

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 16th APRIL 2024

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[9:30]

**The Roll was called and the Greffier of the States led the Assembly in Prayer.**

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Deputy Bailiff:**

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

On behalf of Members, I would like to welcome His Excellency to the Chamber this morning.  
[Approbation]

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **2. Appointment of unelected members of the Public Accounts Committee**

Under F, there are nominations by the chair of the Public Accounts Committee for the appointment of unelected members to the committee. It is a requirement under Standing Order 124 that at least 14 days before the meeting, during which the unelected members are to be appointed, notice must be given to the Greffier of the intended nominees, and nominations must be distributed to Members. Those requirements have been met in accordance with Standing Order 124(4). I invite the chair, Deputy Gardiner, of the Public Accounts Committee to make her nominations.

#### **2.1 Deputy I. Gardiner of St. Helier North (Chair, Public Accounts Committee):**

I would like to nominate Glenn Kehoe and Vijay Khakhria to be non-elected members of this Public Accounts Committee, please.

**The Deputy Bailiff:**

Thank you very much. Are the nominations seconded? **[Seconded]** Under Standing Order 124(2), nominations from other Members may be considered, but notice of such nominations must be given to the Greffier at least 2 clear days before the relevant meeting. No other nominations were received. I therefore declare that Glenn Kehoe and Vijay Khakhria have been duly appointed as members of the Public Accounts Committee. **[Approbation]**

## **QUESTIONS**

### **3. Written Questions**

#### **3.1 Deputy M.B. Andrews of St Helier North of the Minister for the Environment regarding the planning application for Les Sablons. (WQ.84/2024)**

##### **Question**

Will the Minister advise how much the Government has spent in relation to the planning application for Les Sablons?

##### **Answer**

The costs of all planning applications and appeals are covered by existing annual revenue budget and are not broken down into individual applications. Specific costs (officer time for instance) cannot be quantified. The application was subject to a significant application fee. There was an additional cost of £3500 to obtain advice from an independent consultant regarding economic viability.

Costs associated with the Judicial Review of the Assistant Minister's decision to refuse planning permission is subject to a confidential legal agreement between the Minister for the Environment and the appellant, and may therefore not be publicly disclosed.

**3.2 Deputy M.R. Scott of St. Brelade of the Chair of the Privileges and Procedures Committee regarding a recall mechanism to allow for the removal of a States Member before the end of their term. (WQ.85/2024)**

**Question**

Will the Chair advise whether consideration has been, or is being, given to the introduction of a recall mechanism to allow for the removal of a States Member before the end of their term and, if so, when the Committee will bring this forward?

**Answer**

This matter has not been discussed by PPC as yet. The Committee is embarking on a Code of Conduct review, and it is likely that the consultation process with Members and more broadly across the Standards network will lead to discussions regarding what sanctions should be in place for breaches of the Code, which could include the introduction of a recall mechanism.

The Committee is due to meet again on the 15<sup>th</sup> April 2024 and will discuss the benefits as well as the potential risks of introducing a recall mechanism in Jersey, but it would not be appropriate to bring forward any proposals for change until the Code of Conduct review is concluded. The results of the review will be shared with Members and any suggested amendments to the Code or Standing Orders arising from that consultation process will be lodged for approval by the Assembly before the end of this term.

**3.3 Deputy D.J. Warr of St. Helier South of the Minister for the Environment regarding prioritising the development of an Active Travel Plan and Town Masterplan for St. Helier. (WQ.86/2024)**

**Question**

Further to the response to Written Question [67/2024](#), and taking into account any disruptions caused in St. Helier due to current roadworks, will the Minister advise how he is prioritising the development of an Active Travel Plan and Town Masterplan for St. Helier and indicate the funds available to complete this work?

**Answer**

As stated in my answer to WQ.67/2024, this government recognises that planning for the future of Town is critical to the sustainable development of the island. As a consequence, I am working with fellow ministers to prioritise the development of a Plan for Town and to establish appropriate ministerial oversight to ensure strategic co-ordination and delivery of change. This aspect of work is to be delivered within existing departmental budgets.

The development of an Active Travel Plan is but one aspect of any Plan for Town. I am aware that the Minister for Infrastructure, together with his Assistant Minister the Connétable of St Helier, is working to prioritise the development and adoption of a strategic framework and associated delivery plan of projects to improve walking and cycling. This will focus on St Helier but will also seek to ensure strategic linkages to other parts of the island and is part of the delivery of the Sustainable Transport Policy.

The availability and allocation of funds and professional resources, to support the implementation of projects, is part of the work to develop the framework and associated plan for delivery, and will be published in due course.

