a scenario in which we loosen our ties to the public of the Island and its use of land easily with the history. In the region of sport, previous Governments proposed an Inspiring Active Places unfunded prospective that I felt was entirely out of keeping, out of scale with the proportions of what Jersey can afford and should be building. That said, I will be optimistic, I do really want to

echo what Deputy Rob Ward said about privatisation. It is part of my belief and part of what I have discussed, especially on strategic sites, the principle that the land owned by the public of the Island is the land of the public of the Island for public of the Island. Sites including, Mont de la Ville, which of course Fort Regent sits on top of, is land of the public of the Island. I worry that sometimes we forget about how we best use this land. I will speak in the Articles about what it means to construct and who should be constructing and who should be owning facilities on the land. The devil will lie in the detail. For now, I will support the principles of this, but I look forward to good robust conversation in the Articles, noting I would have hoped that we could have had a schedule of what would be suitable and not suitable. To assure Members, I look again at the abrogation of covenant on Howard Davis Farm and there was a schedule of what is allowed on the site. What is allowed is sad and open and loose about light industrial and warehousing. It allows anything, except almost agricultural research in that facility. A schedule would have perhaps brought a lot of confidence to people about the future of this site and maybe something that the Assistant Minister can look into.

7.1.10 Deputy J. Renouf of St. Brelade:

I had not planned to speak, but it does perhaps give me an irresistible chance to reminisce about my time as an athletics athlete in my youth when I was coached by Colin Campbell, who had just come back from the Olympics at that point. I was Island champion for 200, 400, 800 and triple jump one year. [**Approbation**] Strangely there is no plaque down there. I did want to pick up on a couple of points, which maybe have slight relevance. I am a very strong believer in protecting covenants. I think long and hard about changing or losing covenants. Partly that is a principle thing, but it is also a practical thing. If we wish people to give covenants then we need to show very great respect for the principles that are contained within the gift and keep living those principles and accepting what those principles are and what was asked for. Otherwise, we might lose some of those gifts, which are so important to the cultural and physical fabric of the Island. In this case, what is interesting is that the gift was given for sport and for that kind of activity. Sport has changed a lot since the 1950s and even since the 1970s. If we think back to those times when you would have done sport, you would have probably got changed out in the open. The idea of sport was essentially you kicked a ball around or you ran or whatever. It was not supported by the kind of infrastructure that you expect to see around sport. Indeed, many sports have a greater infrastructure demand now and the sports we choose to play have greater infrastructure demands than in the past. From my point of view, I am comfortable that these changes stay within the spirit of the original gift. I note that the Assistant Minister has made clear that the Boot family are also content. Two other quick points I would like to pick on, about the construction of buildings that are apparently in breach of the covenant. I would say we had talked about them being unauthorised. I would have to check with officers, but I would be very surprised if they are unauthorised in the legal sense, in the sense that they will have had planning permits applied to them. The sense in which they are unauthorised is that they are in breach of the covenant, not that they are illegal in the planning sense. I will check that with officers and if there is any update on that I will provide it. I wanted to clarify that. Also, therefore, to clarify that, of course, as the Assistant Minister has made clear, this is an enabling law. We talk about “may” bring forward constructions. They will still have to be the subject of planning applications and be subject, therefore, to the normal consultation processes, to ensure that whatever is proposed is fitting in with wider policy objectives and planning policies and so on. Thank you very much.

7.1.11 Deputy T. Binet:

I am sure Members will give this their full support, but I wanted to take the opportunity to thank Deputy Stephenson for presenting the proposition so coherently.

The Bailiff:

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

7.1.12 Deputy L. Stephenson:

I am very grateful to all Members who have contributed to this debate today. I am going to do my very best to address the points made in turn. I would also say that where the public is the beneficiary of a covenant like this, often the most practical and reasonable way to vary or expunge it is by law. That approach has the benefit of a number of safeguards, including, as we are seeing today, the political scrutiny that this Assembly provides. All the points very well made by Members today are important and I take them on board and know that officers will be doing so as well. I really do appreciate that. Deputy Rob Ward started by questioning the nature of some of the buildings that may end up on the site, as others did also mention privatisation and wanting some assurances from me. That is absolutely not my intention here whatsoever. As I made very clear in my speech, this is a very well-used, well-loved part of the sports facilities' portfolio. This is absolutely about how we enhance that for the use of our community, respecting the covenants that are in place there. As I say, this is not about privatisation or over-development ... as other Members, like Deputy Luce, said later on about over-development. I absolutely recognise the huge importance of outdoor space for sport. In an Island of our size we are often looking for where we can add new facilities like this. So the last thing I want to do or those working in this area want to do is to reduce that. This will still be a protected area. The Eastern Cycle Path was mentioned as well. There are clearly challenges around the Eastern Cycle Path, as the Deputy pointed out quite clearly. This can be an important jigsaw piece in that puzzle. Others then mentioned about not wanting to detract from sport at the same time, but it really would not be common sense to go ahead with something like this and not recognise that it can help with some of those challenges that we face. That is why that is included. Quite where it would go or how it would work is very much open for consultation and plans and discussions, but it could simply go down the side of the land in question there. As I say, that is all very much open. That is not what this debate is deciding today. I would also remind Deputy Rob Ward, and I thank him for the opportunity to do so, that we have a sports review ongoing about the sports delivery landscape, which exactly talks to some of the points that I think the Deputy raised around arm's length organisations and the provision of sport. I agree with many of those questions that are out there, which is exactly why that report is currently ongoing and is out for public consultation at the moment. People are able to respond to that and we hope to publish something this summer. Deputy Luce, on very similar themes there, talked about the dilution of the restrictions and wanted some examples of the kind of buildings that we could look at here. Now this is a small thing, there is currently a shed for groundsmen on the site, which is not in a fit state for our workers to store their stuff, let alone sit and have a cup of tea during their breaks as well. This law would enable us to look at being able to rebuild something like that, if necessary. Currently we cannot do that within the terms of this covenant. There are also some changing rooms along the side of the football pitches and cricket pitches which are not considered to be fit for purpose in the modern day. Currently we cannot do much about that. Deputy Luce mentioned cricket and football specifically. The future of cricket at F.B. Fields is a conversation that we need to have more widely. I know cricket in Jersey are aware of it. As I mentioned in the speech, there are issues around cricket ball strikes down at F.B. Fields. That is simply cricket balls being hit into people's gardens and beyond. It is happening on a very regular basis. This will always be a tension where there are homes and there are sports facilities as well. As the game has grown and perhaps strength has improved and maybe bats have changed as well, the balls are going further and further and we cannot build the fences high enough to keep the balls out of ... anybody who has been down to F.B. will see there are some very high fences there already. The estimates that have been looked at put the need for those fences to prevent those safety challenges from ever happening would have to be many tens of feet high in the air and I am sure that is something nobody particularly wants to see anywhere, if we could even get the logistics of it to work. There are challenges. Again, it comes back as well to space and where the senior game moves to if it needs to. Again, this proposition today is not about that, but we do need to start considering that as well. I believe junior cricket and female cricket is currently working okay

down there. This is not about getting rid of any of the sports that are down there, but we do have to take a very realistic look at how we are using the area as well. Deputy Barbara Ward, I was grateful for her repeating the Normandy gift and mention that it absolutely does not touch that. As others questioned, consultation with residents, absolutely, not just from a point of what would be proposed for F.B. Fields, but as the Minister for the Environment clearly stated as well, as part of the planning process. There are various opportunities for scrutiny and checks and balances along the way here. Deputy Scott talked about the Inspiring Active Places strategy and again wanted assurance that the proposals will be consulted upon. There is perhaps some confusion between the Inspiring Active Places strategy and Inspiring and Active Jersey. Inspiring Active Places talks about facilities, which comes under the remit of the Minister for Infrastructure and, therefore, not the Deputy's Scrutiny Panel, albeit there are important links there. I will take that forward in future when I offer briefings to one panel, perhaps the opportunity could be afforded to the other one as well there. The Connétable of St. Mary talked about the interaction of sport and schools, particularly as others did as well. This is a very timely contribution from him. There are definitely opportunities and challenges there that we have not addressed effectively in the past and it is very much a live conversation between colleagues across the various departments as well, about how we can use the facilities that we do have across the Island most effectively, but in a very balanced way that ensures, of course, that schools have access to them when they need them, but the community can use them at other times as well. Deputy Feltham talked about trust in Government. Over the course of the sitting for the last day and this morning, we have had lots of conversations about trust in Government. Absolutely, I am asking that you trust us here. That is what we are doing every single day as Government and then when it comes to Ministers, elected Ministers chosen by this Assembly, to do exactly that. Again, I would seek to reassure the Deputy that the vision for this is exactly as it says on the tin. It is about sports facilities for our community. The Deputy mentioned the Inspiring Active Places strategy.

[11:45]

Now that strategy was clearly written by a previous Government, but also in a previous time. It is fair to say the world has changed quite a lot over the past few years. We have reconstituted the Inspiring Active Places Board and that board has met twice. I am the deputy chair of it and the Minister for Infrastructure is the chair of it. It is probably fair to say we are looking at how we revisit that strategy. It may need some amendments along the way. It still very much exists, but the vision for F.B. Fields, we predict, will be part of those conversations going forward. There is no set out vision at this stage for F.B. This is the first part in that jigsaw puzzle that was needed. Deputy Tadier, again, I will reassure Members this is not about privatisation. I would also say that Jersey Sport does not run facilities. That is not what it was set up to do. Absolutely there are no concerns around that and privatisation beyond that. I would point to the comments I made earlier that this is a very important part of the sports facilities' portfolio that is run by Government for the people of Jersey. Outdoor basketball facilities are a really excellent idea. I have had some interesting conversations with officers who are very passionate about this and absolutely, as the Deputy said, refer to it as a street sport. We recognise the huge opportunities there are to put something up quite easily and often in small areas where there may not be other access to sports facilities. I would welcome a conversation with the Deputy, if he would like to, on that in due course. I also do know that it is one of the most popular sports among teenage boys, particularly. When I went to Grainville School not long ago to look at their facilities, basketball nets had been put everywhere for exactly that reason. They could not get enough of them. The Connétable of St. Clement, I am particularly grateful to him for his support and his engagement, both under the previous Government and now under this matter. I am also grateful that he mentioned my predecessor, the former Deputy Hugh Raymond, because it was Deputy Raymond who signed the law drafting for exactly these changes. This is not something that has happened in the last few months. Deputy Curtis, I am grateful for his optimism. I know that interest in land and future development is a very important thing to the Deputy. I am grateful for his close scrutiny and again for his engagement early. We did brief the Connétable and the Parish

Deputies a couple of months ago on this and sought their engagement before it was lodged as well. I will look into what the Deputy mentions around the schedule about what could be provided at the site. Deputy Renouf, absolutely, sport has changed since the 1950s. What the point of this decision would be today is to allow us to be flexible, not just for today's needs but into the future as well. The point, very well made, that planning applications have to go in for buildings as well, it is also my understanding that the clubhouse, as mentioned by one of the previous speakers, would have received planning applications, so it was not unlawful in those terms. Hopefully I have covered all the points made there. I would seek to continue to engage with Members and the wider community on the future of F.B. Fields and sports facilities more generally as well. I have absolutely made it my commitment since I took on this role to engage with the sports community on their needs and their interests and their views along the way. I have visited many of them and will continue to do so, and the wider community when it comes to sport as well. Hopefully that can help to reassure Members of this Assembly that the aims of this proposition are to enhance sport and offerings for our Island on this important site. It will, if passed, respect the original gift and secure the continued use and maintenance of F.B. Fields long into the future. I am grateful, once again, to the Boot family and to the Connétable and the Deputies for their engagement on this as well. I make the proposition.

The Bailiff:

Do you call for the appel?

Deputy L. Stephenson:

Yes, please.

The Bailiff:

Very well. The appel is called for. I invite Members to return to their seats. The vote is on the principles of P.27, Draft F.B. Playing Fields (Jersey) Law. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted: 42 votes pour, no votes contre and no abstentions.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				

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

Deputy Scott, presumably your panel does not wish to call this in.

Deputy M.R. Scott (Economic and International Affairs Scrutiny Panel):

That is correct, Sir.

The Bailiff:

Very well. How do you wish to deal with the matter in Second Reading, Deputy Stephenson?

7.2 Deputy L. Stephenson:

En bloc, please, Sir.

The Bailiff:

Very well. Are they seconded for second reading? [**Seconded**] Does any Member wish to speak in second reading?

7.2.1 Deputy R.J. Ward:

A couple of things, one that occurred to me during Deputy Renouf's speech, in part 6, anything reasonably incidental, I wonder whether a statute of Deputy Renouf's achievements might be ... we need to be careful about this. On a more serious note, although that is not an unserious proposition perhaps at some point, I wonder whether I could ask the Solicitor General a quick question about Article 5. It says: "The public of the Island may construct ..." I wonder whether that phrase "the public of the Island" has any legal weight in terms of who may construct, i.e. does it have to be States determined or whether it being given out to a private entity that may be not based on-Island, but may build facilities of the type that have been built here before. It may be something that is not allowed because of that wording. It is a genuine question. It occurs on every section of Part 5. "The public of the Island may construct ..." "The public of the Island may maintain ..." that is even more important, because who is going to maintain these buildings. I wonder if I could ask that.

The Bailiff:

Solicitor General, are you able to assist?

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

I understand "the public of the Island", it means exactly what it says; the land is owned by the public of the Island. However, the public's rights in terms of ownership and development are exercised by Jersey Property Holdings Limited using, as I understand it usually, the Infrastructure Department's services for that end. Article 5 does not give the legal right to anyone to do anything on F.B. Playing Fields in terms of construction, other than the public of the Island, which I take to be Jersey Property Holdings.

The Bailiff:

Thank you very much, Solicitor General.

7.2.2 Deputy A. Curtis:

That is helpful. I was going to ask the exact same question of the Solicitor General because I think that is the devil that I was going to pick up on. I would pick up, under the same Article, Part 5: "The public of the Island may grant a registered contract of a lease ..." I presume that would be a lease or contract that would be greater than 9 years typically or something that could exercise a longer term. I do again think it is a shame that we do not have certainty over the length of time. A lease could be a 99-year lease of a property in which time you have lost your control of that. I can support the Articles now under this firm understanding that the public of the Island cannot lease land to someone who can construct a building. If I understand the Solicitor General, we cannot lease a patch of land to an organisation who will then construct and own their facilities, for example, for a 99-year period, 199-year period. That is a great reassurance. I hope that reassures others. I would never want to see that changed on a site like this. I would hope all agree on that. I also picked up on the part here about "reasonably incidental to those purposes, for the benefit of the public." Again this is perhaps where guidance or a schedule around what is reasonably incidental would support. Sometimes the ambiguity here either supports or hinders the aims and principles we voted and agreed on. Those were the points I wanted to highlight within the Articles. I am immensely assured by that guidance and if I had been given the guidance that the public of the Island could give a lease to land, which could be constructed by another person, I will inform the Assembly, I probably would have voted against it on those grounds. I thank for the clarification.

7.2.3 Deputy S.G. Luce:

In a brief discussion with the Attorney General and Deputy Gorst about Deputy Alex Curtis' leasing of land for building on, and it is slightly more complicated than he made it out to be. We certainly do have some people in Jersey who have buildings they own and they built on land owned by the States. I am not going to go into that. A couple of things, the first one is something I want to get on the record. This proposition is brought by the Minister for Infrastructure, therefore falls to my Scrutiny Panel and not to Deputy Scott. I did indicate during my initial speech that we would not be calling it in, so that is not an issue. I just wanted to say that. I wanted to talk again very briefly about Article 5(1) and the potential building of a track for the shared use of cycles and pedestrians. I note the Assistant Minister in the principles debate talking about the difficulties with cricket. It is absolutely right, as that great game changes we are playing it in different ways and hitting the ball much harder and much further. All the same, I am still concerned that the construction of a cycle and pedestrian track down the side of F.B. Fields would mean reorientation of football pitches and would certainly mean less football pitches available. I would alert Members to that. It is not a game-changer for me, but certainly Article 5 of this will need further scrutiny in the future. As the Assistant Minister comes back to the Assembly or Planning Committee with propositions to construct or to develop there will be some more work to be done.

7.2.4 Deputy M. Tadier:

They say that great minds think alike, but they also say that small minds never differ, so I am not sure which one applies. When Deputy Rob Ward was speaking and, in fact, when my colleague from St. Brelade was talking about how much of an accomplished sportsman he was in his youth, and I am sure it is not just in his youth, that I realised how modest he was. Somewhere along the line I heard that he might have worked for the BBC making films, but I am not sure about that. But I did not know about his sporting prowess in his younger days. I also thought that may be the reason there is a statue being made of Jonathan Renouf somewhere to unveil at some point in F.B. Fields. I think it does relate to Article 6. On a more serious point about incidental building or facilities or things that might be put up there for the public more generally, it has to be said that we do not necessarily commemorate our sports people enough in that physical form. It made me think that there is a very well-known statue of Bobby Moore at Wembley. So there is a statue of Bobby Moore, he is clearly a very well-known figure and it is an appropriate place to commemorate him there for his achievements. There is also a link between the statue in Jersey that not everyone might know, is that the sculptor who made that statue is Philip Jackson, who was also responsible for the Liberation statue and the Liberation sculpture that we know that stands in Liberation Square, which is very much, I think, one of the modern iconic images that we have of Jersey in terms of its identity, of our collective identity. I would invite the Assistant Minister for Economic Development, Tourism, Sport and Culture and also in her capacity in Infrastructure at this point to give consideration, I think, as to what projects we might be able to have in the Island in the public realm. Because I think there is a great synergy between art and sports. We have seen it, for example, whenever Jersey has hosted the Island Games that there is a great festival feeling around that with some great music, if I recall as well. Indeed, it was Howard Davis Park where the jamboree, if you like, happened. I would ask the Assistant Minister in whatever capacity she ends up doing this, to be part of a wider conversation about how we might have more public art in the public realm, including F.B. Fields, including in sports facilities, maybe as part of a wider project for Liberation 80, which seems a few years away but it will come to us very quickly.

[12:00]

The Bailiff:

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

7.2.5 Deputy L. Stephenson:

I am grateful for the advice from the Solicitor General there at the beginning as well. Just responding very quickly to Deputy Luce on the track and the reorientation of football and others; absolutely I will take all of that on board and welcome the ongoing engagement, not just with Scrutiny but beyond. I am sure we can encourage officers to start thinking about that sooner rather than later as well. Deputy Tadier, just while I have got the opportunity to go off on a slight tangent with some of the points raised there, I would absolutely agree that we do not commemorate sports people enough. I do not think we commemorate lots of people in our community enough, particularly women. I know that the Deputy and I have had a number of conversations about how that could be improved and perhaps we should continue those. I would also add to it, perhaps we should also revisit the discussion of a national anthem for Jersey because I know that a lot of sports people that I speak to do recognise a certain song as their national anthem and get quite upset that it is not recognised officially beyond there. There is a great synergy between art and sport and I think it is one of the real strengths of where sport policy does fit within our government system with Economic Development, Tourism, Sport and Culture currently. Great minds do indeed think alike, Deputy Tadier, and I will continue to work on that basis as well. I am grateful for everyone's contributions today. There is a lot of food for thought there as well. I propose them *en bloc*, Sir.

The Bailiff:

Those in favour of adopting *en bloc* kindly show. The appel is called for. I invite Members to return to their seats. The vote is in Second Reading and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The Articles are adopted in Second Reading: 42 votes pour, no votes contre and no abstentions.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				

Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Do you propose in Third Reading?

Deputy L. Stephenson:

I do, Sir.

The Bailiff:

Are they seconded for Third Reading? [**Seconded**] Does anyone wish to speak in Third Reading? All those in favour of adopting in Third Reading kindly show. Those against? Very well. The law is adopted in Third Reading.

8. Provision of a free hopper bus service for Active Card holders to Springfield Stadium (P.33/2023)

The Bailiff:

In the light of the decision taken by the Assembly earlier, we now move on to the provision of a free hopper bus for Active Card holders to Springfield Stadium, P.33, lodged by Deputy Ward of St. Helier. The main respondent being the Minister for Infrastructure and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to request the Minister for Infrastructure to instruct LibertyBus to enable free access with immediate effect to the town hopper bus for Active Card holders travelling to Springfield Gym and exercise facilities for an initial trial period to 31st December 2023.