### **3.4 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for the Environment regarding land being rezoned. (WQ.87/2024)**

#### **Question**

Following the adoption of paragraphs (a) and (b) of [P.14/2023](#) as amended, will the Minister provide a timeline for the introduction of legislation to raise revenue for the States from any uplift in value of land arising from when the land is rezoned or from when planning permission has been granted?

#### **Answer**

I am currently unable to provide a timeline for the potential introduction of legislation to enable the operation of a development levy in Jersey.

Notwithstanding the approval of the States Assembly to: explore the introduction of a mechanism in order to create a Sustainable Communities Fund (Proposal 7 - Bridging Island Plan); and to agree that a fair charging mechanism should be introduced to raise revenue for the States from any significant uplift in the value of land arising from when the land is rezoned or from when planning permission has been granted (P.14/2023 as amended), the work required to be undertaken, to develop an appropriate charging mechanism and the legislation required for it to operate, remains unfunded and cannot, therefore, be progressed.

As set out in the Council of Minister's amendment to the original proposition, resources are required to research, analyse, consult stakeholders and provide recommendations to the Council of Ministers on the options for a charging mechanism for the uplift in value from granting planning permission or rezoned land. In particular, specialist expertise is required to: assess the viability of introducing such a charge, relative to the costs of undertaking development in the island and; to recommend a form of charging mechanism that is appropriate for Jersey, having regard to the experience of other places in attempting to establish similar.

A bid to secure the funding for the work that is required to be undertaken, which was programmed for 2024 in order to meet the timeline established by P.14/2023, was made as part of the Government Plan 2024-2027, but was unsuccessful.

In such circumstances, this work will remain pending until such time that resources are made available to enable it to be undertaken.

### **3.5 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding the Assisted Dying legislation. (WQ.88/2024)**

#### **Question**

Further to an [article](#) in the Bailiwick Express on 22nd February 2024, in which it was reported that the Minister recognised calls made by a number of States Members to bring forward the [Assisted Dying] legislation as soon as possible, will the Minister advise which Members made such a request; and will he explain how a period of 9 weeks is sufficient time to allow Members to consider these proposals before the debate (taking into account the number of bank holidays in this period)?

## **Answer**

The Assisted Dying proposition was lodged by the Council of Ministers on Friday 22 March, for debate on 21 May 2024. This provides for a 9-week lodging period. The Council of Ministers were informed of the proposed 9-week lodging period with ample time for consideration, and did not express any associated concerns. I believe that a 9-week lodging period - even when allowing for four bank holidays that fall during that period - strikes an appropriate balance between providing Members sufficient time to consider the proposals whilst ensuring they are debated in a timely manner. Furthermore, as stated, a number of other Members support this position, having noted the considerable delays to the initial timeframe. It is not for me to advise the Deputy who those Members are; it is a matter for them. During the lodging period, policy officers will be providing three briefing sessions for States Members, in addition to a weekly surgery allowing Members to seek clarification on any part of the proposals. Officers will also make themselves available to Members on a one-to-one basis as necessary.

### **3.6 Deputy I. Gardiner of St. Helier North of the Minister for Education and Lifelong Learning regarding apprenticeship subsidies. (WQ.89/2024)**

#### **Question**

Further to the response to [Written Question 24/2024](#), will the Minister explain why some businesses and apprentices received no subsidy for their apprenticeship?

#### **Answer**

WQ24 refers to the apprenticeship funding provided by Trackers, which is in place to provide a subsidy for apprenticeships. This response refers to this apprenticeship funding.

The criteria for the Trackers subsidy is:

- You must have 5 years residency to be able to qualify
- You must be employed in the area of your apprenticeship
- You and your employer must be willing to engage with the Trackers mentor

Some employers / apprentices do not wish to apply for this subsidy or do not meet the criteria to receive the subsidy and therefore do not apply.

When reviewed at the start of 2024 budget year, 14 applicants who met the criteria were identified as having applied after the option for funding was removed and have expressed an interest to apply for funding this year.

### **2.7 Deputy M.B. Andrews of St Helier North of the Minister for Treasury and Resources regarding personal income tax paid by High Value Residents. (WQ.90/2024)**

#### **Question**

Will the Minister advise the annual amount of personal income tax paid by High Value Residents (HVR) since 2018 –

- (a) on taxable income below the £850,000 threshold (paid at 20%); and

(b) on taxable income above the £850,000 threshold (paid at 1%)?