8.1 Deputy R.J. Ward:

I would like to start by just reiterating what this proposition is. It is a very simple proposition. I will just reassure Members I have a number of bits of paper in my hand but it is quite large font, so do not worry. The proposition is about a trial, a temporary trial for the hopper bus service that already exists for Active Card users, people who already hold cards or already pay money to the Government and who had free parking up at the Fort with their Active Card, which is no longer available; that is the beginning point. But I do, unfortunately, have to address the comments paper produced by the current Minister for Infrastructure first. Because the initial tone is this was not a very well thought-through idea, so I am going to go through each of those comments and address those more appropriately. First of all, the first point was about, we do not run Jersey buses and the fact that it is a contract. I will combine that with the second point where it says: "The TownLink bus service is being operated under a fixed-cost arrangement, where LibertyBus are paid an agreed sum to run the buses." In questions the other day there was no answer as to whether the money given from the town hopper bus was a set amount just to run the service or whether it was paid per the number of people using the service, so already we are unclear as to the validity of that comment. Also, I would like to say that what we do need if we are going to make assumptions and make a decision on whether this service is a ... we can use this as a trial and the cost of it, is to know how much LibertyBus is costing us and how much we spend on it. I would like to ask the Minister when he speaks, he does tell us the amount of money spent and given to LibertyBus. The reason I say that is because in Written Question 164/2023 April this year in the final paragraph it was stated: "While there is a need for transparency [we have heard that word a few times today in this sitting] and to provide information to States Members, the information requested is currently commercially sensitive." I think there is a very important point to be made here because if the amount of money given to LibertyBus is £500,000, you might say running this service for free is really not good for them, but if it is £1 million and we might think add in a little bit of the service, it is not so bad. If it is £2 million we might think differently. If it is £3 million we might start to think, what are we paying for and why can we not start a simple trial for a bus that already runs? If it is £4 million we start to move beyond that and think about why the service is not free in the first place. If it is £5 million that becomes even more amplified. If it is £6 million or even around £6.4 million, then this simple proposition to ask for the town bus to be made available for a trial period - and we have heard that the town hopper bus is not being used very much - so it would be an excellent opportunity to promote it and increase its use. If we are spending a vast amount of money on our bus service, all of which is going off-Island by the way, the money is going off-Island to a company that is not owned here, then we need to know how much that money is. For the sake of transparency, I would ask the Minister to say that in his speech to help with the decision-making of this Assembly. Point 3 says that I produced no evidence, absolutely, it is impossible for me to consult with every individual Active Card holder as an individual

Deputy in St. Helier Central; absolutely impossible. But this trial - and remember it is a trial - will produce evidence and collect data that we have talked about so much in this Assembly, data, data, data, we are going to collect so much but we do not do anything with it. This is taking the opposite, this is saying let us create an opportunity and enable people with a service that already exists, with a card that they already hold and a specific reason for travel, so that we can produce that sort of data and say this is a really good idea. This can cut down the traffic in the area. Also, there is this point in point 3, the argument: "It prevents active travel." This is a red herring of the size which should be mounted on to a mantelpiece and it comes up in every single debate over the use of buses that we have had, and I have had quite a few in the last few years. I remember the last Chief Minister referred to me as being obsessed with buses; that is unfair. I may be obsessed, I do not know, obsessed with drums and the correct way to stack a dishwasher but that is a relationship issue; I will not go into that. But that exact same argument was used in the under-18 bus pass and that has been a resounding success and that is changing, I believe, the travel habits of young people on this Island and extending it, as supported by the Government in the Government Plan, so that all of those full-students; it is exactly the way forward that we should take. We took that step, this time this is an opportunity to trial another example of doing that and bit by bit, drip by drip, we increase the use of our bus service in an appropriate way. Point 4 said: "There was not a bus to Fort Regent." Yes, absolutely, correct. However, there was ample parking, which was free to use with your Active Card. There was provision made to get there and the bus service, the town hopper does go past 2 car parks. If we thought it through and we saw it was working, the sensible thing to do would be to say, okay, can we move it so it goes past more? We make our own mini little park and ride through the centre of St. Helier. Point 5 - I need to look at it, sorry - I will just mention point 5: "Peak times for gym use is understood to be before working hours and after working hours." That may well be the case, well then change the TownLink bus if that is seen as becoming popular but it will take some people out of their cars during the other times during that day and at weekends. One of the reasons I brought this to the Assembly is because the constituents that we have in St. Helier Central that we talk to all the time ... and my drop-in is at Springfield, by the way, every Monday 4.30 p.m. until 6.00 p.m.; a little bit of a plug there. When people come and speak to us and residents talk to us, there have been times when on a weekend when there were events going on, there were school events going on, people using the gym, the area was gridlocked. There was nowhere to park and we, as Central Deputies, get the questions. This is not going to solve that but it is one ingredient in perhaps moving towards a solution and understanding the traffic flow in that area. This is why the simple proposition, I think, should be supported. Yes, it is not at peak time but at other times, particularly in bad weather, we have got good weather at the minute, people probably are walking and cycling, excellent. But this goes up to December this trial and I think it would be very important to trial this through the winter months when the weather changes, in fact more indoor exercise and traffic flows increase. Also, there is no intelligent approach that has been taken here to say let us communicate more with people in the area and say on Saturday - I will make this date up, 12th July - there were 4 events going on from schools, this is a red time to take your car to that area. If that was to happen and you could say: "However, if you are an Active Card user you can take the hopper bus from this car park" you are educating, communicating and you are driving behavioural change. We have heard this before with other areas, such as subsidies for electric bikes and other subsidies, that were just given a little push to shift behaviour, and that is one of the arguments made. But it seems to be not accepted for something for the centre of St. Helier, which I think is a real shame. Point 6, there are parking spaces that have been provided which is slightly contradictory to the argument against not promoting active travel but we will not go into that. However, that area has an air pollution problem that is not being dealt with. Written question 242/2023, when I asked about air monitoring ... that is what I am obsessed with, air monitoring around the area; I will accept that obsession because it is very bad for our health. There is no monitoring of health quality around that area. Therefore, to unilaterally increase the traffic flow to that area without anything else put in place, such as the free use of the bus that exists for a trial period, I think is irresponsible and should not have been actioned. Point 7 of the

comments paper, I am not suggesting that other services are included; another red herring. I urge those Members of the Assembly, please, do not get drawn down these rabbit holes of inconsequential argument. I am not suggesting other buses are included, this is about the town hopper. Point 8, no evidence that the town hopper bus acts as a barrier ... the fare on the town hopper bus. The town hopper bus is not being used. The town hopper bus costs £2.20 for a single journey. The throughfare is not being promoted. It was said yesterday in the debate. No, we are not entirely sure even what people are using it and whether the cost is added to the running of it. It is just simply not being used. This is an opportunity to advertise that to a number of Active Card uses, to a captive audience. You have their emails, we have the G.D.P.R. (General Data Protection Regulations) requirements to be able to contact them; we have them, we see them, we know where they are going and this is a way to promote that town hopper bus and its use. It is already running, it will not cost you anything else. It says it does not come at zero cost. I go back to my original point, then tell us how much we are spending. Tell us how much we are spending for the entire bus service and this tiny proportion, would it be reasonable for us to go to ply our bus service and say: "We are giving you X amount of money. We want to try this trial. It will promote the service you have. We will come back afterwards."?

[12:15]

I do not think that is unreasonable at all, unless we are just saying we have no control over our services on the Island, which I think is unfortunate. I asked the Minister to tell us how much he is being paid for the bus company, that it is good value, where the profits go and the service and without this detail we cannot accept the position that this is untenable financially. I am afraid that is an inconsistent argument and we must dismiss it. I will finish off by saying that this is a trial. In terms of consultation, it would have been great if we were to have consulted - you are absolutely right - when the changes to Springfield were proposed and we went through in detail at our meeting but, unfortunately, that meeting never happened. The consultation did not happen. Deputies were not called in. We are not involved in any Active travel places at all. The Deputy is in St. Helier, I am absolutely not included in these things. Do not be surprised when I come to this Assembly and say let us take some action to make some small change. Certainly it should not be negated in the way that this comments paper has. I urge Members to enable this trial and provide possible future improvements to travel options around Springfield. If it does not work, it does not work. If it is not successful, it is not successful, then we stop it happening. But if it is successful, like the under-18 bus pass, like the full-time student bus pass will be because it changes people's behaviour and encourages them to take a different way of travelling, then we can continue and we can improve the quality of travel around that area and we can change people's minds about using public service. With that I make the proposition and I ask Members' views.

The Bailiff:

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

8.1.1 The Connétable of St. Helier:

When Deputy Ward previously proposed a subsidised scheme for the hopper bus I earned his indignation and wrath for some time by opposing it. I opposed it on the grounds that if we have a certain pot of money to promote sustainable travel, then we need to use it wisely. Putting all that money in the bus company's pockets does not help the people who find cycling in our Island difficult and dangerous and it does not help the people who are trying to walk to work or to school or to the shops. We still find incredibly a very difficult walking experience, particularly in our town so congested with traffic. I felt that that money should be spent wisely and carefully to make sure that the most vulnerable road users, those walking and those cycling, their needs were addressed before the needs of bus travellers. Yet I am going to support Deputy Ward today and hope, if he has not forgiven me for my past position, that he will forgive me now. I am going to do that for 2 reasons;

the first reason was that my logic in saying the money must be spent on other forms of sustainable transport has not seen, as far as I am aware, any dramatic increase in spending on walking and cycling. There is still no strategy for safer walking in this Island. There is no strategy for safer cycling, responsible cycling. There is no parking strategy. There is no bus strategy. I know that it is a new Minister and I have discussed these things with him and I know his officers are short-staffed and I know that he is working on bringing forward these strategies. But I am afraid people's patience is limited and we cannot continually promise jam tomorrow to the residents of St. Helier who find that traffic in particular blights their lives. That is one reason. And I have to say that my ability to wait patiently for these strategies and these improvements has really run out. The second reason is that since March this year I have become the proud possessor of a senior citizen's bus pass. I got it on my birthday and I have not used it as much as I would have liked to have done particularly because living in town I do not really need to and I try and walk everywhere or cycle everywhere. But on the occasions I have used it I have been absolutely amazed by the number of people who are taking advantage of the scheme that Deputy Ward's previous proposition ushered in. It really is making a difference to the way young people travel around our Island. I think he was right and that is why I am going to support him again today because I think this is right. As he said in his excellent speech, opening this subject up and I think really demolishing the Ministerial response very effectively, this really will make a difference. It is a trial and we ought to get behind it.

8.1.2 Deputy L.V. Feltham:

I too was quite surprised by the tone of the comments paper. I found it quite disappointing, to be honest, from the Minister. As a party, as a team that works together, we do provide challenge to each other when we are thinking of bringing in propositions, so that we think about the pros and cons of what we are doing and whether it is the right thing to do. Deputy Ward had to convince me that this was the right thing to do because I want us to go further with regard to the hopper bus. I think the routes should be expanded and I think it should be free for everybody. But what convinced me was Deputy Ward said to me: "We have got to do something, doing something is far better than doing nothing." What the Deputy's proposition does, as a pilot scheme, will also enable Ministers to collect data. We have heard very often from Government that they want to act on the facts, act on the evidence, act on the data. Enabling Active Card users to use the hopper bus for free as a pilot and a short-term pilot does enable us to see whether free use of that particular service will lead to change and will drive a change in the way that people get around town and does enable us to look at whether park-and-ride schemes are encouraging people to park further out and then use bus transport to get to where they need to be will work. I hope the Minister would also use the time of his review of the hopper bus to look at different route networks and also to look at expanding the operating times of the scheme. The Constable talked about how fed up people in St. Helier are. I wholeheartedly agree with that and I was only talking with some constituents who live on Great Union Road last week who pointed out to me that the hopper bus currently does not go up and down Great Union Road where lots of pensioners live. They also said that they and their friends had not used the bus because the day that they wanted to use the bus was a Sunday and the bus was not operational. There are lots of improvements that can be made to this service and I hope that the Minister's review leads to improvements of the service, rather than stopping a service, which I think, to be honest, may have been set up to fail; set up to fail perhaps because it came as a proposition from Deputy Southern and perhaps officers in the department did not want to implement it in the first place. Maybe they put less time and thought into how it would be successfully operational. But now is the time to put that time and thought in. Now is the time to make that service better. Deputy Ward has identified an issue, an issue created by an act that the Government made in changing the use of Springfield, bringing more people into that area. It is already a congested area and I also add that that change of the use of Springfield happened at the same time that La Motte Street was closed for road improvements as well, which has further added to traffic congestion around town. That is why something needs to be done now, that is why something that is a small, simple, step in the right

direction is the right way to go and exactly why I will be supporting this proposition. But I guarantee that we will also bring future propositions because we know this does not go far enough. We know that we need to look at expanding that network. People from La Pouquelaye, for example, may well use a hopper bus to come into town to work, rather than driving and, for me, we need to have free transport within town. One of the most interesting things for me about the comments paper was what it told us about the contractual obligations between Government and the bus operators. I was quite surprised to read that the Government seems to think that its hands are bound in what it can and cannot do with this very important public service. I was even more surprised, given the fact that this operator also operates services in Perth, which I was lucky enough to visit in Australia over the Easter holidays and where I used to live and where they do operate a free transit zone within the city centre and where the Government has only recently implemented a cap on fares. People who would have previously been paying to travel through 5 zones of the suburban area, the fare is now capped at 2 zones. That is the action of a Government that wants to see progress on public transport and that is exactly the type of action that we, as an Assembly, should be taking. I urge the Assembly to support the Deputy's proposition.

8.1.3 Deputy S.G. Luce:

I will rise in response to Deputy Feltham. The one word I wrote down when Deputy Ward got up to speak was simple. He started by saying: "This is a simple proposition" and immediately my ears pricked up and I thought, no, it is not because there is always a devil in the detail. I think we have heard, yes, we know today is just about a free service for those who enjoyed free parking at the Fort and want to continue to go to the gym at Springfield and we know that is not turning out to be working well; the area is gridlocked. But Deputy Feltham has just raised the issue of her constituents in Great Union Road and I went to think, okay, so maybe that would be Journeaux Street, Poonah Road and Aquila Road. Before we know where we are everybody in town will be demanding a free hopper bus service on a Sunday and then she said it might go to Le Marais or to Le Squez where you have got increased numbers of people living because that was the reason, you have got a lot of older aged people living. It will expand and, yes, I know that Deputy Ward's proposition today is very simple and straightforward but it will lead us to the next stage and the next stage and the next stage, which would, potentially, end up with a complete free bus service for Jersey, which would be a massive debate but maybe it is one that we need to have. I do not know. If we want to get people out of cars we have got to find public transport working more frequently and at a cost that people would find attractive. I just say that I was alerted by the word "simple". I do not think it is quite as simple as Deputy Ward makes out but let us see where we go with this.

8.1.4 Connétable A.N. Jehan of St. John:

Yesterday we had a couple of questions about bus travel and in one Deputy Ward invited the Minister to join him on a bus for a photo shoot. My immediate thought was of Reg Varney and Blakey. **[Laughter]** You will have to work out which was which. Two weeks ago I was in Quimper and witnessed a small electric bus running around the city on a very regular basis. The few that I saw had good ridership, unlike our current trial. I was very happy to support the young-people trial as I thought it was one of the best ways of getting people used to being on a bus, train them young. Like the Constable of St. Helier, when I am on the bus I see many youngsters using them and, as importantly, speaking to parents whose youngsters are using the bus, it really is a positive experience, both for the youngster and for the family as a whole. LibertyBus continue to do an excellent job in my opinion and we should work with them to make a hopper bus work well. Only last week the Deputies in the district and the Constables in our district were talking about across the north of the Island bus and we are going to try our hardest to get that. Deputy Tadier in the previous debate spoke about Jersey 2015. One of the successes of that week was a hopper bus; a hopper bus operating out of the bus station and linking the majority of sports venues and hotels, from the F.B. to La Pouquelaye, ironically including both Springfield and Fort Regent. It was not without fault and

certainly lessons were learnt, and if I was giving advice to someone who was going to organise that in the future I would tell them to do it differently to what I did.

[12:30]

The Constable of St. Helier mentioned a walking strategy, so why do we not have walking maps for St. Helier, a guide to tell you how far you can go in 5, 10 or 15 minutes? I think the points raised yesterday are more of a priority, inasmuch as we should be targeting people all around the area covered rather than just a small group of users. Small steps; if we encourage Active Card holders to use this bus they may become ambassadors. They may tell family, friends and colleagues about the benefits of this route and indeed the benefits of being on a bus. Having spent many, many evenings at Springfield throughout the year watching one of my sons play football, I am fully aware of the congestion in the area before the changes were made and I am fully aware of the issues following the changes. It certainly has not got better. Anything that we can do to alleviate the traffic in the area should be explored. In my view, we should be doing far more to promote the use of buses as part of our cost-of-living drive. It can be much cheaper to use a bus than to use your car, let alone all the environmental benefits. As it is a trial, I will be supporting the proposition.

8.1.5 Deputy L. Stephenson:

I sympathise greatly with the Deputy when he says that he cannot consult with all Active users and absolutely I cannot expect that. But I really am struggling to find any evidence that this is needed or how it can make a very practical difference in the ways that he suggests. In coming to that conclusion I have looked quite closely at how this would work practically. Just doing a few quick searches on Google Maps, not my own timing I would have to say, from here if I was looking to go to the gym at Springfield it predicts a 16-minute walk or an 8-minute cycle. On the bus that the Deputy's proposition is speaking to and the proposition is quite specific in that it talks about the bus that stops outside the facility. There are 2 TownLink bus routes, as far as I am aware, and it is the route 20 that stops outside Springfield. If I was to get on that bus from, say, Broad Street as perhaps being the nearest stop from here, it is around a 9-minute journey. There are 7 minutes in it if you are walking, it is quicker to cycle if you can but I do appreciate you would then have to put your bike in, lock it, whatever, either side. When we are talking about if it is to do with time, I am not sure it is making a great deal of difference to people's time, particularly when you are then stuck with the times of the bus. Speaking of the times of the bus, the route 20 does not start until after 9.00 a.m. in the morning and the first bus, I believe, would leave around 9.27 a.m. and get to Springfield, as I say, around 9 minutes later. The last bus on that route arrives at Springfield at 4.56 p.m. We know that most people or the vast majority - and I do apologise that I do not have an exact number - use the gym before work or after working hours and the gym is quite significantly quiet during the hours of 9.00 a.m. until 5.00 p.m. when this bus would be running anyway. You can see where I am going, that I am starting to question just how many people this would really start to impact on. I would also just like to point out that we have heard mention a couple of times of Active users having free parking up at Fort Regent. What those speakers have not clarified is that those Active users do still have now access to a car park area at Springfield, the gyratory car park, which sits across the road from Springfield as you are going around the one-way system, has been designated for Active users. That was taken back as part of the move to Springfield. It was previously rented out to residents there. There are a number, I think it is 40-something spaces in that car park there. This is not a case of taking away free parking that existed at Fort Regent and not providing an alternative. There was an area at Fort Regent and there is an area of free parking. When it comes down to cost and free spaces, again, you can see that I am struggling to see quite why this is needed here. The other point I would like to make is that there are lots of people that use Springfield. We have the gym there of course, and I will remind Members that this is not a debate about whether you like the new gym at Springfield or not. It is about providing free access to a bus service for a certain group of people. But there are lots of people, more people using Springfield as well. There are parents dropping their children at

the nursery that is there. It is the home to the J.F.A. (Jersey Football Association) and I believe around 1,000 people play football there a week. It is the home of Jersey Bulls. There is a very well-used community café, a play park, there is the Blue Room upstairs which is used by all sorts of groups, including I think like exercise referral type organisations as well. This proposition singles out just one group within that and, as I have said, from the practical elements this would be one very small group. I am really struggling both to find the evidence that this will make a difference and also on the fact that we are singling out this one group of people. If Deputy Ward was asking me today to support free buses for everybody everywhere I may be speaking very differently. But we are not. This is about one group of people, potentially a very, very small in number group, having access to a very specific route at some times that I really do question whether it will make any difference in the way he suggests at all. For those reasons I will be opposing the proposition and would urge others too as well.