### Answer

Information is provided for fourth version of the HVR tax regime that commenced in 2018. HVRs under this regime pay tax at 20% up to the prescribed limit, and at 1% on the excess. The prescribed limit was increased to £850,000 from 2023. From 2018-2022, the prescribed limit was £725,000. Tax paid at 20% is therefore up to prescribed limit of £725,000, not £850,000.

| Year of assessment | Tax paid at 20% (£m) – Version 4 | Tax paid at 1% (£m) – Version 4 | Total tax paid (£m) – Versions 1 to 4 |
|--------------------|----------------------------------|---------------------------------|---------------------------------------|
| 2018               | £0.6                             | £0.1                            | £17.1                                 |
| 2019               | £2.2                             | £0.4                            | £21.5                                 |
| 2020               | £4.1                             | £0.6                            | £20.9                                 |
| 2021               | £7.3                             | £1.4                            | £24.0                                 |
| 2022               | £9.2                             | £1.6                            | £25.6                                 |

Figures for 2018-2020 are taken from the Tax Statistical Digest. Data for 2023 will not be available until after Q1 2025.

## 2.8 Deputy M.B. Andrews of St Helier North of the Minister for Education and Lifelong Learning regarding reducing the grants paid to Jersey fee-paying schools. (WQ.91/2024)

### Question

Will the Minister advise whether he is giving any consideration to reducing the grants paid to Jersey fee-paying schools and, if so, provide his reasoning?

### Answer

Grants will fluctuate in value based a number of variables including the number of children and young people attending a school. They are paid to the following fee-paying schools:

- Beaulieu Convent School (primary and secondary)
- De la Salle College (primary and secondary)
- FCJ (primary)

I am not currently considering changing the way grants are calculated to reduce the value of grants to these schools.

For reference, the Government also allocates budgets (not grants) to the following fee-paying Government of Jersey schools/colleges:

- Jersey College for Girls (secondary)
- Jersey College Preparatory School (primary)

- Victoria College (secondary)
- Victoria College Preparatory School (upper primary)

I am not currently considering reducing budgets for these schools.



**3.9 Deputy D.J. Warr of St. Helier South of the Minister for Social Security regarding grants for new carpets to tenants of Andium homes. (WQ.92/2024)**

**Question**

Will the Minister advise how much the Government has spent in grants for new carpets to tenants of Andium homes in 2023 and the amount, if any, spent in 2024?

**Answer**

The amount spent in grants for new carpets for tenants of Andium homes in 2023 and 2024 is as follows:

|  |             |
|--|-------------|
| 2023                                     | £137,685.54 |
| 2024 (as of 28 <sup>th</sup> March 2024) | £50,291.26  |

**3.10 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the re-opening of Pier Road. (WQ.93/2024)**

**Question**

Will the Minister advise when the cordoned section of Pier Road will re-open, and if there are no current plans to re-open the road, will he explain why?

**Answer**

As indicated in previous answers, there are a number of issues being considered in relation to the Haut Du Mont site and specifically Pier Road. Proposals are being considered for the re-use of the site for housing, and the approach we will take to remember those who tragically lost their lives, and the memorial that will be agreed. As part of this work, it is my intention to look at opening the road by 10 May as we need a fully functioning highway network. We are currently undertaking practical assessments on the road surface and the hoarding of the site. We will only announce change once we have engaged with the bereaved families and those displaced. Once that has been undertaken, I will update the Deputy and the Assembly on how we intend to proceed.

**3.11 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Chief Minister regarding the [Island Outcome Indicators](#). (WQ.94/2024)**

**Question**

Will the Chief Minister advise when the [Island Outcome Indicators](#) will be updated, given that some data is from 2022; and will he explain how the indicators will be incorporated in to the development of both the Common Strategic Policy and next Government Plan, to ensure that the long-term outcomes envisaged in [‘Future Jersey’ 2017-2037](#) are progressed?

**Answer**

Statistics Jersey maintains the Island Outcome Indicators, which use a range of data sources. Some, such as GDP, are available every year. Some (such as % of Islanders who meet the recommended levels of physical activity) are sourced from the Jersey Opinion and Lifestyle Survey (JOLS) every

two years; and some (such as % of Islanders who are very satisfied with their housing) are available from JOLS every three years. Some indicators (such as rental stress; and households in relative low income) are only available from the Living Costs and Household Income Survey, which was last run in 2021-22. Finally, other data (such as the average number of dolphin encounters per day) are no longer available.

Statistics Jersey has been carrying out a review of the Island Outcome Indicators to ensure their relevance to the Future Jersey themes of sustainable community, economy, and environment, and to the ten Future Jersey topics, as well as to fill in data gaps. Statistics Jersey also aims to improve the presentation of the Island Outcome Indicators, and to share proposals during the summer.