8.1.6 Deputy T. Binet:

I am not a particularly competent orator but I shall do my best to address the points that have been made. As I mentioned yesterday, I support travel by bus and use the bus frequently myself. One of my key objectives is to continue to increase traveller numbers and the number and frequency of routes. But, unfortunately, this proposition does not support these objectives. I certainly admire Deputy Ward's commitment to environmental objectives and I know that we share the same objective of getting more people on to the buses. But I would suggest this proposition is not the way to achieve that aim. On the one hand I do not believe it is well directed and on the other I think it is unwise in principle. The proposition asks that we make the hopper bus free for Active Card users. Sadly, the hopper bus does not travel outside of working hours, which is when most people use the gym. Springfield Stadium was served by other buses to bring people in from out of town and yet this proposition does not seek to ask for these buses to be free. If approved people in town within walking and cycling distance will be able to get a free bus to the gym but those who live further afield will not and that does not make sense to me. The way to get more people on to our buses is to make buses more frequent across more routes. It is really all about convenience. It is also about price differentials, so that when people compare the costs of using a bus rather than going by car they are tempted to choose the bus but that should not mean free. Free buses reduce revenue for the bus operator, which reduces the resources available to be invested in new routes and that is contrary to our objectives. I certainly do not believe this proposition will increase the number of people going to the gym or increase the number travelling by bus to the gym, and I do not see any evidence to suggest that it will. There was never a public bus route to Fort Regent and no calls for one, certainly not as far as I am aware. Springfield is also well served by those wanting to drive. As advertised on the Active website, there are separate car parking areas, including the facility adjacent to Le Petite Rue Du Val Plaisant, which offers 43 new spaces reserved for Active permit holders and overflow spaces are available at Springfield School after 5.00 p.m. weekdays and at weekends. We live in the real world and need real world sustainable solutions, ones that use our money wisely and achieve our objectives. Fundamentally, we should be aiming for a low-cost fare model, not a free model. This supports investment, which supports more buses. This is a realistic and sustainable business model. Using the carbon neutral roadmap funding we have added new services to existing routes and new routes where evidence supports potential shifts from cars to buses. I have got a list of them here but I do not intend to try people's patience by reading them all out. We need to deliver a step change in modes of transport from the car to the bus and I do not believe this proposition achieves that. I was asked to quote some numbers about how much we pay LibertyBus. We do not pay a block sum to LibertyBus, what we do is subsidise individual sections, such as the town hopper bus, transfer tickets, young persons, disabled and senior citizens. I am afraid I perhaps am not as on top of my brief as I should be but I do not carry those figures around in my head. I would certainly be very happy to make those figures available to Deputy Ward. I do fear that this is the thin end of the wedge because if we are going to support people going to the gym, and I have used the gym for 30 years. My brother

used to go to the gym and he lived 2 miles away, he used to put weights on his back and run to the gym, do his training and run home. The gym is, essentially, a place for people to get fit and there is nothing, in my view, wrong with people walking or cycling to the gym; that is the whole purpose of it. If we accept that, if that becomes an acceptable precedent, then why not going to the cinema, going for a meal? We are well on the way to having a free bus service. If that is what people want that is another matter. But I think to go down this route and to start here really is not the place to be. I would urge people to reject the proposition.

The Bailiff:

Thank you very much, Deputy. Before I call on you, Deputy Mézec, we have about, I think, 4 minutes before Standing Orders require me to ask whether we go ahead. I am conscious that obviously Deputy Ward will wish to answer. Could I get an indication as to any other Members who might wish to speak on this matter? If you could light your lights now. Very well. There are at least another 3 and 4, including you. I think I will at this point ask Members whether they wish to continue with the hope of finishing the debate before the luncheon adjournment or, alternatively, to adjourn until ... the adjournment is proposed. Is that seconded? **[Seconded]**

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Does anyone want to speak? No. Very well. The Assembly stands adjourned until 2.15 p.m.

[12:42]

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

Very well. We resume the debate on P.33, Provision of the free hopper bus service for Active Card holders to Springfield Stadium. Does any other Member wish to speak on the proposition?

8.1.7 Deputy S.Y. Mézec:

I thought I would take advantage of this Assembly's vote from this morning on J.A.C.S. (Jersey Advisory and Conciliation Service). I live very close to Springfield Stadium and if I step outside my front door I can see the gates to the grounds, which will be really, really convenient if I ever decide to go to the gym. Emphasis on the word "if" there. Living as I do in the area and understanding very well lots of the traffic congestion problems that there are there and, as somebody who regularly does attend Springfield Stadium, although not for the gym but for its other concessions there, I feel very strongly that the proposition that Deputy Ward has put forward is something that at least attempts to provide some solution right now when there are no other solutions proposed. I feel even stronger about the proposition than I did when it was first lodged, when I read the comments from the Government, which I think presented some bogus arguments, which Deputy Ward quite skilfully in his opening speech addressed. But we heard a few more bogus arguments in the speeches before lunch against this. Deputy Stephenson's chief criticism of this seems to be that it was only targeting one group of people. Yes, it targets one group of people, just like the disabled bus pass targets one group of people, the students' bus pass targets one group of people, the carers' bus pass targets one group of people, well everyone is part of one group of people; that is a very bizarre argument against this. Deputy Binet said that he believed the solution to a better bus service was to have more frequent buses and more routes. I would be sorely tempted to settle for that if it was on offer, which it is not. We have heard those words certainly in my 9 years in the States time and time again and, in reality, I think the only progress that there has been on improving our bus service has come from non-Executive Members when they have brought propositions to this Assembly to introduce other forms of concessions against the advice of the Government. When looking at Deputy Ward's efforts in this

regard I am reminded of a quote from one of my political heroes, the late, great Tony Benn, who said that: “When those of us fight for progress, first we are ignored and then we are told that we are mad, then we are told that we are dangerous, then there is a period of silence and then you cannot find anyone prepared to say they disagreed with you in the first place.” That is exactly where we are with the student bus pass that Deputy Ward campaigned so hard for, which was opposed tooth and nail by large sections of this Assembly, most of the Government and he tried multiple times to get it across the line and when he finally did get it across the line so successful was it that when an amendment was later brought to extend it, it did not even go to a vote in this Assembly because it was so uncontroversial because the success of that scheme had been so obvious, despite so many of the same arguments we are hearing today being employed against that proposition when it was first made. I would urge States Members to support this proposition. It is proposed as a trial, not as a permanent move. It will help us collate data to find out if it is best targeted or if there is anything that can be changed with it. I hope it will help draw attention to the hopper bus service, so lacking in attention it has been up until this point. I do believe that the advertising for it is nowhere near as good as it ought to be. I do think that it is falling well beneath its potential right now because of its underuse, because of the lack of awareness of it and because of the cost of it as well, which I think many would regard as being an inefficient cost to them as passengers, given the short nature of the travel routes that they will undertake on that service. What Deputy Ward proposes will, hopefully, reduce traffic congestion in those areas at peak times. It will help make that gym facility more accessible to those who may struggle juggling other commitments, who may have difficulties with where they might otherwise leave their vehicle, where previously they could have left it at Pier Road and would have had direct access to the gym right next to it and will give us that data we need to see how this can be improved in future. The issue of the congestion has caused consternation with people who live in the area. We have seen significant commentary on it about the difficulties that it has caused. Deputy Ward, as a good constituency representative, has attempted to come up with something in the absence of anything else to try to address it. If I may say in future when, hopefully, he has chipped away a bit more and a bit more on the issue of buses, we will look back on his efforts and wonder why they were ever so controversial in the first place.

8.1.8 Deputy J. Renouf:

I am already bitterly regretting the speech I made earlier in connection with my athletics but I do think that we will now kill off Deputy Ward’s proposition and the idea that I should have a statue because I am going to speak against this. The reason I think I am going to speak against this is because I am looking at the actual proposition in front of us. I think it is always really important to consider the proposition and try and separate it out from the background noise and the other issues which often get conflated within in. That is sort of the general point I would make. It is certainly true that it is a bit unfair perhaps to ask for extensive data to support this proposition, given that it is being brought as a private Member’s proposition and there probably is not much data. But I think it is necessary for it to have some logic and I do not think it has logic on its side. The simple point is that the bus does not run when people use the gym, so it does not have logic on that side. The fact that one of the points that has been made is Deputy Ward has been right in the past about buses. That may well be true but I am afraid that does not automatically mean that he is right this time and I think on this occasion he is not right. I just want to pick out some of the thoughts that have been raised and just make it clear, this is not a vote on whether we are expanding the bus network. It is not a vote on whether the sustainable transport strategy is doing the right thing or not. We are not voting on whether sports facilities should have been moved from Springfield. We are not voting on whether there was adequate consultation about that. We are not voting on whether we should have free buses across the Island. I would pick up on a point made by Deputy Luce that the wording of this proposition may be simple but enacting it is not simple and the implications are not simple. I am sure in principle we would all love to have free buses all over the Island, but of course they are not really free. Taxpayers pay for them in some form or other and that means, as a Government, we have

to think about the implications of a proposition like this for taxpayers. I think the funding model of the bus service is important and perhaps was underplayed a bit by Deputy Binet. Fares pay for the service; that is a model we use in Jersey a lot. It is also true for Andium. It is a business model. It is something that has been put in place and businesses have built their models on that, they have signed contracts on that basis. I think it is perfectly valid to challenge those business models but if we are going to challenge that business model then it needs to be challenged explicitly and not chipped away at piecemeal by little adaptations here and there. If we were to move to a different funding model it would have to be something like a block grant to an operator; that may work. But we need to be very careful about going down that road incrementally in small stages without thinking through all the implications. I think Deputy Stephenson very calmly explained the drawbacks of this proposition in practical terms. Into this proposition people within walking and cycling distance of the gym will get free bus travel, whereas people coming from further afield, outside of walking and cycling distance, will not get free bus travel. Equally, one person going around the town on the hopper is getting off at the station before Springfield or the station after Springfield will pay for their journey, the person getting off at Springfield will not pay for their journey. This seems to me to be a very random - and I have to say I agree with Deputy Binet - and ill-thought-through proposition. I can see what it is trying to achieve but I do not think it does it. I understand the desire to do something but that does not give us licence to vote for something that simply does not make sense. I think we should vote against this proposition but I think we should definitely be thinking about how the sustainable transport strategy can be developed and having a debate around the bus service. But this proposition does not make sense. It creates all sorts of inequities around people who do get access to free buses and people who do not and I do not think those can be just waved away as well, at least it is doing something. I do not think we should do something that is not well thought through and going to have negative consequences when there are better alternatives that could be available. We have limited resources for this kind of activity. We should be using them in a way that is carefully thought through to support strategies that we know we have. This one does not do it. It incentivises the wrong things. It does not deal with the real problem and I think we should reject it.

Deputy R.J. Ward:

May I ask for a point of clarification?

The Bailiff:

Are you prepared to give way for a point of clarification?

Deputy R.J. Ward:

You do not have to, it is fine.

The Bailiff:

Please no exchanges across the floor of the House like that. The correct way is you ask for a point of clarification and you decide whether or not to give way. My understanding is you have elected not to give way on the basis the Deputy has his speech later on and that is the end of the exchange.

8.1.9 Deputy M. Tadier:

I am a bit disappointed with that speech. I expected some opposition from the Council of Ministers but I think the Minister for the Environment, which he is, is maybe taking it too far and missed the point with what Deputy Ward is trying to do here. He has identified a problem that specifically affects this area of town and I have to say that, as an Active Card holder myself - I say holder because I am probably not necessarily being a user as much as I would like in the last few months, for whatever reason - I can say that there has been an awful lot of disruption in the last couple of years for Active Card holders throughout the Island and it is not just because of COVID. There is a sense I think from Active Card users that they have not had their full value over the past few years. This is not a debate about the Active Card; I understand that but one does wonder sometimes whether

there has been an attempt to drive the Active Card into the ground for some other reason to make membership less appetising. Because I think the figures for Active are going down. Of course this is specifically for those who are Active Card holders and it is specifically designed to address specific issues around access for those who go to Springfield Gym and it is for a trial period.

[14:30]

The Minister for the Environment said it does not address the real problem. What is the real problem then? Have we got a real problem with our bus service that needs addressing which we are not being told about, because the Minister for the Environment thinks there is a real problem here that needs addressing? It may be it is sustainable transport. What we have got is a very targeted scheme here, which Deputy Ward has seen. He is a constituency representative, he has seen these issues in his constituency. He has spoken to people and talked to them about their needs. He has seen a way to resolve this for a trial period. This is an indefinite. Yesterday and even this morning we had the Minister for Health and Social Services saying: "I would like to try something a bit different because what we have got here has not been working and I propose something for a trial period of 18 months." There were some Members saying: "It has not been properly thought through, have you thought about this, that or the other?" We trusted the Minister for Health and Social Services to go away and see if her scheme works. I think we need to do the same with Deputy Ward here because you cannot have it both ways. You have got the Assistant Minister for Economic Development, Tourism, Sport and Culture saying: "This is the wrong scheme and nobody is going to use it." Then you have got the Minister for Transport, if I can call him that colloquially, is saying: "This is going to generate too much cost for LibertyBus because everyone is going to start using the hopper bus to go to Springfield Gym and LibertyBus are going to have to pay for it." Which is it? Is it going to be everybody is using this or nobody is using it? The way I look at it is that it is a win/win, is it not? Because if in fact lots of people who did not use the hopper bus before start using the bus, specifically to go to Springfield Gym with their Active Card because they have to be an Active Card holder, then it is a win/win because those are people who would not ordinarily use the bus or are we saying that these people already use the bus but they are going to get a free pass just for that period or is nobody going to use it? In fact there is no cost to LibertyBus and we can say, look, the facility is here. If you are an Active Card holder you can use it to go to the gym but you do not have to and if nobody uses it no problem; there is no cost to LibertyBus. I see it as very much a win/win. Let us identify issues, and it is our job sometimes as Assembly Members and as constituency representatives to identify problems and try and come up with solutions. They may not be the perfect scenario that suits and ticks every box but I say, as some of the Ministers said yesterday, if all of these objections are coming out of the woodwork, that it does not cover X, Y or Z, where are the amendments? Where is the amendment from the Minister for the Environment, the Minister for Transport? The Minister for the Environment said it does not cover other Active Card users who might want to go from, let us say, Les Quennevais into town or between Fort Regent; it does not cover those. Where was the amendment for that? It could have done that. This is a very targeted scheme, it is not going to cost a lot of money; it is workable. The last point is that every time this Assembly tries to do something positive to get people on the buses, whether it is for disabled bus users, whether it is for transfer fares, which I had to introduce, or whether it is for under a certain age for young people to be able to use the buses for free, it is always resisted by Government. We, as an Assembly, have had to win these concessions against the Government of the day because they said it is too difficult, it is going to be too difficult for LibertyBus to implement. You know what, it is not too difficult because all of these things have come in and they are perfectly manageable. Some of these concessions get marketed by LibertyBus, other concessions need to be marketed better and they get on with it and people use the bus who were not using it before. I say today let us not be sectarian about this, let us give Deputy Ward's idea a chance and let us see how it goes in a year or so and how many people are starting to use the bus. If there are other schemes that the Minister for the Environment, the Minister for Transport, Assistant Ministers want to bring forward; that is fine, we will be supportive of that

because anything that we can do to encourage Islanders to get off the bus. There is a cost of course possibly to using a bus for taxpayers but there is a cost when people stop using their cars and it is a positive one for the economy, it is a positive one for the environment because we get a more healthy and more active Island and that is certainly the place that I want to be getting to.

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

I would like to clarify that the Department of Infrastructure is not directly responsible for running buses in Jersey. Our role lies in securing bus operations through a commercial contract. This contract ensures that the revenue risks rests with the bus operator, incentivising them to continuously improve the service and grow passenger numbers. This model has proved to be highly successful and instructing ad hoc variations to that contract risks undermining the operator's professionalism and motivation through innovation and further enhancement. Currently the TownLink bus service operates under a fixed-cost arrangement wherein LibertyBus is paid a predetermined sum to run the buses. They do not receive reimbursement for concessionary fares and retain fare income from non-pass holders. Implementing free travel for Active Card holders would place an additional demand on the operator without appropriate compensation. To address this it would necessitate a renegotiation of the contract and increase the cost to the public. Furthermore, there is a fundamental question of why. I have to highlight again the lack of consultation with Active Card holders and other facility users. Without evidence of their travel needs and preferences we cannot make assumptions about the necessity of free travel. We should consider alternative sustainable modes of transportation and gather input from those directly affected by this proposition. It is worth noting that no public bus route has historically served Fort Regent, where the Active gym was previously located. Users have not requested such provision in the past. This raises questions about the sudden need for free travel to Springfield Gym and whether it aligns with established patterns. Moreover, the proposed free travel on the TownLink service operates only during working hours, however, peak times for gym usage typically occur before and after working hours, as was mentioned by Deputy Stephenson earlier. For those that cannot walk or cycle I would like to emphasise that Springfield Gym already provides adequate parking facilities. They are designated parking areas, including spaces reserved for Active permit holders. Additional overflow spaces are available at Springfield School outside of school hours. This indicates that sufficient parking options are already in place and further challenges the need for free travel as a solution. Furthermore, it is important to consider the existing bus services that call at Springfield Stadium as part of the main bus operator contract. These services qualify for reimbursement of concessionary journeys. Introducing another form of concessionary travel pass would increase administrative burdens and financial reconciliation for the operator. It is crucial to recognise that LibertyBus already offers a range of fares and unlimited travel passes that provide excellent value, compared to private vehicle use. In terms of developing a bus-use culture these offer much wider value in travel incentives. There is no evidence to suggest that current fare prices act as a barrier to bus usage. There is no justification for providing free travel to a specific group such as gym users. It does not make sense. There are other more progressive ways to address affordability concerns. In conclusion, granting free travel to more individuals on the public transport network may seem like a solution to reduce car usage and ease parking congestion. However, this proposal of free travel is unlikely to achieve those goals and it comes at a cost. Considering our fixed budget, every pound spent on providing free travel to select groups diminishes the resources available for vital improvements, service enhancements and infrastructure maintenance. It is imperative that we make informed decisions that benefit the broader population. Offering free travel to Active Card holders, while well-intentioned, lacks coherence and is unnecessary. Because of this I urge the Assembly to reject the proposition.

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

Much of what I was going to say has been said by Deputy Ahier. I was going to point out that the Minister for Infrastructure and now the Assistant Minister for Infrastructure have explained that

LibertyBus are paid an agreed sum to run bus services. They do not receive any reimbursement for concessionary fares. This proposition is about a concessionary fare for gym users and we have heard from the remarks of the Assistant Minister for Economic Development, Tourism, Sport and Culture and others that there has to be some, at least, evidence for such a use of a free concessionary fare for those members. No such evidence has been provided. There is no such thing as a free service. There has been no consultation, as far as I have heard, with any of the users of the gym. Moreover, the time that the bus service would run is not the time, in my experience having been not a gym-user at Springfield but regularly use the Fort, in which people use or attend the gym. I see no reason why this proposition should be supported. It seems to be, if I may say, some sort of idea of symbol politics. I do not think it is a good idea to make decisions that give the impression that one is providing a free service when the results of this proposition would mean, inevitably, the renegotiation by the Infrastructure Department who is besieged with other priorities and would require a negotiation, which, frankly, I think that they have other priorities to do. I see no reason and I have had no good reasons why this proposition should be supported. I think the observations of both the Minister for Infrastructure, the Assistant Minister for Infrastructure and the Minister for Economic Development, Tourism, Sport and Culture should be taken account of in the way that Members decide to vote.

Deputy M.R. Scott:

I am sorry, Sir, that was switched on by my iPad.

The Bailiff:

It has been on for quite some time, Deputy. Would your iPad like to make an intervention in the ...
[Laughter] Yes, very well. Does any other Member wish to speak? If no other Member wishes to speak, then I close the debate and call upon Deputy Ward to respond.

8.1.12 Deputy R.J. Ward:

I thank everybody for their contributions. While I was sat here listening intently, I sound a little bit Proust. Is it Proust or Proust?

The Bailiff:

Proustian ...

Deputy R.J. Ward:

À la recherche du temps perdu, remembrance of things past, I believe the translation is, now what he remembers is madeleines. Yes, I do have some culture, just to say. He remembers madeleines, I remember back to previous debates. I think it was the smell of madeleines. For me, it is the fact that they are exactly the same arguments that are being made. I would characterise it as what is known as a fixed mindset and there is a real danger to a fixed mindset because you can never escape those failing thoughts that really get us nowhere. What I am tempted to do is just repeat my opening speech, which took apart the comments papers, which subsequently the Minister and Assistant Ministers just read their - probably preprepared for them - speeches; they are just discussing the comments papers. Deputy Ahier, well exactly what I just said. Deputy Ozouf, exactly what I just said. Deputy Tadier, that was different because what he did ... I will just talk first Deputy Renouf, who talked about it being not logical. I do find sometimes Deputy Renouf has a way of saying things that really I find quite nasty because they are not direct insults but I pride myself on the fact that I do know logic, I do know the way things work and I have not got a fixed mindset and I am willing to try things. I remind the Deputy that I have driven so much of the things he is trying to implement now that were not there in the first place, including the most significant change to what is happening to get people to use buses I think has happened in this Assembly for a long time and that is working. To say, well, it happened before, it does not mean it will work in the future; that is exactly why this is a trial.

[14:45]

I would not be so arrogant as to assume it will work and I think we all have to be aware of not being arrogant in that way, thus it is a trial. This point about it not being during peak hours, yes, because the bus does not run in peak hours; that is the problem with the bus service. If you want to change that bring an amendment. There is a 7½-hour period of travel there. What we may have is when people are on their day off who do not usually go during that time and are finding it more difficult to travel when there is a lot of traffic during peak hours, they may start to not take their car and use this bus. They may though, I do not know. I am not arrogant enough to say that they will and I do not have a crystal ball but this is the point of a trial, a trial of a service to try and make an impact. Why on earth would we do that? We cannot do trials like that. You cannot do things that just might just push people along. You can if you are giving money for electric bikes, a significant amount of money for each individual for an electric bike, to try and push them over that edge. I note that only 25 per cent of the vouchers given out have been used. But I would say carry on with that trial because you have got to keep going. I would be positive about it. Do not be in a fixed mindset about it; try and give it a go. Let us be positive about it. But, no, what I get and what we get as Back-Benchers whenever we try to bring something there is a wall of negativity, and I think we need to move beyond that; it is good for us. As for people can walk and they can cycle, yes, of course they can because we have free choice. We have free choice to walk or cycle but there might be times when you do not and you want to take your car because you do not want to walk or cycle. If you have an alternative you will not take that car; that might be one or 2 journeys, that might be a few grams, a kilogram of carbon dioxide not released. I was awake early today, I woke up in the middle of the night ... so I am not telling you about my life, just there is a context to this. I was listening to the radio and it is very interesting that the climate change show is on at 2.30 in the morning on Radio 4; that sort of sums up how important the climate change show is to the world. But it said that for every email we send is 5 grams of carbon released. I did not know this, 5 grams and some people are sat there thinking I had better stop sending emails. You have sat there thinking I had better stop sending emails but when we come with a trial that might take 10, 15, 20 car journeys a day out of the road, no, that is pointless, there is no point to that. I think there is an issue of we just simply do not like it; a fixed mindset. Let us talk about some others. I thank the Constable of St. John for his support. When he started off I was ready for him not but he was and so I was going to raise a point of order and say which one am I, Reg Varney or Blakey? I do not think I want to know. He did tell me at lunchtime, it was not very nice. There was a very important point made in the speech that he made when he talked about they are trying, they are desperately pressing for a bus for the north of the Island. I note we have still not been told the amount of money that goes to the bus company and it is not fare only, it is giving money directly in a form of a grant or a loan - not a loan, it is not a loan, certainly not; carpets, we will come to that - or a payment. The Minister for Infrastructure would again not say what that figure was publicly. He said he would tell me privately. I already know privately but I have been told confidentially and I know how to keep it confident because I pride myself with a level of professionalism, so I am not going to say what that is. I would though ask the Minister for Infrastructure, it is a shame that he did not because I think it might change some of the opinions of some people sat here saying we cannot make this tiny - such a little change - to the bus company. It is certainly incorrect to say it is a fare-only based system. I think we need to strike that from the records. I am feeling more and more like a lawyer, I will have to be paid more. This notion of having to battle for a north of the Island bus, why on earth are we having to battle for a north of Island bus? That should be absolutely integral. In this circumstance the bus route already exists. We are not having to battle for a bus route, which has been identified as not being used. There is a problem that has arisen in the constituency around Springfield, a genuine problem of congestion at particular times. This is one small ingredient that might do something about it, that might make a behavioural change. It is a trial, it might not, fair enough. It is a trial but we still will not act on that. There is a huge contradiction in the arguments against this proposition that has been made in this Assembly, which is, well, we do not want people driving, we want them walking but we provided a lot of parking space. One real concern for me in my constituency is that Springfield School is being used as a car

park. How long before that becomes the norm and our school becomes a car park at weekends and at other times? That is one of the issues that we have. There is a contradiction, we both want the cars there because we will provide them but we do not want people to do anything other than walk and cycle, rather than providing a bus alternative. That is illogical, that is where there is a lack of logic and I really hope the Minister will see that. Just quickly, the Constable of St. Helier, I can see him there, of course I do forgive him and I must say I am surprised he has got his bus pass, he certainly does not look old enough, but that is enough of that love-in. We will move on and we will be arguing again soon I am sure. Deputy Luce, I really worry about another red herring that appears here, this notion that if we do this pretty soon we will have free buses through town and then we will have free buses in a wider area and then we will have free buses across the entire Island and then before you know it everything will be free. After that, well, we will become a socialist utopia and then we will invade Guernsey, where do we stop? That level of insanity in terms of extrapolation we need to be careful of. Let me put this to the Deputy, let me turn the argument another way, if you give somebody in the Parish of St. Martin access to proper drains, well they will all be wanting them and then it will cost us an absolute fortune. That is the thin end of the wedge with drainage, we cannot be doing that. It is exactly the same argument and it does not work. It is a red herring, it is false. We have to posit our arguments more carefully. The Assistant Minister for Economic Development, Tourism, Sport and Culture, Deputy Stephenson, the contradiction in terms of car use and not car use was there, the use of Springfield was there. The same sort of non-arguments were made. As for it being for one group; yes, it is for one group. If I was to come to this Assembly today and say I want all of the buses around there to be free, I want all the parking to be free but only if you have got a certain type of car or you have got a certain person with you or we are going to have rickshaws, you would say well that is ridiculous. You would say that is ridiculous, it is way too much, we cannot do all of that. Why not come with a measured, targeted approach? It is too targeted and too measured. We are in this huge catch-22 situation and that is about control from Government, let us be honest about what that is about. That is not about accepting good ideas, that is about control and that is a real problem and that is not open-consensus Government. That is not open-consensus Government and that is something we need to do something about. For all of you who are listening to those red herrings, I ask you please after this, whatever you decide to do, look back on the previous debates on buses, open up the Hansard, get your highlighters out and highlight the same arguments in the same colour. You will only need one colour because they are all the same arguments. It will not take you long. I will make the point that 3½ years later when one change was made, and in fact it is a reverse-engineering of the extrapolation up, it went the other way because I started with 3 buses and ended up with one type and that has been massively successful. There was no trial by the way. I do not know what the Assembly was doing not having a trial and there was no evidence either. I did not speak to every 18 year-old or anyone under 18, heaven forbid, who would want to do that? We would not want to consult young people in this Assembly, would we? What is that about? But anyway there was no trial there and it worked because we gave it a go. This is a trial, it is measured, it is dealing with a specific issue around Springfield that exists now because of the actions of Government in moving a gym. It might take 10 cars off the road, it might take 20 cars off the road; that is okay, that is a start. It might change the behaviour of 10 or 20 people, those 10 or 20 people might speak to 10 or 20 others. I was going to be clever and do the maths in my head then, so I am not going to do that now. But there will be a lot of people after that who will then make that change, and that is the issue that we have all of the time. Conversely, this is what will happen if you do not vote for this today, we go to Springfield and I sit in my constituency and say: "Look, we tried to do something." They will say: "The Ministers talked about improving the bus routes, why do we not do that?" I said: "Okay, I will bring that and I will come back to this Assembly with that and what I will be told is you cannot do that because the bus company do not want you to." Let us be honest, it is not just the bus company, it is officers do not want you to do it. The Ministers are being determined on this by what the officers want to do and it is been like that for the last 4 years, and it is carrying on now because they are in a fixed mindset. I do not blame them, they have got a job to do and they

believe it is going well and that is fine. But we have to break out of that at some point. I will mention what Deputy Feltham said, and I will finish soon but I have got to go through these points because it is the only opportunity we get. It is really interesting that when I brought this to my colleagues and we talk to each other and come to our decisions before we get to this Assembly, just a little tip there, and I really had trouble for exactly the reason and I warn you going up against Deputy Feltham in an argument you had better be prepared. I am trying not to make eye contact now but it is absolutely true. I reasoned my way through this, firstly, because it was something. I cannot solve all the problems around there. I cannot solve all the problems with transport around the centre of St. Helier, it needs a joined-up consultative approach of all of the Deputies, the people living there, the Constable, whatever groups that govern; so many of them I have lost track of them, Ministers, Assistant Ministers. But this is something that might chip away at it for a few months, and it has to be until December because as you go through the winter period I believe that is when you will see the benefit of it. I say to Members we have had no data, no consultation on how much the bus company is costing us. We have no information on that. You are making the decision if you say no to this blind of that figure. I am not going to say the figure because I do feel uneasy with that. I was brought up with this terrible moral conscience by my mum and I cannot forget that, okay. But it is a large figure and it is significant and this change will not bankrupt the bus company, will not need a massive renegotiation. We have only just renegotiated it anyway and it might make a change to the centre of St. Helier. I was elected as a St. Helier Deputy, I stand up first and foremost for St. Helier Central residents and I think it is not going to solve all of their problems but it might chip away at some of them and that is why I am bringing this. I ask Members, do not have a fixed mindset. We have been through the comments; I explained why they are not very good comments at the beginning. I have explained away through those; I hope you were listening. With that I ask Members to please consider this and I ask for the appel.

The Bailiff:

The appel has been called for. I invite Members to return to their seats. The vote is on P.33, Provision of free hopper bus service for Active Card holders and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been defeated: 19 votes pour, 24 votes contre. Sorry, there was one in the chat, 25 votes contre, I apologise.

POUR: 19		CONTRE: 25		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Lawrence		Connétable of Trinity		
Connétable of St. Peter		Connétable of St. Clement		
Connétable of St. Martin		Connétable of St. Mary		
Connétable of St. John		Connétable of St. Saviour		
Connétable of Grouville		Deputy C.F. Labey		
Connétable of St. Ouen		Deputy S.G. Luce		
Deputy M. Tadier		Deputy S.M. Ahier		
Deputy L.M.C. Doublet		Deputy I.J. Gorst		
Deputy M.R. Le Hegarat		Deputy K.L. Moore		
Deputy R.J. Ward		Deputy P.F.C. Ozouf		
Deputy I. Gardiner		Deputy H.M. Miles		
Deputy L.J. Farnham		Deputy M.R. Scott		

Deputy S.Y. Mézec		Deputy J. Renouf		
Deputy B.B.de S.V.M. Porée		Deputy R.E. Binet		
Deputy D.J. Warr		Deputy H.L. Jeune		
Deputy C.D. Curtis		Deputy M.E. Millar		
Deputy L.V. Feltham		Deputy A. Howell		
Deputy R.S. Kovacs		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy A.F. Curtis		
		Deputy B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

The Greffier of the States:

Those voting contre: the Connétables of St. Brelade, Trinity, St. Clement, St. Mary and St. Saviour; Deputies Labey, Luce, Ahier, Gorst, Moore, Miles, Scott, Renouf, Rose Binet, Jeune, Millar, Howell, Tom Binet, Ferey, Alex Curtis, Barbara Ward, Wilson, Stephenson and Andrews and Deputy Ozouf in the chat.

Deputy R.J. Ward:

May I congratulate the Government on being back on track?

9. Breakdown of Gender Pay (P.31/2023) - as amended (P.31/2023 Amd.)

The Bailiff:

The next item is the Breakdown of Gender Pay, P.31, lodged by Deputy Andrews and the main respondent is the chair of the States Employment Board. There is an amendment lodged by the Council of Ministers. Deputy, do you accept that amendment?

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

Yes, I do, Sir.

[15:00]

The Bailiff:

Very well. Do you wish the proposition to be read as amended?

Deputy M.B. Andrews:

Yes, I do, Sir.

The Bailiff:

Do Members agree that the proposition may be read as amended? I ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion (1) that the States Employment Board should publish annually (a) a breakdown of gender pay relative to salary bands for each government

department, commencing January 2024; (b) a breakdown of gender pay for full-time and part-time government employees, commencing January 2024; and (c) a report of the income ratio of the highest and lowest income earners within each government department, commencing January 2024. (2) That the Council of Ministers should encourage all arm's length organisations and specified organisations, as defined in the Public Finances (Jersey) Law 2019, to publish their gender pay and income ratio information in a transparent manner as soon as practicable.

9.1 Deputy M.B. Andrews:

I am very happy to be bringing forward this proposition before the Assembly. Having spoken to the States Employment Board about the income ratio and gender-pay reporting, I am very pleased to see that logistically. This is something that can be implemented. As I was aware previously, the reporting of gender pay was collated across the government as a whole, however, there was not a breakdown of gender pay across salary bands of each governmental department, so that is part (a) of my proposition. I think this is offering a more transparent and accountable approach, so we can see gender across salary bands and the breakdown of that as well. When we are looking at part (b) of the proposition we are looking at full-time and part-time equivalents and I think this data is absolutely essential. I think the Government really needs to be leading the way before we seek implementation of economic policies. For instance, we are looking at firms having a mandatory requirement to provide gender pay information; really the Government has to be leading by example beforehand. I think this proposition is enabling that to happen. When we are looking at part (c) we are looking at the income ratio, so that is between the highest and lowest income earners across each government department. I think it is absolutely essential when we are looking at income inequality that we ensure that all employees within the public sector are financially independent as far as we can ensure that to happen. Obviously Jersey is a very costly jurisdiction in terms of the cost of living and also with house prices as well. I think this is where non-Executive Members can start to maybe raise some questions because what we will have are a data series being developed year on year. With part 2 of my proposition, it was the good work of Deputy Jeune who managed to ring me up one day and she said: "I have got this proposal." I said: "Okay, I would like to hear it." She said: "I would like to see the extension of what you propose in your proposition be applied for arm's length organisations." I was absolutely in support of that because I think that is providing us with a broader approach, more transparent and accountable approach as well. I would be delighted to hear the views of all Members in the Assembly and I look forward to hearing all the views of Members in this debate.

The Bailiff:

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

9.1.1 Deputy L.M.C. Doublet:

I am hoping there will be wide support for this proposition and I thank the Deputy for bringing it. As someone who has previously been somewhat of a lone voice or perhaps one of a minority, there are colleagues who have also campaigned on gender equality. I really, really do welcome this. When I was looking back on some of the gender pay gap reports there were 2 from the Gender Pay Gap Review Panel and it is interesting to me that there has been so much progress since the publication of those reports. The membership of those review panels have included our current Chief Minister and Deputy Chief Minister and Deputy Morel, indeed the chair of the Scrutiny Liaison Committee and the chair of P.P.C. It seems to me that wanting to progress towards gender equality particularly is something that is embedded and agreed upon by our Assembly and it is wonderful to be part of such an Assembly. Especially I think it is important to note that Deputy Andrews is a fantastic ally as a man bringing this proposition, and that is something I wanted to point out. Because sometimes people assume that gender equality especially is a woman's issue. But I have been lucky to work with some Members in previous terms, both men and women and those men when they are allied with women can really amplify our voices and we can create progress a lot more quickly. Again,

thank you to Deputy Andrews. Deputy Jeune is going to talk more about some of the work going on within Government and I am really delighted to be working alongside her and the Minister for Home Affairs towards an action plan that will have effect beyond just the States employees and beyond just gender. Because of course gender equality is not the only issue that we face in our society. It is fantastic to be working with those new Deputies and learning from both of them as well, and it is that collegiate approach which I think results in the greatest progress. I will finish soon. I just wanted to draw Members' attention to the comments from the Diversity Forum. The chair of the Diversity Forum is not in the Assembly today because she is on States business and I know that she would want me to draw Members' attention to those comments. The Diversity Forum is a cross-parliamentary body that brings Members together, Ministers, Back-Benchers, Constables, Deputies, and of course our main focus is on the diversity and inclusion within our Parliament as a body but of course the rationale behind wanting an Assembly that is diverse is the hope that once we have that diverse Assembly - and we very much, I think, have that or approaching it - that we will make decisions in the best interests of the population. That includes approving propositions like this, which will contribute towards the advancement of gender equality. The Diversity Forum recommends the adoption of this proposition and I hope Members will support it.

9.1.2 The Connétable of St. John:

I thank the Deputy for bringing this proposition and for his engagement, before he lodged it, with the States Employment Board. The States Employment Board are very supportive of this proposition because it fits in with our desire to be more transparent and also our commitment to equality. I think the Deputy realises that the data is not in the best of shape at the moment but this will help focus our minds to get it in a better shape that we can make reporting. It will also help the States Employment Board to identify areas of disadvantage, areas of underrepresentation in certain careers and help us to move towards more mature reporting across a whole range of different characteristics. I would urge Members to support this proposal.

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

I am grateful for Deputy Andrews for accepting our amendment and for bringing this proposition. This Government is committed to addressing issues of inequality and inclusion. As Deputy Doublet said, this is an area of the Minister for Home Affairs, which she has been given this responsibility for and as one of her Assistant Ministers I am glad to have been asked to lead this, along with Deputy Doublet. It is our intention to publish a diversity and inclusion action plan in 2024 and to date we have been undertaking a period of consultation with relevant stakeholders and an assessment of previous work in this area. This has included discussions with the States Employment Board, who I am very pleased are accepting this proposition. The Deputy's proposition presents an opportunity for the States Assembly to give a clear direction to the States Employment Board about the expectations of transparency and data about the gender pay gap. It is only right that, as employers, Government leads the way on being transparent about pay inequality and, more importantly, in addressing pay inequality. Data published earlier this year by Statistics Jersey confirm that the overall gender pay gap for the Island in June 2022 was 12 per cent. This was the highest value seen from 2016 to date and this gap widens for women in some minority ethnic communities. It is 20 per cent for those working in the public sector and the gender pay gap in the financial and legal activity sector increases with age, starting near parity for those aged 20 to 29 and widening to 88 per cent for those aged 60 to 64; some shocking statistics that we should really take into account when we are thinking about this in the future. There is absolutely no question that we must do better. It makes economic sense, the latest PwC (PricewaterhouseCoopers) Women in Work Index reports that closing the gender pay gap in Jersey would deliver gains in female earnings of 12 per cent or £187 million per annum. But it also states progress towards gender equality in the Channel Islands will take decades to achieve if the current pace of change continues. I have worked in Belgium for 15 years and had my 2 children there. It has a gender pay gap of 5 per cent in 2021. This year it will

publish again and I am hoping that that will reduce. This is the fifth smallest gap in the E.U. (European Union). I wanted to bring to the Assembly some example of my work experience directly benefiting from their policies to encourage gender equality at work. It was completely normal that I was hired into a new job when I was 6 months pregnant. Policies helped my employer feel confident they could make their decision to hire me based on my abilities and expertise and not as a female or mother and gave me the confidence to apply for a better paid more senior role, even though I knew I was trying to get pregnant. There is highly subsidised childcare to ensure I could go back to work, free school from 2½ years old and subsidised after school and holiday activities. At the same time my husband and I both received a set amount of flexible parental leave in place until the child is 12 years old; that meant as a family we could choose to reduce our working day to support childcare or increase our holiday allowance linked to school holidays without big dents in our wages. Therefore, I believe if we, as a Government, are serious about addressing the gender pay gap it is essential that as a start we seek to use all levers at our disposal. To this end, our role as an employer is clearly vital and we should lead by example. But Government's influence extends beyond those that we employ directly. By including A.L.O.s (arm's length organisations) and specified organisations in this, as our amendment seeks to do, we can ensure that we are utilising all levers available to us. Some Members may be concerned about the capacity for relevant organisations to fulfil these obligations and we were very mindful of this when crafting our amendment. Our arm's length and specified organisations undoubtedly provide important services and it is not the intention to compromise their ability to deliver these. If adopted, the obligation is placed upon the Council of Ministers to encourage the publication of this information as soon as practicable. It does not directly compel relevant organisations to do so. I hope Members will agree that this is an entirely legitimate action for Government to take. Our A.L.O.s and specified organisations should be working in tandem with us to achieve Government objectives and reflect our values. We should be clear and confident in expressing those values. I would encourage any Members who have not done so to consider the report of the Comptroller and Auditor General on oversight of arm's length organisations in 2017, which elaborates on the importance of Government ensuring that these organisations continue to deliver on the objectives we set for them. Surely it is right that where Government invests significant public funds through these organisations we have an expectation that they contribute positively to our community beyond their core functions. Ultimately, reporting on the gender pay gap is not the end goal, it is a tool and one that we should be seeking to make obsolete by eliminating the pay gap entirely. That is a goal that we should all be working towards but in the meantime transparent reporting of this data is vital to showing us the problem and helping to ensure our efforts are properly targeted as we seek pay equity for all.

9.1.4 Deputy M. Tadier:

In the middle of the speech there I was getting worried that the Deputy had turned into some kind of socialist because experiencing all those benefits of living in what I think is a social democratic model in Europe might be seen as extreme left by some of the Members of this Assembly. Of course I think she reminded us of you get into society of what you put out of it, so depending on what your model is if you invest in your social model you get social outcomes from that. But of course a lot of her colleagues would say a lot of that will cost money and somebody has got to pay the taxes and then ask what the taxes are that they pay in those social democratic countries. I think it pre-empts in a sense the outcomes that we may get. We may get some statistics from this that we look at and then the question is of course, what do we do with those statistics?