The Council of Ministers considered the Island Outcome Indicators data as part of the development of its Common Strategic Policy (CSP) and will continue this when finalising the next Government Plan. For the forthcoming CSP, I can assure you that the Council of Ministers has prioritised delivery to address the most significant risks identified in the latest IOI data.

### **3.12 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Treasury and Resources regarding the Youth Justice Strategy. (WQ.95/2024)**

#### **Question**

Will the Minister advise when the Youth Justice Strategy will be published and whether consideration is being given to the amendment of any sections; and if so, which sections and why?

#### **Answer**

Following the recent launch of the Building a Safer Community (BASC) framework and developing work surrounding the framework, officers have been working to update the Youth Justice Strategy to ensure it aligns with the BASC Framework.

An amended final draft version is due to be presented to the Minister and key stakeholders by the end of the month (April). There will then be opportunity for action holders to confirm their agreement to their roles with regards to the strategy before an anticipated launch in summer 2024.

### **3.13 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding the new hospital project. (WQ.96/2024)**

#### **Question**

Further to my question asked during questions without notice on 19th March 2024, in respect of the new hospital project, will the Minister –

- (a) detail the accountability framework for the project;
- (b) clarify which accountable officer is responsible for the build;
- (c) advise the current reporting structure for the new project team and whether this is likely to change at any stage; and
- (d) explain how political oversight is managed between Ministers?

## Answer

- a) As the Minister for Health and Social Services, I am responsible for making day-to-day decisions about the programme, and for regularly consulting with other Ministers with portfolio interest in the programme, such as the Chief Minister, the Minister for Infrastructure and the Minister for Treasury and Resources. I also meet regularly with the three Independent Advisors appointed to the programme to gather additional perspective and challenge to delivery plans and arrangements.

At key points in the programme, decisions are escalated to the Council of Ministers such as approval of business cases to deliver programme phases, or inclusion of associated funding in future Government Plans.

Decisions on funding and financing will be referred to the States Assembly as part of the Government Plan cycle. It is the intention to include funding for the delivery of Phase 1 of the programme (and to continue plans and designs for future phases) in the proposed Government Plan 2025-2028.

I will also provide detailed, regular progress briefings to Scrutiny and States Assembly Members throughout the programme lifetime, including sessions on programme governance where requested.

- b) The Accountable Officer for the programme is the Chief Officer for Health and Community Services.
- c) The programme team reports to the Programme Director, who in turn reports to the Programme Board. The Programme Board consists of the Chief Officer for Health and Community Services and the Chief Officer for Infrastructure and Environment. In line with the Public Finances Manual, the Accountable Officer acts as the Sponsoring Senior Responsible Officer, and the Chief Officer of Infrastructure and Environment acts as the Supplying Senior Responsible Officer.

The Accountable Officer is accountable to the Chief Executive as Principal Accountable Officer for high standards of probity in the management of public funds, and to the myself for successful delivery of the programme. In line with the Public Finances Manual, the appointment of Accountable Officer and Senior Responsible Officers will last for the whole lifetime of the programme, unless the Principal Accountable Officer decides otherwise.

- d) I am politically responsible for the delivery of the programme and am ultimately accountable to the Chief Minister and the States Assembly.

### **3.14 Deputy R.S. Kovacs of St. Saviour of the Minister for Treasury and Resources regarding the third office building at the International Finance Centre. (WQ.97/2024)**

#### **Question**

Following completion of the third office building at the International Finance Centre by the Jersey Development Company, will the Minister advise -

- (a) how many occupants of these three buildings are new businesses to the Island;
- (b) how many staff are employed by these new businesses; and
- (c) whether any additional tax revenue has been raised, or is predicted to be raised, from these new businesses, and if so, how much?

#### **Answer**

- a) The States of Jersey Development Company (SoJDC) does not track how many of its office occupiers are new to the Island. This is not relevant to SoJDC's pre-let requirements or SoJDC's letting strategy. Whilst I do not keep track of the tenants of the properties constructed by SoJDC, it is believed that for the most part the office tenants are well established businesses that are seeking superior office space in which to expand and grow their operations.

It should however be noted that the IFC development is the flagship for the Island's primary industry. It is vital that our financial services businesses can operate in the most efficient and effective manner, out of quality office buildings that are commensurate with other leading jurisdictions. Financial services businesses are sophisticated, agile and mobile and providing the right infrastructure is critical to retaining these businesses in Jersey and offering them opportunities to expand and grow locally.

The former CEO of Jersey Finance, said in April 2013 in a letter in support of the planning application for the IFC4 building:

the provision of so-called Grade A space [that the IFC provides] is a key component of retaining existing business over the long-term and potentially attracting new companies to the Island.

He added:

our experience in looking around the world and benchmarking ourselves against other international finance centres, is that wherever a jurisdiction makes a successful investment in developing a dedicated financial services district, that region, whether it be the Square Mile and Canary Wharf in London, or the Dubai International Finance Centre, acts as a significant positive attractor for company location, business flows and jurisdictional substance and reputation. As such...a dedicated financial district in Jersey...would be a positive step for the Island's finance industry and by extension, a positive step for the Island's long-term economic prospects.

- b) SoJDC does not track how many staff are employed by these businesses, which again is not relevant to SoJDC's pre-let requirements or SoJDC's letting strategy. I in turn do not have this information.
- c) Neither I nor SoJDC have access to the business plans and budgets of the private businesses that are tenants in the IFC buildings that could conceivably provide any indication of

additional tax revenue that may or may not be raised from these businesses. In any event, I would not comment on the tax affairs of private businesses.

**3.15 Deputy R.S. Kovacs of St. Saviour of the Minister for Treasury and Resources regarding the Horizon residential development. (WQ.98/2024)**

**Question**

Following completion of the Horizon residential development will the Minister advise the number of apartments –

- (a) sold off plan;
- (b) purchased by non-residents;
- (c) sold without the purchaser occupying the property;
- (d) currently occupied by owners; and
- (e) currently occupied by tenants?

**Answer**

- a) 274 units (out of 280) were pre-sold off plan.
- b) 14 units were sold to non-residents.
- c) The States of Jersey Development Company (SoJDC) do not have records for this.

A recent FOI response summarising the position at the end of 2023 identified that 14 buyers were non-resident at the time their purchases completed. 146 transactions were subject to the higher rate of Land Transaction Tax that applies to buy-to-let properties and second homes.

- d) We do not have information as to who currently occupies the units.
- e) We do not have information as to who currently occupies the units.

It is worth noting that 88 units were purchased by first-time buyers, of which 72 units were acquired using SoJDC's deposit payment plan.

**3.16 Deputy R.S. Kovacs of St. Saviour of the Chief Minister regarding any propositions adopted by the Assembly that have not been implemented. (WQ.99/2024)**

**Question**

Will the Chief Minister provide details for each Department of any outstanding propositions passed by the Assembly, in principle or otherwise, from July 2022 to present, and include any delivery deadlines and estimated delivery dates for each proposition?

## **Answer**

Under Standing Orders,<sup>1</sup> the Privileges and Procedures Committee are required to develop and maintain a States decision tracker, with the tracker to be updated every quarter and published on the States Assembly website to ensure accessibility by States Members and the public.

As part of this, government officials are working with the States Greffe to produce an update on all outstanding propositions directed to Ministers since 2018.

This will show the responsible Minister for each decision, lead department, and delivery deadlines.<sup>2</sup>

This has been a welcome piece of work by the Committee and their officials, and government officials are fully contributing. I am keen this work is completed as soon as possible.

### **3.17 Deputy J. Renouf of St. Brelade of the Chief Minister regarding the appointment of a new Chief Executive Officer for the Government. (WQ.100/2024)**

#### **Question**

Will the Chief Minister provide an update on the appointment of a new Chief Executive Officer for the Government?

#### **Answer**

The recruitment process for the Chief Executive Officer was suspended because of the Vote of No Confidence. Discussions are taking place with the Interim Chief Executive Officer to establish if there are opportunities for the arrangements to continue either short or longer term. This will provide a period of stability and continuity, supporting a focus on performance and delivery for Islanders.

I will provide a further update to the Assembly.

### **3.18 Deputy J. Renouf of St. Brelade of the regarding Minister for Sustainable Economic Development regarding the arts, heritage and culture organisations and groups that received Government funding. (WQ.101/2024)**

#### **Question**

Further to the adoption of [P.40/2019](#) will the Minister itemise the arts, heritage and culture organisations and groups that received Government funding in 2023?

#### **Answer**

During 2023 the arts, culture and heritage budget was deployed to support the following organisations:

- 13th Parish Film Festival
- 88 Bunkface
- Art in the Frame

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<sup>1</sup> See P.93/2023 (Amendment to Standing Orders – States Decision Tracker), lodged by the Privileges and Procedures Committee, 3 November 2023, States Assembly ([link](#)).

<sup>2</sup> See minutes of PPC, 30 October 2023, States Assembly ([link](#)).