[15:15]

When we are told that we have some kind of unequal society, what then is the appetite that we have as an Assembly or as a community to change those inequalities that exist in society? Are we going to be willing to tell the private sector, for example, that they need to start paying women more? But of course it is right that we start with ourselves, which I think is the basis for this proposition. I am

also glad that the Deputy of our super district explained the fact that there are subgroups within the gender pay divide. While this proposition is asking us to look at the gender pay gap and how that exists and what it is, we should not forget the fact that there is something that I believe is called an ethnic pay gap, and we discussed this with the Minister for Home Affairs. We touched on it in our Scrutiny hearing in the Welfare of Work Permit Holders Review that we are currently carrying out. I think we need to remind ourselves that the genders in the Island are not homogenous groups that are all equal within themselves. There are subsets within those groups that are treated differently, just as there will of course be men; that also must not be forgotten. Because I think there are both ethnic divides that we do not really have many stats on at the moment that we need look at, including in our own workforces. Something that we were reminded of, I think, or that we have become aware of, is that there are also work permit holders that work in finance, for example, but we see that they are doing perhaps work which is like for like but because they are on work permits there is a minimum threshold that they are supposed to earn and which, ironically, may have become also a cap. It is possible to import people who are doing sometimes very technical work, very educated people in the finance sector, for example, but they could be getting paid a fraction of what colleagues are being paid for comparable work. That could be a man, it would be an ethnic man, for example, who has been brought to the Island to do exactly the same work, who is getting paid different to a Jersey-born woman. I think the picture that we paint and with the statistics that we will get are all dependent on how we interpret those statistics. I think we need to be mindful of that fact. The one last thing I would say, just reminding ourselves of what happened in the U.K. and the Brexit vote, and I think the rise of what we saw in the populism of the Conservative Party, is that there was an impression in the north of England, and I think they call it “Blyth man”, which had traditionally been a Labour seat for quite a while, is that white working-class men felt forgotten and whatever the reason for that is that there was a populist uprising which resulted in Brexit and which resulted, I think, in a populist Conservative Party coming to power. You can think whether that is good or bad; that is obviously subjective. But I think it is really important that when we come back with the statistics and whatever narrative it is that we are painting, is that we do not single out and pit one part of society against the other because we need to look at gender absolutely, we need to look at ethnicity and, lastly, I think we need to look at class. We might like to think that we live in a classless society but we have been reminded, I think, in the last 12 months that we are very much British and that the class system is very active in British society. I would suggest that that also has an impact on the pay rates that we might see, both in the private and public sectors. I add that into the mix. I know we are ostensibly here to talk about the gender pay gap but I think within the gender pay gap you have got all of those separate points which make the picture perhaps more complicated and which will also need interpreting.

The Bailiff:

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

9.1.5 Deputy M.B. Andrews:

I must, first of all, thank my colleagues who contributed to this debate. I thank Deputy Doublet and Deputy Jeune, who are both progressives and of course they are both independents. They have done, I think, a terrific job in their first 12 months in their roles, in particular within the Home Affairs remit. It was very good to hear both of them be in support of my proposition. But I also believe as well what Deputy Tadier had to say was also very much true with there being this extended remit that, potentially, we need to go into in terms of when we are looking at, say, ethnicity. I know he has also had previous conversations with the Minister for Home Affairs. I definitely believe that is something that ought to be addressed potentially this term. If not, then definitely next term. I think, having listened to what everybody had to say and I think there were some marvellous contributions, I would like to call for the appel.

The Bailiff:

Thank you very much. The appel is called for. I invite Members to return to their seats. The vote is on P.31, Breakdown of Gender Pay. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted: 33 votes pour, no votes contre and no abstentions.

POUR: 33		CONTRE: 0		ABSTAIN: 0
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy P.F.C. Ozouf				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				

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

10. Provision of carpets in Andium Homes properties (P.34/2023) - as amended (P.34/2023 Amd.), (P.34/2023 Amd.(2))

The Bailiff:

The next item of public business is the Provision of carpets in Andium Homes properties, P.34, lodged by Deputy Ward of St. Helier, and the main respondent is the Minister for Social Security. There are 2 amendments lodged. [Aside] I think that falls off the table and we move on to the next item then. [Laughter] As I say, the next item is the Provision of carpets in Andium Homes, P.34, lodged by Deputy Rob Ward and the main respondent is the Minister for Social Security. Deputy, there are 2 amendments lodged, you have lodged one and one has been lodged by the Minister for Social Security. Do you accept that amendment?

Deputy R.J. Ward:

Yes, Sir, both of the amendments. Thank you.

The Bailiff:

Then do you wish the proposition to be read as amended?

Deputy R.J. Ward:

Yes, please, Sir.

The Bailiff:

Do all Members agree that the proposition may be read as amended? Very well. I ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to request the Minister for Social Security between 1st July 2023 and 31st December 2023 to (i) implement provision of special payment grants to any Andium Homes tenants who require carpets in new rentals and who would otherwise be eligible for a loan from the States of Jersey for such a purpose; and (b) to request the Minister for Treasury and Resources, in consultation with the Minister for Social Security and the Minister for Housing and Communities, to work with all social housing providers to review their policy relating to (i) provision of flooring as standard in all properties and (ii) reuse of carpets after cleaning and (c) to request the Minister for Social Security, on implementation of paragraph (a)(i), to ensure that this provision is extended to those tenants who are currently in receipt of a loan from the States of Jersey for the same purpose.

10.1 Deputy R.J. Ward:

It was exactly the reason why I asked for a little break and then I just took too long. Thank you for your patience. I would like to thank the Minister for the amendment. I believe it is doing the same thing. Indeed, if I am absolutely honest, the original proposition, it is very difficult to time propositions and know when to implement them. I think as Back-Benchers it is becoming increasingly difficult to know how to get things that might not just be opposed for those timings. I had initially suggested during the Government Plan but this gives a specific date between July and December. I would like to say I would hope this would be sooner towards July than December, if this is accepted by the Assembly. I hope that it will be accepted because of the acceptance of the amendment from Government. There has been an issue and it has been raised, and I have consulted on this but I have consulted differently. I have spoken to a number of charity representations to begin

with, and I am actively not going to say who because I do not want to politicise individual charities. However, I think the content of what they said is fair enough to say in this Assembly. There have been issues and there are a number of circumstances, unintended consequences, I suppose. Income support is designed to keep people on a basic level of living; that is what we have agreed. I am not going to judge why people are on income support. I do not demonise poverty. I think we have to be very careful of that when we talk in these areas. I always say but for the grace of God go all of us into those circumstances, and we need to remember that and humble ourselves with those thoughts. There are a number of people who that repayment of carpet just puts them over the edge in terms of week to week and month to month. They do go to charities or end up paying the extra bit back. What we have got is carpets being paid for with income support and then that payment coming from a charity, which does not make any sense whatsoever. The figure itself of how much money it is is minimal, it is about an average of about £80,000, I think it is £81,400 and something if you take the average over the number of years from the report. That £80,000, to put it technically, for income support is peanuts. It is a very insignificant amount of the amount of money paid out in income support, which is millions and millions of pounds. However, for the individuals involved, it is a significant amount of money in those repayments. Therefore, what this proposition does, and my conversations with individuals who are struggling, those who have said ... and there have been some circumstances which I really struggle with. Because we live on an Island where there is a lot of wealth. I came into this ... you know where my politics come from, I made it obvious on a number of occasions. There are occasions where people are living without any carpet on the floor because they simply do not want to take on the loan and they are waiting or they have got children. We should not be having people live in those conditions. This is not about providing free carpets for everybody and all of those things. This is about those who would qualify for those loans; not having a loan but having a grant. The one piece of research I have not done well, and I just cannot remember. I have got the date 2013 in my head but I might be confused with something else. This used to be a grant system and it was changed to a loan. I think that was a mistake and this is asking it to go back to that grant system. I do not think there is anything too controversial with the Minister in regards to that and, hopefully, with the rest of the Assembly; I can answer any questions. The second part of part (i) of the amendment is to look at how we look into the future in terms of what we are doing with carpets. There is a situation which is ridiculous on a number of levels, which is carpets are immediately ripped out of Andium Homes and thrown away, regardless of how good a quality they are. If carpets are under poor quality then of course get rid of them and replace them but for many people if you go into a home and say: "I quite like the carpets", they can be steam-cleaned, there are modern methods of cleaning which are really effective and they get rid of bugs and they get rid of everything that is wrong. If you went privately that certainly happens. It just is such an enormous waste of resources. I could play the environment card here and burning these carpets in our incinerator is hugely wasteful and so, therefore, we do need to look at that. But the second part of the amendment is about a review into that, and I accept the amendment of saying "all social housing providers" I think that makes sense, so what is the commonality among social housing providers. I could tell an anecdotal story - well, it is not anecdotal because it was said to me - on one of the C.P.A. (Commonwealth Parliamentary Association) visits, we were in Guernsey, we were talking to their social housing provider. I may have this slightly wrong so if they are listening, forgive me. But there was I think a large company that had lots and lots of carpet tiles that they were just going to get rid of. They used a really commonsense approach and said: "These are neutral carpet tiles, we will take them for our social housing" and carpeted the houses for free. It was a really good use of the resources they had; really simple solution. I think if we get into this review and look at it carefully we can find solutions like that. I am not saying we have to beg, borrow, and steal because as a Government we should be able to do things well, but certainly we can use our buying power to make things a little cheaper and more accessible. I think as well that there are situations for those people who are setting up a home for the first time who have been in really vulnerable situations, situations such as care leavers, for example, those who perhaps have had mental health issues, those who have come from a

broken home or some sort of situation, where they are moving for the first time from a more sheltered environment into their own home. They are having to have a lot of their provisions provided for them. We need to get to a situation where as a States Assembly and as a Government we say: "We will take care of you in that situation so you can continue to build your life." I think this is another positive that comes from this amendment. I have amended my own amendment to have the debate on the current loans.

[15:30]

I think if we do accept parts 1 and 2, which I really hope that we do - it might be (a) and (c), I always say 1 and 2, I think we all know what I am talking about - the last bit - and I am quite happy to take this in parts so that people get a vote on each part - will say that if and when this change comes into effect it will cancel the loans that are already there. Or we could be in a situation where you have some people who are in that really difficult situation continuing to pay their loans for another year and a half, and those who have got into the grant system who are suddenly not paying those loans, which is a contradiction and I think an inherent unfairness. I do not think the cost will be huge; one of the reasons being some of those loans might be near the end. Now, the issue of repaying those is not what I am asking to do. I am not saying: "Okay, if you paid 6 months here is your 6 months of the loan back." If the Minister wants to do that; feel free. But I am not suggesting ... I recognise there must come a point where it stops and that is the end of that loan. I am not asking for a regressive look back at what was paid, so I want to be very clear about that. So that is another issue I do not think we do need to be debating because that is not what I am asking to do. I am going to keep it very simple to open up because of the amendment. This, I believe, will directly improve the lives of some people on this Island; the lowest income levels that we have. It gives us an opportunity to look again at the way we provide carpet. It may mean that we have less wastage and it may mean we make a significant change to people's lives and their living conditions. With that I make the proposition.

The Bailiff:

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

10.1.1 Deputy E. Millar:

I would like to start by thanking the Deputy for accepting my amendment to parts (a) and (b) of his proposition. I will make some comments on those parts first and then address what is now the new part (c), which has been reinstated by the Deputy's second amendment. As amended part (a) of the proposition has the effect of providing grants for carpets for Andium tenants who take on a new tenancy between July and December of this year. This is designed as a short term, temporary proposition while the review set out in part (b) of the proposition is completed. In the report accompany my amendment I make a commitment to undertake a review of income support guidelines relating to special payments to support housing costs at the same time as the part (b) review is underway with social housing providers. To explain this in a little more detail. Income support is a benefit which provides a weekly top-up to households with a low income. The law also anticipates that sometimes households will need help with a one-off expense because they may not be able to meet this expense from any savings they have or from their income. The special payment legislation allows for grants which do not need to be repaid and loans which we currently offer as interest free. These loans are repaid through a weekly deduction from ongoing benefit payments. Income support special payments can help people with a range of one-off housing costs. This will include carpets but also whitegoods, beds, rental deposits, and removal costs. In most cases payments for these types of costs are now made as loans. Income support special payments are available not only to tenants in Andium properties but also to tenants of other social housing providers and to tenants renting in the private sector. Special payments are also available to support a range of other costs an individual may face, including things such as dentist bills. Special arrangements do exist for care leavers and

care leavers will sometimes receive grants for some of those costs that are not otherwise available to other individuals on income support. My review will consider all the costs faced by tenants when moving into a new property and how best these costs should be supported through the income support special payment system. Returning to part (a), the proposal set out in the amended part (a) only relates to Andium tenants and only relates to carpet costs. The 6-month provision of grants is proposed as a short-term step while the detailed reviews take place. Andium tenants who require help with other housing costs and non-Andium tenants will continue to receive support through interest free loans as they do now. There will be a cost to this short-term measure, estimated at a minimum of £50,000. This amount can be met from the existing allocation of income support funding for 2023 and administration of grants during this well-defined period will be straightforward. I do, however, have to challenge Deputy Ward's estimate generally that the cost of providing carpets will be only about £80,000 a year. We think it would be considerably more and in the period up to 2015 when more grants were paid the Social Security Department were paying out sometimes in excess of £400,000 a year in grants to customers, although admittedly they were not all for carpets. Turning now to part (b). Ministers acknowledge that a review of flooring provision across social housing providers is timely. My amendment broadens the scope of that review so that it looks at the policies applied by all social housing providers, and the Minister for Housing Communities is formally included in the review to acknowledge his important relationship with both Andium and the housing trusts. We will include consideration of provision of flooring as standard in all properties and whether carpets can be cleaned and reused. I am confident that our review will be concluded quickly and provide a good sustainable policy going forward. The review will be undertaken in the second half of the year and completed before the end of the year, and existing policy resources will be redeployed to undertake that review. The second amendment to the proposition creates a new part (c). This replaces part of the original proposition that was removed by my amendment. The intention by part (c), as I understand it, is to cancel loans that have already been entered into by Andium tenants to support carpet costs. As I understand it, the request is to cancel the outstanding balance of any loan in respect of carpet and not to reimburse a person for part of a loan that has already been repaid. I am grateful to the Deputy for clarifying that. My original amendment removed this part of the proposition and I remain firmly opposed to any proposal of this nature. I believe that terminating these loans would be unfair to those people who have already paid loans off and it would be unfair to tenants who rent from a landlord other than Andium. It will create significant difficulties in managing other areas where people owe money to income support. I do not see any way that it would be possible to administer this part of the proposition fairly or as a sensible use of public money. Andium tenants who have already moved into a new home will fall into several categories. Some will have decided to buy their own carpets as the choice offered through income support is limited. These tenants will have made their own arrangements, may have agreed a zero per cent deal or indeed an interest paying deal, with a carpet supplier and are paying back the cost; these tenants will not be helped by this proposition. Some will have planned for the transfer to new property and saved for the carpets in advance; these tenants will not be helped. Some will have taken up the offer of an income support loan and agreed a reasonable repayment rate and the loan is fully paid off, perhaps relatively recently; these tenants will not be helped. Some will have made arrangements for their own flooring but received a loan to help with the cost of whitegoods and furniture; they will not be helped. All others who do not live in Andium properties will not be helped by this part of the proposition. I cannot agree with the Deputy when he suggests that part (c) adds to the fairness of the scheme. It is inherently unfair. It is true that some Andium tenants will move in the second half of this year and they will be offered a grant for the cost of carpets under the proposition as amended, but this will apply equally and fairly to every Andium tenant moving home in that period. The proposal to write off historic loans is not at all fair. Each loan was entered into freely and tenants had a range of options open to them at that time. Some will have taken up the offer of a special payment loan; some will not. Looking at this from an operational perspective, Members should also understand that the administration of income support consolidates all repayments due from a person

into a single sum. I have explained this in some recent written questions. This method protects the individual and ensures that a person never faces a high level of repayment, even if they have requested multiple loans or are separately repaying a benefit overpayment. A single weekly deduction is agreed by Social Security, Customer and Local Services, with the individual across all of their outstanding liabilities to the department. While this helps a person, the consequence from an administrative point of view is that individual loan balances are not tracked through the system; just the current overall running balance. As such, there is a significant degree of operational complexity in identifying every Andium tenant who has previously requested a loan for carpets and then disaggregating the payments made against that loan and any other loan repayment active since then. For example, if a person has obtained a loan to buy a cooker and a fridge and a carpet do we treat the loan for the carpet as being wholly outstanding and apply all payments to the cooker and the fridge, or do we prorate the balance? Operational resources will need to be diverted from customer-facing services to review and assess the value of the outstanding loans for carpets on a case-by-case basis and make a calculation of how much of the outstanding loan should correctly be allocated to the carpet loan. Quite apart from the administrative - and we estimate this will take up a considerable amount of administrative effort - the scope for dispute between the department and individuals is both obvious and significant. The Deputy describes the financial implications of part (c) as minimal. I cannot agree. Due to the administrative method used for tracking loans it is not possible - and again I have covered this in written questions - to give an accurate estimate for the cost of cancelling the balance on all outstanding carpet loans, however, the total amount is likely to be significant. In the broader context, these loans represent debts to the taxpayer. The Assembly should only cancel debts in extreme circumstances, otherwise we create a dangerous precedent and a real risk of jeopardising government finances where people all over the Island start to ask not to repay back debts that are rightfully and lawfully due to Government. I ask Members to support parts (a) and (b) of the proposition as amended and strongly urge them to reject part (c).

10.1.2 Deputy S.Y. Mézec:

I suppose at least we are in a good place where there does not seem to be any disagreements on parts (a) and (b). That will at least over time make a tangible difference to people who were facing beforehand a very bizarre situation in a key social housing provider not providing adequate flooring as is common practice in virtually all other housing that is provided for renters on the Island. I think Deputy Ward has done a very good job at raising this issue. It has been a perennial one that has come up previously and not been addressed, so good on him for bringing it to the Assembly and getting to a point where there is good agreement that a way forward can be found in the future. So hopefully there will not be much argument on those first 2 parts but I would maintain a position in favour of the new part (c) that Deputy Ward's second amendment puts in here to maintain that element on the current loans aspect. I have to say that I think that the Minister's use of an argument on the terms of fairness is not a perspective that I share. I do not think it is a good argument to say that because some people have historically had to put up with an injustice, that we cannot fix that injustice today for those currently suffering it because that would somehow be inequitable. That strikes me as a reason for never making progress and never trying to improve things because people who will benefit from those improved things have an advantage over people in the past who did not get to benefit from those things. That strikes me as a consistent philosophical argument against positive change. I think it was wrong in 2015 or 2016, I believe, it was, when the States grants system for income support claimants was drastically eroded by the Government then who in their austerity drive attempted to save money from payments from Social Security by moving many of these things from grants to loans.

[15:45]

That meant for those who were really on the breadline already, to gain those essentials like whitegoods and carpets, et cetera, would claim the income support that they were eligible for but

have to pay back part of it in a loan for those things which in some instances would have pushed those people to all intents and purposes into relative low income. Moving to that system was a mistake and for at least some people who have suffered a loss as a result of that mistake, to be able to forgive some of that for them here and now would be, in my view, a morally justifiable thing to do, even if it does not mean that everybody who suffered from that injustice post-2015 is not able to have that rectified. We have seen this argument in other jurisdictions as well; the President of the United States has talked extensively about forgiving student loans in the United States and that has caused political issues. That is obviously on a much greater scale than this but I simply do not accept the argument from the Minister that it is unfair to help some people today because people yesterday were not eligible for that help. That strikes me as an argument perpetually against any kind of progress and helping people. So I would urge Members to keep their minds open and still give serious thought to supporting part (c) and helping some of those people who are suffering the legacy of that injustice that began in 2015.

10.1.3 Deputy M.R. Ferey:

I share all of the concerns of the Minister for Social Security. We have agreed to carry out a review of income support policies and during that period our budget can support carpets being given to Andium tenants as grants rather than as loans, as they are now. Obviously this will cost but it can be absorbed in the short term. I have to make it clear though that the issue of flooring is not quite as simple as the Deputy's proposition makes out. It is not right to single out Andium Homes in this context as of course there are other social housing providers. I agree that we should ensure that good quality carpets are not wasted, although I do not know how many carpets fall into this category. We can do a review in time and have a revised policy for January of next year, but as the Deputy's original proposition singles out Andium I would like to remind Members of the way in which Andium worked tirelessly and stepped up when people were made homeless due to the flooding and the tragedy that happened at Haut de Mont. They are different landlords because we need them to be different. I am particularly concerned that in part (c) we are debating the cancellation of the existing special payment loans. This would be very complicated to administer and will be unfair. Someone who is paying a loan back on a small weekly rate could see the whole amount cancelled virtually, whereas somebody who chose to pay their loan back more quickly would effectively be penalised. What about people who have paid loans off a year ago or 10 years ago when the system was changed? Every household who took out a loan agreement did so out of choice. If we unilaterally decide to cancel them then what effect will that have on other situations where people loan money or they just owe money to the Government. Over lunch time I had contact with officers who estimated that to identify all the outstanding special payment loans for carpets would take 6 weeks of work to disentangle, as the Minister for Social Security explained why they are wrapped up together. So this would be 6 weeks where an officer was taken away from their front line duties of helping customers. I hope that Members will bear this in mind when choosing to vote on the amended proposition and to reject part (c).

10.1.4 Deputy M. Tadier:

Firstly, even though you may say I would say this, I would like to commend Deputy Ward for bringing this. It is something that I have raised in the Assembly on many occasion with the Minister for Housing of the day because I think it is unconscionable that ... and I do not even know how we ever got into the position where our housing provider is providing people who move into those properties, who pay their rent sometimes with aid from Government, with no flooring. I have seen it with my own eyes. I will give an example of when I first had my attention drawn to it. A resident of Clos des Sables - and she is no longer there so I do not think I need to be worried about identifying her - in one of the Andium Homes in Clos Des Sables, she was ... she had very mixed feelings because she was so relieved to finally have been housed. She is somebody who worked, incidentally - these are not the feckless poor we are talking about - somebody who worked hard and has finally been

given a home which she knew she could have some security of tenure in, and she was paying her rent. But she was also sad; we were in her kitchen having a cup of tea and there was bare concrete on the floor. What kind of Island have we become and at what point did that become normal, that our housing provider which used to provide either carpets or suitable flooring - it could be lino, it could be laminate, could be whatever - we said: "No, we are not going to do that anymore." We know the real reason for that; it is because they wanted to save money. This argument that we want to give choice to the tenants as to what kind of carpet they want to put in, it does not wash with me. That is complete nonsense. No other landlords do that. In the private sector they do not do that. I have rented for most of my life since I moved out of home and I had never rented a place which does not have flooring. It is the same way that you have light switches when you go into a room to put the light on. You are not asked to put light switches in the room because you might want a bronze-coloured light switch or you might want a silver-coloured light switch or a white plastic. They are part of the fixtures and fittings of a normal home and it should not be up to the tenants who are moving into their new home to provide themselves with carpets or flooring. That has got to be the fundamental starting point and the tone for which this debate happens in, if indeed we have anything of a debate to talk about. That is why all of these other things seem to be red herrings. We should not be in a position in the first place - this is my personal opinion - that we are talking about grants and cancelling grants, giving grants rather than loans, because we need to get to the point where Andium are providing the carpets in the first place and Social Security do not need to give a grant or a loan to the tenants. That is the point that I think we need to be at. How do we get to that point if it needs to happen via the grant rather than a loan? Well a grant is much better than a loan. I am going to leave it there. That is all I have got to say on the issue. I think it is quite black and white for me. I think it is a simple matter. This is about how we treat not just the most vulnerable in our society - because we have got to be really careful about not patronising Andium tenants - these are often hard-working people or people in certain situations who happen to rent off the Government provider. The final point is to say this is why Andium is different. We can single out Andium because we own Andium; we are responsible in a certain way for the governance. Of course we should be sending that message out to other housing providers but let us start by getting our own house in order and our own housing provider in order.

10.1.5 Deputy D. Warr of St. Helier South:

I was not going to speak but in response to Deputy Tadier's commentary there I just want to add there is more complexity to this, as the Minister for Social Security has said. The numbers are ... if Andium go ahead and carpet everything the numbers are in the order of - I have got an email from them - between £400,000 and £500,000. The question then after that is if we just move that one forward, Andium make a £30 million return to the States coffers so the question after that is do we ask Andium to reduce the return to the Government so that they can put carpets into tenants. Then the question after that is: if we start reducing the return that Andium make into Treasury, which services do we start to cut? Do we start to cut teachers? Do we start cutting nurses? Do we start cutting police? This is not ring-fenced money; this is money that goes into Treasury to help that. So it is a lot more complicated than is put forward. Absolutely we need to review this and I am very, very happy to review how we look at this, and so are Andium. I just wanted to make Members aware that it is not simply a case of just whack in some carpets and there are no consequences.

10.1.6 Deputy L.V. Feltham:

I am not quite sure where to go after that but I will make a start. I wanted to reiterate the point that Deputy Tadier made about our role as being a responsible Assembly with a Government-owned entity. To answer back the Minister for Housing and Communities, we need to ask ourselves what kind of landlord we want to be. Do we want to be the kind of landlord that sees people living with concrete floors, or with ... I can see, for the benefit of the people that might be watching at home, the Minister for Housing and Communities found that quite funny. It is not funny. As I think Deputy

Ward said, it is something that has been a talking point in this Chamber for quite a long time. I can see the Constable of St. Martin in front of me; I am sure they are conversations that her father and my mother probably had in their days in the States. I think any of us that have dealt with constituency issues, most of us have had these kind of cases that have come to us. To come to the point that Ministers have made about this being only one housing provider; this is the housing provider that we happen to own. This is the housing provider that we happen to be responsible for, and I think that is why Deputy Ward's proposition is a good starting point. I absolutely think that we should be looking at other social housing providers and I absolutely think it is a travesty that we do not have an agreement with social housing providers that ensures that the housing that they are providing meets some kind of standard. Going on to some of the other comments from Ministers. I think it was Deputy Ferey who said that people had these loans out of choice. These are people on income support. They do not have savings to fall back on, or lots of them do not have savings to fall back on. Not much, otherwise they would not be eligible. Again, for the benefit of anybody watching, the Minister for Social Security was saying that these people do have savings, but of course if they had lots of savings they would not be eligible for income support. This is not a loan that people take out of choice. People do not go out of choice through the doors of C.L.S. (Customer and Local Services) and say: "I am moving into a home that has no flooring, please can you give me a loan?" That takes quite a lot of courage for lots of people. Anybody who has accompanied a constituent through the doors of La Motte Street would know that. Going back to income support, we must not forget the reason why people are getting income support and why previous Assemblies have thought it was a good idea to give people income support. It is so they can have the income so they can maintain a decent standard of living. If these people are repaying back loans, and let us put it again, loans that they have taken out to put carpets in properties that the States own, then that money is coming out of the money they have in their pockets on a week-to-week basis that is supposed to be there to ensure they have a decent standard of living. It is potentially eroding their standard of living. That is why I would urge Members to support part (c), because what we are doing there is we are helping the people who we can help, people who may not be having a decent standard of living, because they have had to take out a loan, because an entity that is owned by the States has not seen fit to provide accommodation with decent flooring. If you have a growing family, is an absolutely necessity. If you are a pensioner and it is winter and it is cold it is an absolute necessity.

[16:00]

This is not a choice. I would also like to answer back the comments that have been made about not being able to do this because of the administrative burden. Are we saying that this Assembly should be making political decisions, policy decisions, about what is right and wrong on the basis of it being administratively difficult? Is it a case of computer says no, so we must? For me, 6 weeks of an officer time to help people who might be suffering real hardship because they are repaying this loan is quite a good cost for the benefit that I think it will mean to those people and for the difference it will make to those people's day-to-day lives. We cannot forget we are talking about families here. We are talking about families that are struggling. We are talking about families that are struggling in a cost-of-living crisis. I will leave it there, but I urge Members to support all parts of this proposition.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak? No other Member wishes to speak then I close the debate and call upon Deputy Rob Ward to respond.

10.1.7 Deputy R.J. Ward:

Thank you for the contributions. I thank in particular that last contribution, because it is a key point. What we are talking about here are real people, real families, real lives. Perhaps people living lives we are not living. We are not living those lives at the moment. We are not living in homes without

carpet. We may have done. I grew up in an East London council estate and I remember those things. I am a member of the middle classes now, I eat olives and make my own focaccia. Anyway, to move on, we are talking about real people's lives. We are talking about people who are struggling. I welcome parts 1 and 2. I am confident that after the 6 months of suspension of these, it will be seen as a very sensible thing to maintain grants rather than loans, because they put people into poverty. That is what we are talking about. We put people who are in poverty and at the brink of real poverty and we put them there with these loans, because they want something that we would not consider a luxury, we would consider as a necessity for any home. We need to remember that is the decision we are making today. I welcome parts 1 and 2. I welcome the review of the provision of carpets and not throwing them away, which makes sense, which could solve part of this problem as well. However, the important thing about part 3, and I simply am stunned - stunned - by the argument that we cannot ... the argument that I posited and there is evidence for, and if you do not believe me go and speak to the charity groups. I am desperately trying to not name them because I do not want to politicise them, but we all know them, we are contacted by them. Go and talk to them about the reality of the people that they are involved with. Talk to some of our Deputies, who I know have spoken to me about this and said: "Yes, I have a constituent who is in that situation." Go and speak to them and say to them: "I am really sorry, but you are going to have to continue to be in that poverty and really struggling and going to ask for handouts for the next year, because our computers cannot handle it." That is a total dereliction of duty of this Assembly. Are we really going to make policy in that way? The 6 weeks of using officer time to directly improve somebody's life is a good use of 6 weeks. We talked about evidence. "Why is there no evidence?" was said to me earlier. You can pluck figures out of the air; 6 weeks of officer time. "It is a lot of money, but we do not know how much money it is and it would be difficult to provide." Then the Minister for Housing and Communities suggests that it would be about £500,000 to put carpet in every single place that Andium does. How much is it? Such a huge range of figures there. They are nonsensical figures. Deputy Tadier was completely correct - completely correct - when he said that the problem is that they are not put there in the first place. When we come up with a solution, we have part 1 and 2. I am very pleased with part 1 and 2. But part 3 that has people right now in poverty over something that we have agreed is not a good idea and we want to stop it for 6 months, but we are allowing our social security system to say: "We cannot help you because it is difficult for the social security system." Please think about that. Think about that decision you are making. We cannot allow that to happen. I have to say it is utter nonsense to say the £30 million back from Andium Homes if it is cut ought to be taken out of teachers or services. That is a political decision. If that is policy by Government then we really are in trouble, because there are other policy decisions that can be made to easily replace that, but there is not the bravery in Government to do that. These red herring arguments that have been thrown about today, we need to get some sense. I would urge Members to support parts 1 and 2. I have accepted a short-term change with some hope that it will be a longer-term change. It is very pragmatic of myself. The second part in terms of review of all social housing providers does make sense. I absolutely accept that. With the third part, we cannot leave people in the situation that we know is wrong now simply because of an administrative burden. We can afford it. The Social Security Fund is healthy. There will probably be an underspend this year, as there has been in previous years. Let us direct that money to where it is needed. Let us direct that money now and let us improve people's lives and take the opportunity this afternoon. I urge Members very, very strongly to have a relentless focus on doing something about this and support all 3 parts of the proposition. I call for the appel, Sir.

The Bailiff:

You obviously wish them to be taken separately, Deputy?

Deputy R.J. Ward:

Yes, please, Sir.

The Bailiff:

Very well. The appel is called for. I invite Members to return to their seat. The first vote is on part (a) of the Deputy's proposition. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. Part (a) has been adopted: 45 votes pour, no votes contre and no abstentions.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy B.B.de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				

Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The next vote is on part (b). If the vote is set up then I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. Part (b) has been adopted as well: 45 votes pour, no votes contre and no abstentions.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy B.B.de S.V.M. Porée				

Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The vote is now on part (c). I ask the Greffier to open the voting and for Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Part (c) has been defeated: 13 votes pour, 31 contre and no abstentions.

POUR: 13		CONTRE: 31		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Martin		Connétable of Trinity		
Connétable of St. Mary		Connétable of St. Peter		
Connétable of St. Saviour		Connétable of St. John		
Deputy M. Tadier		Connétable of St. Clement		
Deputy L.M.C. Doublet		Connétable of Grouville		
Deputy M.R. Le Hagarat		Connétable of St. Ouen		
Deputy R.J. Ward		Deputy C.F. Labey		
Deputy S.Y. Mézec		Deputy S.G. Luce		
Deputy B.B.de S.V.M. Porée		Deputy K.F. Morel		
Deputy C.D. Curtis		Deputy S.M. Ahier		
Deputy L.V. Feltham		Deputy I. Gardiner		
Deputy R.S. Kovacs		Deputy I.J. Gorst		
		Deputy L.J. Farnham		
		Deputy K.L. Moore		
		Deputy P.F.C. Ozouf		
		Deputy D.J. Warr		
		Deputy H.M. Miles		
		Deputy M.R. Scott		
		Deputy J. Renouf		

		Deputy R.E. Binet		
		Deputy H.L. Jeune		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy T.J.A. Binet		
		Deputy M.R. Ferey		
		Deputy A.F. Curtis		
		Deputy B. Ward		
		Deputy K.M. Wilson		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

The Greffier of the States:

Those voting pour: the Connétables of St. Helier, St. Martin, St. Mary and St. Saviour, Deputies Tadier, Doublet, Le Hegarat, Rob Ward, Mézec, Porée, Catherine Curtis, Feltham and Kovacs.

11. Grindadrap Festival in the Faroe Islands - condemnation of the hunting of sea mammals (P.35/2023) - as amended (P.35/2023 Amd.)

The Bailiff:

The final item of public business is the Grindadrap Festival in the Faroe Islands - condemnation of the hunting of sea mammals, P.35, lodged by Deputy Farnham. The main responder will be the Minister for External Relations. Deputy, you have lodged an amendment. Do you wish the proposition to be read as amended?

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

I do, Sir.

The Bailiff:

Are Members content to take the proposition as amended? Very well, then I ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) to object, in the strongest possible terms, to the Faroe Islands Government, about their Grindadrap hunts where whales, dolphins and porpoises are indiscriminately slaughtered, and to request the Chief Minister to communicate the view of the States Assembly to the United Kingdom Government and the Government of the Faroe Islands; (b) to request the Chief Minister to request that the U.K. Government expresses the view of the States Assembly in its discussions with the Faroe Islands Government; and (c) to request the Government of Jersey to continue to engage with the Faroe Islands Government on this matter as part of its wider programme of work to develop productive and constructive ties with fellow small-island communities.

11.1 Deputy L.J. Farnham:

I do not intend to speak for too long on this, but I do have to warn Members that some of the description I will be giving is rather graphic, simply because of the brutal nature of what I am bringing to the Assembly's attention. The Faroe Islands are an autonomous nation within the Kingdom of Denmark, in the North Atlantic Ocean, with a population of around 50,000. It determines its own policies in many areas, including external trade policy and conservation. The Faroe Islands are not part of the E.U. Whale and dolphin hunts are activities that take place throughout the year in the

Faroe Islands. Words cannot express the cruelty displayed in a tradition known as the Grind or the Grindadrap, in Faroese, the hunting of sea mammals, primarily whales and dolphins. It is a tradition that has been practised for hundreds of years on the Faroe Islands. I am going to refer briefly to a U.K. Parliament debate in July of last year on an e-petition relating to the U.K. trade agreement with the Faroe Islands and their whale and dolphin hunting. I am going to read some of the speech of John Nicolson M.P. (Member of Parliament), because it encapsulates very clearly the situation in the Faroe Islands. I quote: "On Sunday 12 September last year a small armada of boats herded a large group of mammals towards the beach. Those in the boats were not tourists, not scientists and not hungry. They were Islanders in a sophisticated country in the North Atlantic Ocean, a country with one of the highest standards of living in the world, the Faroe Islands. These creatures were highly intelligent mammals - dolphins - they were being driven towards the Skalabotnur beach. Dolphins are playful creatures and not suspicious of mankind. They probably had no idea of their intended fate until it was too late. It was originally estimated that there were 200 dolphins in the pod, but we now know that the number was much higher. Over 1,400 white-sided dolphins were set upon with knives, ropes and blunted hooks. It took hours to kill them all. Once the hours of senseless killing had stopped, the sea had turned red. The scene resembled something from a biblical plague. Had that killing happened here, the thugs responsible for such a wantonly cruel act would face the full force of the law and would serve prison sentences. Remarkably, however, in the Faroe Islands, what was done on that day was absolutely legal. Although what happened was grotesque, the killing of mammals on such a scale is, sadly, a regular occurrence. Last year, excluding the event on 12 September, 667 long-finned pilot whales were killed in the Faroe Islands. This year alone, 182 have been killed, intelligent aquatic mammals needlessly and brutally killed. The practice of driving whales into specific bays, called Grindadrap or the Grind, has its origins in the Middle Ages, when sailors would drive the whales and dolphins to beaches and kill them with spears and rowing boats. The killing of whales at that time was justifiable. The whales, killed in far fewer numbers, were vital to the survival of the Faroese people, who lived at the edge of northern Europe in an unforgiving winter climate. All 3 archipelagos have suffered famines throughout much of their history. Fresh meat and whale oil were once vital to the survival of the Faroese so reliant on barley, seafood and, later, potatoes. But, no longer; the Faroes are, thankfully, highly prosperous.

[16:15]

The slaughtering of dolphins and whales is not required for meat. In fact, the slaughtered animals are hard to get into the human food chain, as so few people, especially young people, want to eat them. As for the method of slaughter, who could justify it? And on what basis? Tradition? Sailors now use boats, not with oars, but with electric motors, to drive large numbers of whales and dolphins into the killing bays. I apologise in advance, but it is important to know exactly how these mammals are killed. It is not a quick death. Sea Shepherd, the Global Marine Conservation Society, has reported that the killing of dolphins regularly takes over 2 minutes and can take up to 8 minutes - 8 minutes dying at the hands of sailors using rudimentary tools such as knives and blunted hooks. The fate of the whales is even more monstrous. They are killed by what is called a spinal lance. If used correctly, an unfortunate word under these circumstances, it will paralyse the whale, which will then slowly bleed to death. On average, this process takes 13 minutes - 13 minutes of the wounded, paralysed, sentient being floating in its own blood while other creatures are killed round about it. The killing is indiscriminate, with pregnant mothers, juveniles and calves all being slaughtered. All of that takes place in the 21st century, just 250 miles from the coast of Scotland. The U.K. Government, on a number of occasions, have expressed their opposition to that barbarism and to the hunting of sea mammals more generally, and that is welcome. The International Whaling Commission has condemned the killing too, as have nearly all and every global and protection animal welfare organisation on the planet. However, no amount of condemnation has worked, so at some stage the world will have to get tougher. That is the only way that brutality will not continue." For

now, we are not alone as a Parliament, as an Assembly, in discussing this. Members of Parliaments all over the world are beginning to see these dark issues as a key part of their environmental agenda.

The Bailiff:

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

11.1.1 Deputy M. Tadier:

I did not come into this today with necessarily any preconceived idea about what I would say or how I would vote. What I can say is that there is something that makes me very uneasy about this proposition. Not so much about the content of it, in terms of the subject matter, because on a very basic level if we were to ask to be making a decision about whether we think that anyone in the world should be hunting whales generally and perhaps in this way, we would probably say no. We would probably do that even more so resolutely if we had watched some videos about it and how they are killed. However, the problem is we are being asked to make a decision, which I suspect, I may be wrong, in this nature set would be setting a precedent. I know that there was a vote about 20 years ago where Deputy Southern brought a proposition to condemn the invasion of Iraq. That was completely different, because that was a political decision that was being made by the U.K. Government and as a British Island and as an Assembly which could make its own decisions we could send a signal. The Assembly decided it wanted to send a signal to the U.K. that this Assembly did not believe that the invasion was justified. Of course, there would have been lots of ideas around at the time and the rest is history. What we are being asked to do here is to pass judgment on the practices of another not fully sovereign necessarily, but another country and another Government, in fact. In reality it should not be me standing up to say this, it should be our Government who should be opposing this or at least they should have issued some circumspect comments in this regard. We are told time and time again that it is not the position of the Jersey Government at least, and probably the Assembly might want to take that into consideration about whether we pontificate if that is indeed what we could be said to be doing today, about what other countries do ethically. You could also argue: why are we singling out the Faroe Islands? Are they the only country that hunt whales? The last time I checked, I might be wrong, but Japan also hunts for whales. They will do that for specific reasons, which might be economic, cultural or whatever. It may well be that we do not agree with whale hunting, but is it our job as an Assembly to be saying: "You should not be doing that"? I would like to give a couple of examples. A couple are real and one is hypothetical. I have had the opportunity to talk to parliamentarians from other countries and often that is as a by-product of going on conferences. I know not everyone agrees with going on conferences for the C.P.A. or with our membership of the A.P.F. (Assemblée Parlementaire de la Francophonie). I personally think they are valuable and they provide on balance good value for us as parliamentarians as a learning forum and also as an interface for exchange of ideas. You can hear about a practice that happens in a different country and your immediate reaction is: "That sounds bizarre. Why do you do that? That does not sound right. That does not sound fair. How can you justify that?" I will give 2 examples. One is when I went on a trip to Samoa. I am not going to stand up and say that I am the only Member of this Assembly who has been to the Faroe Islands, which I thought was interesting yesterday. Deputy Ozouf might be at home listening. He was very quick to say: "I am probably the only Member of this Assembly who has been to the Faroe Islands." I thought: "Yes, maybe you are." I said: "I am not an expert on the Faroe Islands, until recently I thought that they were a group of Egyptian islands rather than necessarily belonging to Denmark." Then I did my research and I found out that they lie somewhere between Scotland, Iceland and Denmark. However, I have been to Samoa. When I went to Samoa I found out something interesting. I thought our electoral system was bad, but I found out that the only people who are eligible to stand for election in Samoa were if you were a tribal leader. It is not that they had people who automatically were elected as parliamentarians if they were Constables or tribal leaders; it is that the only people who could be members of their Parliament were tribal leaders. The initial reaction is to say: "That does not sound right. That is not very democratic.