- ArtHouse Jersey
- Ballet d'Jèrri Limited
- Caesarean Ceilidh Band
- Green Eye Productions
- Jersey Academy of Music
- Jersey Arts Centre Association
- Jersey Heritage Trust
- Jersey Music Association
- Jersey Opera House Limited
- Jersey Surf Film Festival
- JICAS
- Progressive School of Music
- Shaolin Kungfu & Taichi Centre LTD
- Société Jersiaise
- Stefentertainment
- Sula
- The Association of Jersey Architects
- The Jersey Gilbert & Sullivan Society
- The Jersey Literary Festival Association
- The Jersey Symphony Orchestra
- Victoria College

From this year I will be publishing an annual report and a new webpage detailing the way the 1% is deployed and outlining the various ongoing strategic programmes for the development of the arts and heritage sectors.

**3.19 Deputy S.M. Ahier of St. Helier North of the Minister for Infrastructure regarding encroachments on the foreshore. (WQ.102/2024)**

**Question**

Further to my question during Questions Without Notice on [19/03/2024](#), will the Minister advise –

- (a) the number of property owners who have been fined by Jersey Property Holdings for encroachments to the foreshore;
- (b) the total amount of said fines;

- (c) the number of property owners who have thus far had these payments refunded;
- (d) the total amount of those refunds; and
- (e) whether the Minister intends to repay all fines and within what timeframe?

#### **Answer**

- (a) No property owners have ever been fined by Jersey Property Holdings (JPH) and JPH has no powers whatsoever to levy fines on any party who encroaches on land in Public ownership. The Public's position in respect of encroachments on its land is no different to that of private landowners. It is assumed that the question refers to land transactions which have taken place between the Public and third parties where encroached Public land (specifically the foreshore) has been sold to the third parties for a financial consideration, or rights granted for the encroached land to be used by the third parties. On some of those cases, the third parties were experiencing difficulties in selling their properties due to the encroachments, and requested the Public's participation to resolve the contractual defects. The number of property owners who have transacted with the Public to resolve encroachments on the foreshore is eight. This does not include any transactions which the Crown may have completed separate to the Public.
- (b) The total consideration paid by the third parties to the Public for acquiring the encroached land or for acquiring rights to use the land is £180,250.
- (c) Two property owners have recently received ex-gratia payments.
- (d) The ex-gratia payments amounted to £74,407.
- (e) The two cases referred to above were exceptional and do not set a precedent – In reaching that view I am mindful of the distinguishing factor of the significant period of delay suffered by both individuals (between the time JPH first made contact and the subsequent passing of contracts).

### **3.20 Deputy I. Gardiner of St. Helier North of the Minister for Treasury and Resources regarding the transfer of £3 million from the Currency Fund to the Consolidated Fund. (WQ.103/2024)**

#### **Question**

Will the Minister advise the reasons for the Ministerial Decision MD-TR-2024-67 dated 9th February 2024 ([Currency Fund Withdrawal to Consolidated Fund](#)) for the transfer of £3 million from the Currency Fund to the Consolidated Fund and provide details of how these monies will be utilised?

#### **Answer**

The Treasury and Resources Minister has the power to transfer surplus funds, generated through investment returns in the Currency Fund, to the Consolidated Fund, under article 7A (3)(b) of the Currency Notes and Currency Fund (Jersey) Law 1959. A financial return is transferred from the Currency Fund to the Consolidated Fund in most years, with an estimate of the return included in 'other income' as part of the income forecast and Government Plan. The £3 million transferred was in line with the most recent income forecast produced in Summer 2023.



As with all general revenue income paid into the Consolidated Fund, monies go towards paying for Government departmental revenue and capital expenditure. There is no other specific purpose for which the return from the Currency Fund is applied, other than to fund ongoing Government expenditure.

### **3.21 Deputy I. Gardiner of St. Helier North of the Minister for Health and Social Services regarding brain injury admissions. (WQ.104/2024)**

#### **Question**

Will the Minister advise how many people were admitted to the hospital with diagnosis of a brain injury for each of the last 5 years broken down into the following groups –

- (a) age groups: 0-13, 14-15, 16-17, adults aged 18 and over; or another age-related breakdown available to the Minister; and
- (b) type/cause of injury?

#### **Answer**

Table 1 shows the number of people admitted to hospital with a diagnosis of brain injury in the last 5 years. It is not possible to provide a further breakdown of the exact number of patients in the under 18 categories requested, as this could potentially lead to the identification of individuals.