How could you do that?" Then you start to look at it more. Their starting point is completely different. They have a completely different cultural starting point and ethics that go behind that and reasons why they do that judicial systems that have worked for them for perhaps hundreds of years, which might be under scrutiny and which will be under scrutiny there. I also had a recent conversation with a Monégasque representative at one of the A.P.F. conferences. When he told me that the only people who can vote in Monaco are the ones with Monégasque nationality, but there only few people who have Monégasque nationality, so that the vast majority of people who live and work in Monaco have no say at all about the Government that they end up with and the rules that they have to live and abide with. He did explain when I said to him: "Does that sound right to you?" He said: "There is a very specific reason why we have that." He then explained the historical context. The fact that there was a backdrop with the French Government and that there was a specific set of circumstances for that. At the end of that I was like: "Okay, that is maybe fair enough. I still think you might need to tweak your system at some point, but it is not my job to tell you that, as an outsider. Thank you for sharing what you have said to me." We could say to the Isle of Man that we do not think the T.T. (Tourist Trophy) races that happen in the Isle of Man are very ethical, because quite a few people die every year in the Isle of Man. I know that is different. I know they are humans. They are adults. They are consenting. So they make the decisions, but the whales in the Faroe Islands do not volunteer themselves up to get slaughtered every year, so there is a distinction there. However, as an Assembly we could say: "I do not think the Isle of Man should have a T.T. race every year. We think you should stop it. We want the U.K. Government to tell the Isle of Man that they should stop the T.T. races." It is very bizarre territory for parliamentarians to be in. I like to consider myself an animal lover. I know Deputy Farnham is probably thinking: "I want Deputy Tadier to stop thinking now because he does not sound like he is helping my cause very much." I do remain here to be convinced, but I cannot help feeling that procedurally this is the wrong thing to do. Deputy Mézec raised yesterday in question time about where we draw the line. The Government's position has traditionally been, when it comes to human rights issues ... I am not going to say are any more or less important than whale rights, but they cannot be any less important, can they? They have to at least be given parity. There is a tradition or convention that we do not unilaterally condemn another country for its practices. We could easily do that if we wanted to. The Assembly could have a debate now, instead of about whales in the Faroe Islands, about women's rights issues in Iran or we could be talking about gay rights issues in Uganda or in Dubai. We could send a message, because maybe the rationale is that the Faroe Islands are part of a group of islands that come together every few years to participate in the Island Games, in the same way that there are lots of members of the Commonwealth which have completely different practices to what we would see as the norm and against the current political zeitgeist. We could issue a statement to Uganda saying that: "We think your record on gay rights, L.G.B.T.Q.+ (lesbian, gay, bisexual, transgender, queer, plus) is appalling and that the current laws that you have brought in are wrong." We could do the same to those countries who have regressed when it comes to abortion laws and the rights of women to access abortions. Do we do that? If we support Deputy Farnham's proposition, which is correct at its base level ... I am not going to call it well-intentioned, because it is more than that. He saw an issue which he feels very strongly about and there are probably multiple issues which the 49 of us here feel strongly about, which we would bring to the Assembly, but we have to exercise an element of self-censorship and self-restraint when we do that. Otherwise we would have a big list of things that we want to fix about the world, which ultimately people would say: "Hang on a minute, Deputy Tadier, are you not elected as a Jersey representative and more specifically as a St. Brelade representative?" I hate to be religious, but I am sometimes called the secular dean. Admittedly it is a title I gave myself, so I am not sure if that holds any water. We talked about pedigree yesterday and I do have some pedigree, albeit as a lapsed believer now, when it comes to religious upbringing. Be careful what you wish for, maybe. All those years of Sunday School and attending church I had to take some of it in, did I not? When I was at university I was a member of the Christian Union. In our house we were all Christians. We would sometimes tease each other by calling each other "plank-eye". If

somebody was being particularly religious or preachy or saying: “Oh, you should not have done that” we would call them plank-eye. What does plank-eye mean? Deputy Gorst might know what it means. It comes from Matthew 7:7:3-5: “Why do you look at the speck of sawdust in your brother’s eye and pay no attention to the plank in your own eye?” We have to be careful what we wish for here. We might be standing here condemning the Faroe Islands today for some practice, which is quite rightly probably abhorrent, but we do not know the full facts of it. They might, and someone else might, say: “We think the States Assembly is very bizarre. You have this [no offence, Sir] unelected official who presides over your Assembly.” The Commonwealth might say: “That is not normal. You need to get your act together and you need to start to elect your own speaker.” We might say to them: “Mind your own business.” We might say: “This system has worked quite well for us for 1,000 years.” There might be a debate to be had about that, but we will have that debate internally. We will decide what is best for our Island and we will do that as parliamentarians reflecting the will of the people. Some people might say: “We do not like Jersey. You call it an offshore finance centre, we think you are a tax haven. We think that being a tax haven is very harmful to the world. We have a completely different social and economic model where we come from, so we are going to pass as motion that requires the French Government or whoever to condemn Jersey as being a tax haven.” What kind of reaction would we have if another Parliament did that to us? I would question what kind of reaction will it have in the Faroe Islands if we pass a motion today. I am open to be convinced, because the counterargument, which maybe Deputy Farnham will make, is that it will have the effect of them standing up and listening for once and saying: “You know what? It is probably time that we knocked this on the head”, in the same way that there have been all those arguments about apartheid and sanctions that happen around the world. I am willing to be convinced, but if nothing else it was important to put those thoughts on record, even if I do end up supporting Deputy Farnham today. It is not something I can do easily. I am probably more likely to abstain on this than to vote for it, but I welcome thoughts from other Members.

[16:30]

11.1.2 Deputy P.F.C. Ozouf:

I am grateful to follow the remarks of Deputy Tadier, who I say I have some sympathy with. On receiving this proposition External Relations engaged with Deputy Farnham. Certainly the amendment has ensured that, subject to States approval, and it is up to the States to approve this proposition or not, the way that the proposition is now taken as amended, correctly, is consistent with dealing with Jersey’s constitutional position. Ministers recognise, and I recognise, that this is something which Deputy Farnham has a long-held strong and principled personal view. I know he has expressed these views previously when in Government. In the last Government, the Minister for External Relations, the then Assembly Member Gorst, wrote to our counterpart in the Faroe Islands to express the views of the Government of Jersey on this practice. This was in conjunction with External Relations officers, who engaged with their colleagues on this issue. We should recognise that Jersey does have a strong and positive relationship with the Faroe Islands and indeed the Kingdom of Denmark. It is one of the ambassadors and indeed the representative of the Faroe Islands of which I have over many years had a good relationship, and it is a relationship which we value. We want to maintain it, develop it, and strengthen it. We are both island nations. We are democracies with significant autonomy. We want to engage diplomatically and politically through all appropriate means. We share much in common and we regularly face mutual challenges which are similar to other small nations. In a sense, we are allies and we agree on more issues than we may disagree on. Inevitably, as has been the case and the debate on human rights issues raised in this Assembly since I have become Minister for External Relations, friends and allies do not always agree on every topic. From time to time, views will differ. This is an issue which there is obviously a view to be expressed by the Assembly. Our view is that this is important to allies to express differences openly, politely, respectfully, and which has been the case done so previously by Senator Gorst. As an island nation, Jersey has a special relationship with the sea and the marine environment, no doubt the Minister for

the Environment is going to speak. We recognise of course the importance of protecting and nurturing the marine environment and conserving species, so that we can all continue to benefit from a balanced and healthy ecosystem. But we are experts in our own Island waters. As Islanders, I think we all enjoy seeing dolphins and porpoises in our waters and we would not wish anything to be done to enforce harm through human action. I am sure there would be local outcry if there would be. This activity that is undertaken in the Faroe Islands appears to be internationally contrary to many of the values that are internationally accepted of protecting wildlife, and we understand that. The Government of Jersey, alongside other like-minded jurisdictions, believes that, wherever possible, the best way to promote progress is through constructive, positive engagement with partners. Not lecturing, but constructive engagement. It is of course up to States Members whether they wish to vote for this proposition. To my mind it sets an interesting and potentially problematic precedent, as perhaps Deputy Tadier has alluded to. But we will, if the States are minded to, engage in, as the proposition is now more appropriately written, and we will conduct what the Assembly's view is. If the proposition is adopted, I can assure Members that the actions requested, subject to States approval, will be taken in quick order and we will continue our good relationship with the Faroe Islands in a constructive way. I will leave it to other Members who are far more expert on the issues of dolphins and porpoises and other mammals than I am because I am not simply an expert on it. I hope those observations are helpful and explain the position of the Government.

11.1.3 The Connétable of St. Saviour:

I am still trying to work out Deputy Tadier's speech but I will agree on one thing, that basically we should stick to our own Island issues. But Members are at liberty to bring up anything they like and here we are. I would agree that I will be voting for this, it goes without saying, and I am delighted that Deputy Farnham has amended his own proposition because I thought the wording was a little too strong on the original. This sets it at the right level. The Faroe Islands are a very forward-looking nation, very industrious. I believe there are 15 islands that comprise the Faroes, many of which are linked by underground tunnels, equivalent to ours coming under Fort Regent, so you can drive your car from one island to the next, which is a tremendous feat of engineering. Regarding the Grindadrap, there was a time obviously when meat and oil were required. That time has passed. I would like to see it come to an end and I am sure that, when it comes to an end, and I think it will, because the younger people in the Faroes are not in favour of it, when it does come to an end they will see a surge in tourism and it would be great if local people there were gainfully employed, piloting boats on whale-watching and dolphin-watching expeditions around their islands. I have touched upon, in our own waters, I have been lucky enough, and many of us here have been lucky enough, while on a boat at sea in our own waters to look to one side and see a family or a pod of dolphins breaking water by the side of us and, if you are really lucky, there is eye contact before they sink back to the depths of the water. A great privilege indeed. Let us not also forget that the Faroes are a part of the Island Games and they will be coming to Guernsey in the not-too-distant future. They have been to Jersey and, as I say, many of the young people are not in favour of this, but it will be phased out eventually, but that does need to be brought forward. We are in the 21st century. But who knows when eventually it is done away with then maybe we can arrange some trips and, who knows, maybe even twinning. I will leave it there.

11.1.4 Deputy K.F. Morel:

Yes, similarly, in a similar vein to Deputy Tadier, I have strong reservations about Jersey adopting what can only, I believe, be seen as a holier-than-thou attitude to other jurisdictions. There is no question I think the slaughter of these animals is horrific. I personally would like to see the Faroe Islands stop this. I do not see an excuse for it in today's age. But I also know that the Faroe Islands are a group of islands not dissimilar to Jersey or the Channel Islands and with a population of 60,000 people and, in their case, an economy built on fishing. I believe we have a lot to learn from them and a lot that we could hopefully share with them about our own experiences. In that sense, I am pleased

to hear Deputy Ozouf say that we have a strong relationship with them. I personally would like this Island to have a stronger relationship with the Faroe Islands. Because we also have to look at their relationship with their sovereign nation, Denmark. They are in a really similar situation in their relationship to Denmark as we are to our relationship to the United Kingdom. I have recently learned more about the way they are developing their relationship with the European Union as a third country, and that is something that I believe Jersey could look to emulate as well and develop a stronger relationship on its own terms with the European Union. All of this is said because, yes, I truly believe Jersey should have a much stronger relationship with the Faroe Islands. But it seems to me, despite what Deputy Ozouf said about us having a good relationship already, I do worry that one of the most substantive acts of this Assembly in regard to the Faroe Islands will be to criticise them. We will be coming out off the starting line effectively by telling them off. I do not think that is a solid foundation for building relationships on. Because, as Deputy Tadier quite rightly pointed out, there are plenty that other people may see to criticise in our own Island and we take offence when people do criticise things in our own Island. For instance, we have a fishing industry, much as the Faroe Islands do, that causes harm to fish in a large scale. Now, I am personally okay with our fishing industry, but one aspect which we no longer have which we used to have is the octopus. Jersey used to have a large amount of octopus. Octopus are incredibly sentient beings. I challenge anyone in this Assembly to watch a movie called *My Octopus Teacher* and not come away from that refusing to ever eat octopus again. So there is that side of also saying where do we draw the line. These animals you cannot do this to, these animals you can do this to. So I do think when we take a kind of moral high ground approach we are in great jeopardy of backing ourselves into a corner and inviting greater criticism as a result. We just look at the sovereign nation to which we are subordinate, the United Kingdom. Who in this Assembly believes that deporting migrants to a third country, Rwanda, is a humane thing to do? I do not know, I have not asked, but personally I do not. I think it is a shocking thing to do. It embarrasses me to see that happening or even being posited as a way forward in the United Kingdom. But I have not seen criticism in this Assembly or motions in this Assembly aimed at projecting that criticism. Similarly, I have had people in our public complain to me about the United Kingdom's most recent crackdown on protest, public protest, and the way the United Kingdom has made what we would see as a democratic right much, much harder. I said: "Okay, that is the United Kingdom. What has that got to do with us? We still allow protest in Jersey." They said: "We have students in the United Kingdom who may wish to attend protests and find themselves subject to what I do believe and agree with [this person] is overly strict laws, which ultimately are designed to stop protest in the United Kingdom." So it is a morally very, very difficult place that this Assembly will be walking into, and I say all of that while knowing that I cannot look at those pictures and say that, yes, the Faroe Islands should continue this practice. I do not believe it. But I do strongly believe that we should have a closer relationship with the Faroe Islands. I do not know if this led to the amendment in part (c) taking place, but I did ask that an element of Jersey's desire to have a stronger relationship with the Faroe Islands be proposed as part of the Council of Ministers' amendment. The final wording is not as strong as I would like it to have been. It still refers to the matter, or this matter being the matter about dolphins. I just would like to see an amendment which just said: "Despite all of this we are quite clear that we would like to build a stronger relationship with the Faroe Islands." So I am concerned. I think Jersey, like any society, has the wonderful sides and the not-so-wonderful sides, and if we criticise another country, another jurisdiction, in this very, very public way, then I think we have to be prepared to take criticism ourselves. We may hear it. We may find that a member of the Faroe Islands Assembly, and I do not know this, is drafting a proposition right now against our financial services industry or something like this and who could blame them. So I do think we should all bear this in mind when reaching for the pour button, which I believe I probably will be reaching for.

[16:45]

But I do so with a really heavy heart because I do not think this is helpful to Jersey developing its international identity and proving itself to be a friend of other nations, particularly nations which are so incredibly similar to our own and from which we can learn a great deal. I would hope that they might feel that they can learn from us. I am not sure this is the right way for Jersey to conduct itself internationally.

11.1.5 Deputy S.G. Luce:

I am pleased to follow the Deputy because he is the Minister with responsibility for fishing but the octopus of course is one of those non-native invasive species, which, because of climate change and global warming, is starting to come into our local waters in greater numbers and causing great difficulty for our local fishermen when it comes to lobsters and crabs. So his views on the octopus, he may well have to think again. But the reason I chose to speak was because of Deputy Tadier and I want to thank him sincerely for a very thought-provoking speech, and he certainly got me thinking. I thought this was a relatively straightforward proposition. I was certainly happy to second it and I continue to be happy to second it. But Deputy Tadier made some really good and relevant points. However, now that this proposition is before us, what are we to do? Two wrongs do not make a right and, while we might not wish to do anything to seriously upset our political relationships with the Faroe Islands, we surely cannot not vote in favour of this today. In the past we have ourselves been guilty of some practices with animals, which, while we found them completely acceptable at the time, we have learned and we have moved on. For many, many decades our cows were on pens, we kept our calves in small boxes giving them milk twice a day, and more recently the subject of what we do with our male calves 2 or 3 days after birth has also had to change. We have changed because the U.K. were influenced to make changes and those changes, I think, are probably for the better. They have all been resolved anyway. So I conclude with this, we maybe need to start somewhere when it comes to being a States Assembly that makes decisions on moral grounds and maybe today is one of those.

11.1.6 Deputy M.R. Scott:

This is a particularly nuanced area, as Deputy Tadier and others have explained. Just as I work through this in my mind, I think it is perhaps worth just raising certain points here. Deputy Tadier said how would we feel about certain countries taking a position on us and regarding our position in terms of our finance industry and whether it was right for us to operate in a certain way. In 2021, Denmark passed legislation doubling tax on dividends paid to certain countries, which they regarded as tax havens. I was just reading a KPMG report on that and it did mention Jersey as a tax haven. I always have a bit of an issue in terms of the lack of an even playing field in terms of the O.E.C.D. (Organisation for Economic Co-operation and Development), of which Denmark is a member, and its approach to Jersey. But that just is one kind of nuance in this whole discussion about how right it is and how wrong it is to comment on the way in which individual countries conduct their internal affairs. I also think it is worth mentioning the common external policy that was debated in-house and how it approaches this subject. In paragraph 13 it does mention the desire to an approach towards climate change and the wish to France, in concert with domestic action that: "Jersey will actively participate in international efforts to tackle climate change, including through membership of the Paris Agreement." There could be some that say, well, there you have countries that their economies are really reliant on fossil fuel. What are you doing? Almost kind of trying to tackle that and are you condemning that? I do not know, and I wish it would have been helpful to know the value of our relationship with Denmark to Jersey's economy right now. I just do not have that information and generally I think that sort of data is useful in trying to assess something like this. The external policy, coming back to that, I just think why did we not have anything that covered just this general issue about biodiversity and wishing to support that in certain areas, knowing how we have an organisation in Jersey that is doing a lot of work here. So I am going to carry on listening to this debate but I do accept the nuances but I do also accept that Deputy Ozouf has said he already has

developed a relationship with the Faroe Islands and I do also accept the discomfort of being seen to even endorse a practice that I think so many people are uncomfortable with.

11.1.7 Deputy A. Curtis:

Again, on the face of this, this is simple proposition. But on the face of many propositions that we see that come to this Assembly they are simple propositions and we see the outcome very different based on how a debate informs the detail behind them and the way we want to do it. "It ain't what you do it's the way that you do it", could be one way of putting it. Deputy Tadier really hits the nail on the head about what we want to do and how we want to present ourselves and conduct our business as an Assembly. Deputy Morel touching again exactly on many similar points. I am thinking back to the way I have chosen to vote on things in this Assembly. There are things where I agree on principles but I might not agree on the way we execute against them. Even our debate earlier on, the principle is fine, again the Articles we need clarification. The clarification from the Solicitor General in that case was sufficient. But I am left reading the amended proposition and it asks the States whether they are of the opinion to object - that is one thing - and to request the Chief Minister to be writing a letter. Much as I may have a personal opinion on the activities happening in the Faroe Islands, is it my belief that our Chief Minister, the office of the Chief Minister, not the individual, should be writing letters on topics as such and should we set that precedent that Deputy Tadier talked about? This becomes one of these quite touchy subjects and emotive subjects in which, if I were to vote against this, it could be inferred that I am against strongly objecting and objecting in the most strongly possible terms the Grindadrap Festival or hunts. But I would not interpret it that way. I would say what I would be objecting to is the use of the office of the Chief Minister to convey that message. So I currently stand here waiting to hear more views from Members. I could be quite happy to vote against this, not because of how I feel about the activities in the Faroe Islands, but about the way we go about demonstrating and explaining that. I do not think as an Assembly we should fear that decision we have to make here about either voting in favour, abstaining, or even voting against. We can vote against this because we do not believe the process by which we demonstrate something has been chosen adequately. We could abstain if we think we are indifferent to the fact. Or we could vote if we actively want to use the office of Chief Minister to be writing letters both to His Majesty and to request that the U.K. Government expresses that view in discussions with the Faroe Islands. That is what the proposition says and I do not think a vote against that is a vote against your personal view or your view that the Island should be thinking about the way other places conduct their business. I really hope that Members, in weighing this up, are happy and content in how they can vote, if they need to communicate this in the Assembly like I am here, that there is a difference between what you want and the way that you do it. I am on the fence. I lean but I do take the way I vote based on the process, not necessarily my personal view or what I wish the view of the Assembly to be.

11.1.8 Deputy J. Renouf:

This is a slightly difficult one for this Minister for the Environment at least and my comments might be a little more hesitant than usual because I am trying to form thoughts as I go along. Of course, as several Members have said already, it is very easy to personally condemn what goes on in the Faroe Islands with the dolphin hunt and the pilot whales hunt. That is the easy bit. The question is how do we respond to it. I am encouraged by the debate so far and I would particularly thank, as others have, Deputy Tadier and Deputy Morel for opening up the issues here in a very thoughtful and quite a deep way. There are one or 2 things I could perhaps add to the debate. I do think that we should perhaps use this opportunity to reflect a little bit on dolphins and cetaceans in our own waters. We are not entirely blameless in the matter of dolphin deaths in Jersey, about 10 dolphins are washed up on our shores every year, 20 of those were recently, over a period of time, examined by the Marine Resources Department to try to find cause of death. Marine Resources are pretty convinced that 13 of those were the result of fishing bycatch, not least because one of them had a rope tied around its

tail, which had been used to lift it up into the boat and then obviously it had been thrown back. There was also a mother with a lactating baby also found washed up and that would not have been a natural death to have those 2 together. So I would emphasise by the way, there is not proof that they were caught in Jersey waters, not by any means, there are only 3 deep-water trawlers licensed to operate in Jersey waters and the dolphins that were found are nearly all common dolphins. Common dolphins are found a long way off our shores generally, some do come in, but generally the ones that you are used to seeing around the Island are bottlenose dolphins. So it is quite likely that those were caught outside our waters and dumped back in and the westerlies and the currents brought them ashore. So I do think we should just reflect on that a little bit. Obviously it is nowhere near the same as herding large numbers of cetaceans deliberately to their deaths. But when we come to lecture we need to just keep these things in mind. The other point I would want to pick up on, just because it is an important point to make, it is sometimes argued that dolphins and other top predators in the ocean are the reason why fish stocks are declining and I have even heard it used in Jersey that dolphin numbers may be the cause of declining fish stocks. That is highly unlikely to be the case, in the view of the Marine Resources Department, not least because the bottlenose dolphin population has been monitored for a long time and it is pretty stable at around 300 dolphins. So it would be quite hard to argue that declining fish stocks were the result of the dolphin population, which is stable. Unless they have discovered some fantastic new way of hunting that previously they did not deploy. Maybe they have their own nets, who knows. So that is one thing I want to say. The other point has been made quite well by other speakers about lecturing other countries and jurisdictions. I take particularly Deputy Morel's point about the Faroe Islands and our similarity to them in constitutional terms and how much we might want to explore that similarity in the future. Therefore, while we may think that this is a higher moral question and should trump considerations like that, I do think we have to be very careful before we start. There are practical considerations, which come into all of these issues, they are not just a question of pure morals. If it was a question of pure morals, as Deputy Tadier has said, we would be passing motions, propositions, all the time in this Assembly, finding fault all over the world with moral outrages, freedom of the press, human rights abuses, and so on. But we do not. We make choices. The choice we would be making if we supported this proposition is to criticise a country that we have many constitutional similarities with, we might want to make common cause with over various issues, and we might be able to learn from. So, again, I have severe trepidations.