**Table 1: Number of admissions to Jersey General Hospital with a diagnosis of brain injury, by year of discharge, in line with World Health Organisation age categorisations.**

| <b>WHO Age Group</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> | <b>2022</b> | <b>2023</b> |
|----------------------|-------------|-------------|-------------|-------------|-------------|
| 0-19                 | 6           | <5          | 25          | 7           | <5          |
| 20-24                | <5          | <5          | 9           | 16          | 6           |
| 25-29                | <5          | <5          | <5          | <5          | <5          |
| 30-34                | <5          | 6           | <5          | <5          | <5          |
| 35-39                | 5           | <5          | <5          | <5          | <5          |
| 40-44                | <5          | <5          | 8           | 5           | <5          |
| 45-49                | 11          | 9           | 8           | 7           | <5          |
| 50-54                | 29          | 10          | 15          | 14          | 6           |
| 55-59                | 24          | 37          | 18          | 11          | 14          |
| 60-64                | 30          | 23          | 54          | 35          | 16          |
| 65-69                | 36          | 32          | 31          | 31          | 17          |
| 70-74                | 49          | 41          | 26          | 33          | 35          |
| 75-79                | 74          | 41          | 39          | 28          | 26          |
| 80-84                | 96          | 61          | 40          | 36          | 24          |
| 85-89                | 46          | 42          | 37          | 27          | 23          |
| 90-94                | 28          | 15          | 18          | 17          | 11          |

|     |    |    |   |   |    |
|-----|----|----|---|---|----|
| 95+ | <5 | <5 | 6 | 6 | <5 |
|-----|----|----|---|---|----|

Source: Clinical Coding Reports (TrakCare CDG4G and Maxims CC05DM)

Table 2 shows the diagnosis coded for these patients by year of discharge.

**Table 2: Number of patients discharged by year and Diagnosis**

| Description  | 2019 | 2020 | 2021 | 2022 | 2023 |
|--|------|------|------|------|------|
| Anoxic brain damage, not elsewhere classified  | 9    | <5   | 8    | <5   | 5    |
| Cerebral infarction  | 148  | 105  | 90   | 69   | 69   |
| Concussion   | 5    | 6    | 7    | <5   | <5   |
| Diffuse brain injury   | 5    | <5   | 6    | <5   | <5   |
| Epidural haemorrhage (includes extradural haemorrhage (traumatic))   | <5   | <5   | <5   | <5   | <5   |
| Focal brain injury   | <5   | <5   | <5   | <5   | <5   |
| Intracerebral haemorrhage *please note that intracerebral haemorrhage defaults to nontraumatic if not otherwise specified                  | 32   | 31   | 23   | 17   | 8    |
| Intracranial injury, unspecified (includes Brain injury NOS)   | <5   | <5   | <5   | <5   | <5   |
| Other intracranial injuries  | <5   | 6    | <5   | <5   | <5   |
| Other nontraumatic intracranial haemorrhage *please note that intracranial haemorrhage defaults to nontraumatic if not otherwise specified | 6    | <5   | <5   | 10   | 7    |
| Sequelae of cerebral infarction  | 49   | 48   | 70   | 50   | 26   |
| Sequelae of intracerebral haemorrhage  | 26   | 9    | 34   | 13   | 7    |
| Sequelae of intracranial injury  | 9    | 14   | 9    | 7    | <5   |
| Sequelae of other and unspecified cerebrovascular diseases   | <5   | <5   | <5   | <5   | 17   |
| Sequelae of other nontraumatic intracranial haemorrhage  | <5   | <5   | <5   | <5   | <5   |
| Sequelae of stroke, not specified as haemorrhage or infarction   | 107  | 67   | 50   | 49   | 25   |
| Sequelae of subarachnoid haemorrhage   | 21   | 9    | 11   | 16   | <5   |
| Subarachnoid haemorrhage *please note that subarachnoid haemorrhage defaults to nontraumatic if not otherwise specified                    | 10   | 5    | 9    | 6    | <5   |
| Traumatic cerebral oedema  | <5   | <5   | <5   | <5   | <5   |
| Traumatic subarachnoid haemorrhage   | <5   | 6    | 5    | 5    | <5   |
| Traumatic subdural haemorrhage   | <5   | 12   | 8    | 18   | 10   |

Source: Clinical Coding Reports (TrakCare CDG4G and Maxims CC05DM)

It is important to note that data reported in both tables is a record of main conditions treated or investigated during an inpatient admission, and not the reason for admission. This data does not capture patients transferred overseas from our Emergency Department, nor Jersey residents who have

sustained brain injuries whilst off-island (unless they were repatriated). There is also no specific data code for a history of traumatic brain injury so we cannot extrapolate this information, however, any residual effects would be recorded were necessary. Furthermore, coding of historic patient data is not up to date.

**3.22 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Sustainable Economic Development regarding the total amount budgeted across all Government Departments in 2023 and 2024 for sport and physical exercise. (WQ.105/2024)**

**Question**

Will the Minister confirm the total amount budgeted across all Government Departments in 2023 and 2024 for sport and physical exercise, excluding capital projects, and broken down by head of expenditure?