[17:00]

Then the question of the moral right to make these kind of judgments about another country. I do not know how many people have researched the Grindadrap and found out much about it, and it is mostly pilot whales, the particularly controversial catch; they have catch records going back 300 years or so. Some years they catch none, some years they catch 2,000. It is an opportunistic hunt that averages about 850 a year. The I.W.C. (International Whaling Commission) has judged it a sustainable hunt in the sense that there are almost a million pilot whales in the world and about 100,000 in the waters off the Faroe Islands. So that does not in any way justify it but I think it is important that, before we leap into condemnation, we just understand some context. I do not pretend to be an expert on it but I do think we should be very careful to just look at blood-soaked images and think time to jump up and criticise. There is this element of moral superiority I mentioned. We often will criticise other countries for deforestation, we do not want the Amazon to be cut down, and that sounds perfectly reasonable. But the people in the Amazon will say: "Yes, but you cut all your trees down 1,000 years ago and you made fields and agriculture and became a developed country because of it and now you are telling us not to." We have reasons for that, but it should at least give us thought on how that is perceived by people when we get on our moral high horse and start arguing for the moral absolutes in this situation. Because I think it is always more complicated than that. So I think we need some humility. The one part of the proposition that I can support is part (c). Unfortunately it is worded in such a way that means we cannot take it in parts, otherwise I would have suggested that. I think I am probably not going to support this proposition. I may not vote against, it is very

hard for a Minister for the Environment to vote against a proposition condemning a practice of killing animals that we know we do not want to be killed. But I think this is about 2 things, it is not just about the condemnation, it is about the question of whether we should be doing this, engaging in this kind of activity. A point made by Deputy Curtis as well, using the Chief Minister's office in this way. So I have not quite decided how to vote yet but I hope Members find that in some way helpful.

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

What I was going to say really follows exactly what the Minister for the Environment has said. I think we all condemn the slaughter of these dolphins and pilot whales. That is one issue. But the issue of saying to the Faroe Islands that we condemn it, I think we have to be very careful about that. Because who are we to take the moral high ground and tell our neighbours what they should and should not be doing? I think in this circumstance I condemn the slaughter but I do not think I should be putting our Chief Minister in this position of writing to the Faroe Islands to say that we do not approve. Because I think they need friends and we sometimes can do things in a better way and that is what I would like to say. So I did not mean to say that, but thank you.

11.1.10 Deputy L. Stephenson:

I note that Deputy Farnham did not mention sport very much in his opening speech but at the end of the day a lot of this links to sport, and indeed the Deputy himself was recently quoted in the local media on exactly this matter very much firmly placing it in the realms of sport, which is why I feel the need to speak today. The International Island Games Association has made its position on this very clear in the past when the Deputy has reached out to them in his previous position within Government and it has said that it does not become involved in or interfere in politics and, to quote from a letter sent in reply to Deputy Farnham in 2021: "The Island Games Association aims to encourage friendship through sporting activities between diverse island communities and to provide opportunities for sportsmen and women to participate in international sport." I, like others, have said Deputy Tadier's speech I thought was spot on and I do not propose to go through it and add to it. But just to say I very much agree with him on the points raised. What I would add is that I do worry that approving this proposition today will lead to further calls from Deputy Farnham for athletes from the Faroe Islands to be excluded from the Island Games and that these calls could be seen as being legitimised by a decision in favour in here today. I would just refer back to that article that I think was in the *Jersey Evening Post* a couple of months ago referring to this, and it did say that Deputy Farnham confirmed he would be writing to the Island Games Association and all participating members. I would ask the Deputy for some clarity around that in his closing speech. I suspect that is maybe where sport was going to be mentioned along the way. Excluding sportspeople from international competition is not something to be taken lightly and while there may be some very extreme circumstances when it does happen and when it may be right to consider that, this in my view is not one of those. I want to be just really clear and put it on record that if this is approved today then, as the Assistant Minister for Economic Development, Tourism, Sport and Culture, I do not support any decision along those lines being used to put further pressure on the Island Games Association to exclude athletes from the Faroe Islands.

11.1.11 Deputy M.B. Andrews:

I just wanted to speak because I think it is very interesting, this debate, and it was very important that we heard the Minister for External Relations talk, because I think he has such an important role for our Island and he is representing us globally, is he not, he travels all around the world. I do not want to be putting Jersey's Government in a difficult position, neither do I want to be putting Deputy Ozouf, for instance, and other Ministers in an awkward position where potentially we could be seeing relationships within the international system being damaged. We have to think about here, this is not just about this 4-year term of office, we could be seeing relationships be continually damaged across future legislatures as well. So we have to be very considerate of how we approach this because, the

way the proposition is worded, it will be the Chief Minister who will be predicating a message. But the Chief Minister potentially could be antithetical toward this proposition and it is 49 of us potentially that this message is being carried across, through the U.K., to the Faroe Islands. I think we also have to remember that as well. So it is probably better, if politicians do have a message, it is either done through collectively political parties or it might be through individuals by writing a letter, for instance. But for the entirety of a legislature to be involved in this that ... sorry, just people talking behind me and I lost the ... sorry. Yes, so that message is going to be configured, there is going to be 49 of us, and not everybody is going to really want that message to be out there, okay, with the Faroe Islands. Now of course all of us condemn what is happening, but you are also going to have other jurisdictions pointing a finger at us and saying: "You are accusing the Faroe Islands of doing this, but look what you are guilty of as well." This is what several Members have articulated in their speech and this is where it could become out of hand and we could be seeing this precedent of things like this occurring more and more often. I have to say, since I have been elected, this is the first proposition that has come forward like this. I have not seen it before, I do not think even since 2014 when I was really following politics did I see propositions like this being lodged. So we have to be careful we do not bring forward propositions, which again are not really based on being outcome-based for the people of Jersey. I think that is one of the things that is really important as well to mention. As a legislature we have to be delivering things here domestically to benefit Islanders. We also need to be looking at the remit that Deputy Ozouf has and looking more globally, for instance, when you are looking at, say, trade agreements, how can Jersey be benefiting by developing more trade flows by maintaining relationships, by building relationships. That is part of international relations. That is part of what Deputy Ozouf has to be doing. He does an excellent job but he also raises some valid concerns. If we are going to be coming forward with this, if this proposition is going to be accepted, then there potentially could be some unintended consequences, there could be a backlash, and that would be more broadly within the international system. So I do understand why Deputy Farnham has brought forward the proposition and I can understand why Members perhaps are not content with the wording as well. If it was maybe in 3 different parts that was voted upon then I could probably see more support for this. But it does concern me that potentially there could be some damage to our working relationship with the Faroe Islands and that potentially could be a long-term damage to our relationship with them as well. So that is the reason why I will not be supporting this.

Deputy M. Tadier:

Could I ask a point of order, it is a procedural matter? Just that I know that there is some whispering going around and it has been suggested that Members might like to take part (c) separately. Could we have your ruling? It seems to me that part (c) is conditional on (a) and (b) because it talks about continuing to engage with the Faroe Islands Government on this matter.

The Bailiff:

I think you are right in what you say, Deputy. As much as it might be convenient to take the 3 separately, I think all 3 are taken together because (a) is the statement, which predicates the other 2, it seems to me, and you cannot therefore, for example, under (b) request the Chief Minister to request the U.K. Government to express the view of the States Assembly to the Faroe Islands without knowing what that view is, which has to be part (a). Similarly, to request the Government of Jersey to continue to engage on this matter, without knowing what this matter is, which is only identified in part (a). So it seems to me that they probably cannot be taken separately.

Deputy J. Renouf:

Could I raise a point of order just in furtherance to that?

The Bailiff:

Yes, by all means.

Deputy J. Renouf:

Would it be possible to just reflect on the title of the proposition and see whether that might not contain enough information in terms of the action and the intent? Because if you then look at part (c) of the proposition it says to request the Government of Jersey to continue to engage with the Faroe Islands on this matter, this matter being the Grindadrap Festival in the Faroe Islands, condemnation of the hunting of sea mammals.

The Bailiff:

The title is descriptive. It is not a word of purchase. In other words, it does not explain what the resolution of the Assembly is. In fact the resolution might not refer to that at all. It does, but it might not. In other words, I do not think that the title of itself explains sufficiently what the matter is. What it requires to enable these actions to be taken is a vote in favour of them. I suppose I can say it simply, if I may, Deputy, nobody votes on the title. People vote on the sections within the proposition.

11.1.12 Deputy S.Y. Mézec:

It has been a really thoughtful debate, that is for sure. I have slightly toed and froed on this, but I think I have made up my mind now, which will be that I will vote to support this proposition. I understand the arguments that others have made but I have considered a quote from another one of my political heroes today, which is that from Desmond Tutu, who said: “If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality.”

[17:15]

Try as I might, when I picture the images that we have seen from this hunt, I find them appalling and I cannot pretend I do not. I speak as someone who has been a vegetarian for 24 years. I think animal cruelty is something to treat very seriously and, irrespective of what arguments are made by some about how we extract food from animals or anything else from them, I find them morally very difficult to accept. I guess I probably could not forgive myself if I turned a blind eye to an opportunity to simply state my position on record that I do not like what they do and would prefer it if they would stop. As a socialist, the principle of solidarity is one I take very seriously and that does not just extend to our fellow humankind, but also to the animals with whom we share this planet. I think as years go by, in future we will look back on how animals have been treated at various times in human history with great shame and disdain. I hope our planet is moving to a more progressive position on that more generally. I will make a few other comments, which Deputy Farnham probably will not thank me for, which is that if we are going to talk about the principle of whether it is right that we can issue a verdict on a proposition like this, and then transmit that view to other authorities, I think that there are precedents in support of this. Deputy Tadier referenced the position of the States Assembly in 2002, which was that we did officially, as an Assembly, oppose the illegal and immoral invasion of Iraq and the authorities of Jersey were compelled by that proposition to transmit that view to the U.K. Government, which in that instance was the perpetrator of that awful injustice. Very recently, this Assembly debated P.36/2022, a proposition from the then Deputy Mike Higgins, which was to condemn the Russian Government’s invasion of Ukraine and to state our support for the people of Ukraine. That as a position to take, nobody at that point saw any constitutional difficulty with us doing that and that was right. I have in my head some potential wordings for other propositions that might come based on the wording of Deputy Farnham’s proposition: “The States are asked to decide whether they are of opinion to object in the strongest possible terms to the Myanmar Government about the treatment of the Rohingya people who are indiscriminately slaughtered and oppressed and

to ask the Chief Minister to communicate the view of the States Assembly to the U.K. and the Myanmar Government.” “The States are asked to decide whether they are of opinion to object in the strongest possible terms to the Chinese Government about the Uyghur Muslims and their treatment, the way they are denied their human rights and forced into re-education camps and to request the Chief Minister to communicate that view.” “The States are asked to decide whether they are of opinion to object in the strongest possible terms to the Israeli Government about the treatment of the Palestinian people and the way that they are systematically disenfranchised, forced from their homes, and often subjected to awful human rights violations and to request the Chief Minister to communicate that view.” So, if any of those propositions were to come to the Assembly, I would find it impossible not to support them because of the message behind them and I think that we, perhaps not as a sovereign state, for that is not what we are and what I hope we never are, because I support our current constitutional relationship with the U.K. There is no reason why we as an elected body of the people of Jersey cannot exercise a verdict and can shy away from showing solidarity with those who face oppression elsewhere because it is not our constitutional place to do so. Because, as Desmond Tutu said: “If you are silent in the face of injustice you have taken the side of the oppressor.” So, in this instance, I feel I can comfortably vote in favour of the proposition of Deputy Farnham and I would happily vote in favour of other motions that cast verdicts on other injustices, which happen around the world, because solidarity is an extremely important principle.

11.1.13 The Connétable of St. Clement:

I was not going to speak because time is evading us, but I feel I have to because I think we are going down the wrong course. Jersey is either an international player or it is a small, inconsequential dominion, which nobody will pay attention to. We are criticised around the world for our taxation policies. We take that on the chin. We rebut them and then we move on. Denmark has said exactly the same. They have said that: “We are not happy with your taxation.” They rest their case. We are able and allowed to criticise the Faroe Islands situation. They are not going to fall out with us. We are taking this too strongly. We all need to keep involved with each other. Deputy Binet and I had a little miscommunication earlier on. We have not fallen out. He is bigger than me, but never mind. I think the point is, where we can influence change it is our job to as statesmen and as parliamentarians and as people of the human race. We can effect change here very quickly. We can help effect it. I think we are just talking about the ways around it as though it is impossible. We should perhaps take on Deputy Mézec’s call to arms about injustices around the world. Why not? We are involved. We are a state and we can speak our own mind. But we should not be worried about the consequences of that because we are rightly criticised for other things that we do. Let me give you a little analogy on the slaughter of these unfortunate creatures. Supposing the Jersey cow was feral over the last 500 years and we had to get rid of a couple of hundred of them every year and we drove them into the sea and we battered the living daylights out of them, instead of taking a more humane situation, we would expect to be criticised by fair, right-minded people. Why can we not criticise the Faroe Islands for their practices that they have continued to do? The next generation of Faroe Islanders and the next generation of Jersey parliamentarians would expect and probably expect the whole situation to die out. If we can push that closer to the edge, let us do it.

11.1.14 The Connétable of St. Brelade:

Just to come in briefly with my observations and analysis of what the situation is in the Faroes. It seems to me that this practice has been going on, as is explained in the report, for many, many years, probably originally to provide food, and it was done with the aid of sailing vessels and rowing vessels to round up the animals, fishermen using their knowledge so to do. Now of course, as we see in the pictures, we have fast motorboats, we have modern technology, and the fishermen or leisure boating people will target the species they want to drive on to the beach and it almost gets to the stage where it is no longer fair. It is not fishing, it is sport. The counterargument could be that we do the same here with fish in our waters; fishermen will target particular species of fish at certain times of the

year, but of course they will disappear into nets and it is not quite as concentrated as this might be. I think the message is, as the previous speaker said, it is perceptual and certainly the perception of the Faroes continuing to use these practices is far from good and it leads me to support the proposition.

11.1.15 Deputy L.V. Feltham:

I think, like a lot of Members, I am finding this very difficult because of my own personal feelings and trying to balance up what this means on an international stage for the Island. So I have been on a bit of a thought journey through this debate and thank the speakers for their inputs so far. I think there are probably better ways for this proposition to have come forward, but on balance I think I will vote for it. But what I will ask is that perhaps what we do into the future is look at practices that we are not prepared to accept on an international footing. So it does not matter that it is the Faroe Islands being named in this particular proposition. What we are saying is that if any country was to be undertaking this practice we would be taking the same stance. Potentially, what I would say to Government is, if this does go through today, what the Assembly will be saying is we do not agree with this particular practice and potentially in the dialogue that the Government then has with the Faroe Islands it could have internationally, when we are having conversations with other countries as well, to make it absolutely clear that this is not about the Faroe Islands, this is about specific practices and animal cruelty. So I think what is useful about this debate is it does show that there is a strong sense of feeling among Members around practices. Deputy Mézec mentioned some just in his speech that we would be wanting to condemn. It may well be that it would be useful for us as an Assembly to decide, very often we go and we speak with people from other parliaments, but having a decision made by the Assembly about certain practices might be quite useful when we are having that international dialogue. But, for me, it is unfortunate that this particular one identifies a single jurisdiction and I would prefer to be voting on a proposition that was on the practice itself rather than based on a single jurisdiction. So I would ask any Member, if they are bringing forward such propositions in the future, that perhaps we consider that sensitivity. Because obviously international policy is complex and there are a number of us that disagree with this particular practice and will feel, as we have to vote with our conscience, we will support it. But also we feel uncomfortable about how that looks around the relationship between the Island and the Faroe Islands, who have been specified within this particular proposition. So on balance, voting with my conscience, I will vote for it. But I would ask the Government, if it does go through, to make it clear that this is a practice that we would not be supporting in any jurisdiction and perhaps it could be bring a proposition to that effect to rectify an anomaly here.

Deputy S.G. Luce:

I am aware that it is nearly time. Can I propose that we carry on until we finish?

The Bailiff:

Yes, I was about literally to raise the question of timing now because there is clearly not time for even one more speech. It might be helpful if Members indicated, anyone who has not spoken, if they are intending to speak? At least 2 Members wish to speak and of course there will be the response from Deputy Farnham. Very well, the proposition is that we can carry on until we finish. Is that seconded? **[Seconded]** Does any Member wish to speak?

Deputy L.M.C. Doublet:

Might I remind Members that several months ago, I believe it was in the previous Assembly, we resolved to decide by lunch time whether we were going to stay later. The reasons for this have been well-rehearsed because of those who have children or other caring responsibilities, you cannot simply stay later if there is somebody who depends on them waiting for them. By, at such late notice, making this decision we risk disenfranchising Members who do have caring responsibilities and need to

leave. It happened yesterday and I wish it had not and I do not think we should be continuing this evening. We do have a continuation day tomorrow morning. I know it is an inconvenience. But the principle remains that we should not be disenfranchising people with caring responsibilities.

Deputy R.S. Kovacs of St. Saviour:

On the same vein, I just wanted to say that I would happily continue but, if I do so, and I do not leave in about 10 minutes, my 6 year-old would remain stranded at her dancing activities because we do not have any other support which could collect those children. And if we do not know in advance we cannot arrange. Also, this is an opportunity to make Members aware when they are speaking and keep on repeating the same points, especially when we are close to the timing, to see if there is really a need of repeating those points or not. On balance, from what Deputy Tadier said and what we heard from the Constable of St. Clement and Deputy Feltham, I would balance on voting for, but I might not be here for the voting because of what I said if that continues today.

[17:30]

Deputy M.R. Scott:

I would appreciate an extension because, if we go into tomorrow, that means that the Economic and International Affairs Panel has to postpone a hearing. We may well have to do a Ministerial hearing. We cannot keep postponing our meetings. But really I suppose this request that maybe in the future, because I really do appreciate the position of the Deputies who do have childcare commitments and they might dodge a bullet if they do leave the Assembly before the vote, but that is a different story. Maybe it is a plea, and I am afraid one of the Deputies is out of the room, just generally to reduce the length of speeches during the course of the day because I think this has given rise to this situation.

The Bailiff:

Deputy Scott, of course the length of speeches is within the Standing Orders now and it is 15 minutes and most Members have not spoken anything like up to 15 minutes during the course of anything today. So that is outside of the control of the Assembly or the Presiding Officer.

Deputy M.R. Scott:

Just to clarify, I am saying that individual Members could perhaps focus and reduce it.

The Bailiff:

Individual Members could indeed truncate their speeches if they felt so minded.

Deputy K.F. Morel:

There is more to say rather than speaking for or against the proposition, to inform you that, if we do extend, I will not be able to attend, I have a prearranged appointment as dad's taxi. I have to put on a different hat. But the other thing I just want to say in response to Deputy Scott was unfortunately a Scrutiny Panel arranged on the States continuation day is a Scrutiny Panel which has to give, because it is a States continuation day and it would be the same for any meetings in my diary tomorrow as well. So I am afraid that does not stack up as a reason.

The Bailiff:

Thank you very much indeed. Does any other Member wish to speak on this question of whether we carry on until we finish? No? In which case I close the debate. Did you wish to respond?

Deputy S.G. Luce:

I just wanted to apologise to Members, if we had carried on going we might almost have got through one of the few speeches we had left. Certainly, I brought the proposition, it would suit me greatly not to have to come in tomorrow. I waste more time sitting in my car coming in and leaving again than the continuation of the debate will take. But I appreciate that likewise Members have

Accordingly, we do not continue until we finish. Is the adjournment proposed? Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:34]