**Answer**

**Department for Economy**

The Department for Economy provides grant funding to Jersey Sport along with support for sporting events, performance sport and a dedicated Sport sector officer<sup>3</sup>.

- 2023: £2,289,000<sup>4</sup>
- 2024: £2,429,000<sup>5</sup>

**Department for Infrastructure and Environment**

The I&E Department maintain the Sport Division of 109.5 budgeted FTEs who maintain and operate the Island's publicly owned sports facilities. Additional funding is provided from the I&E budget to support Active Travel and to finance the E-Bike grant scheme<sup>6</sup>.

**Sports Division Budget**

- 2023: £3.875m
- 2024: £4.181m

**Climate Emergency Fund**

The fund provides funding to support the following:

E-Bike grant scheme

- 2023: £151,000

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<sup>3</sup> The Department also engages the RNLI to provide beach lifeguarding services, this cost has not been included as it is not possible to separate the cost of lifeguarding for swimming, surfing etc from other beach activity.

<sup>4</sup> Additional support was provided to the Jersey Reds via two payments during 2023, this support was not budgeted for and required a Letter of Comfort on both occasions.

<sup>5</sup> Additional funding for sporting events is yet to be confirmed via the events budget and so has not been included.

<sup>6</sup> These figures do not include the lower than commercial rates at which sports facilities are leased for sporting clubs and physical activity.

- 2024: £149,800

#### EVie Trial scheme

- 2023: £30,000

#### Active Travel (Community engagement such as love to ride)

- 2023: £47,291
- 2024: £182,100

### **Department for Health and Community Services**

Information relating to Health and Community Services rehabilitation programmes such as cardiac and pulmonary rehabilitation has not been included as it is not possible to directly correlate the element of rehabilitation directly related to physical activity.

#### **Cabinet Office**

Public Health grant fund Jersey Sport for the physical activity element of their Family Food and Fitness programme shown below.

- 2023: £76,963
- 2024: £76,963

### **Department for Children, Young People, Education and Skills**

Further to [WQ.43/2024](#) the department does not hold this information centrally, each school has delegated funding and the department does not hold any central budget for this purpose.

### **Department for Customer and Local Services**

ConnectMe Grants support a range of organisations to support islanders to take part in cultural and physical activities. The total for grants to sport and physical activities in the years requested is:

- 2023: £ 124,471
- 2024: TBC – grant scheme is live now.

### **Channel Island's Lottery**

The Jersey Community Foundation, which receives 50% of CI Lottery funding, allocates 35- 45% of its funding to sport and active lifestyle.

- 2023: £290,009 (this included a top up grant in November 2023 from unclaimed Lottery prizes)
- 2024: Up to a maximum of £222,305 subject to P.15/2024 and dependent on applications being received from eligible organisations.

### **3.23 Deputy M.B. Andrews of St Helier North of the Chief Minister regarding any potential additional debt from a wind farm project or tunnel to France. (WQ.106/2024)**

#### **Question**

Will the Chief Minister advise whether any potential additional debt will be incurred by the Island should the Government proceed with either a wind farm project or tunnel to France, and, if so, does he have any concerns in relation to this debt?

#### **Answer**

At the sitting of the 16<sup>th</sup> April, the States Assembly are due to debate P.82/2023 (Offshore Wind) which asks for support to explore the potential for an offshore windfarm for Jersey. The accompanying Report outlines a number of key policy decisions that will be progressed if the Assembly supports the Proposition. One such matter is the financing of a wind farm. Currently, work is not yet advanced enough to determine the financing model that will provide most value for the Island. Consideration of the development financing and commercial proposition will come if the Assembly directs work to continue. No doubt this will be an important matter for Ministers, Scrutiny and potentially the Assembly to consider in the future. Whilst these decisions are to come, the following extract from the Proposition makes the current working assumption clear:

*‘Ministers are proposing that the development of offshore wind should be **privately funded** and designed and delivered by a consortium with substantial experience of similar development elsewhere’.*

Thus, I can be clear that whilst no decisions have been made, I do not expect that the Island would raise substantial debt to fund a windfarm.

No decision has been taken with regard to any tunnel to France, as we need to focus on other more pressing priorities for Islanders such as building a hospital and reducing cost of living pressures.

#### Background

Tunnel to France: The Future Economy Programme Strategy (October 2023) committed to publishing a Cost Benefit Analysis during 2024; this document is being finalised by the Economy Department.

The Minister for Sustainable Economic Development has previously stated publicly that if this were to be developed further, it could only proceed on the basis that it was a commercially viable operation for the private sector. This would follow the ‘Design, Build, Manage and Operate’ model which the French have used to build their motorways. The private sector pays for the design and build, then recoups its investment through tolls over 30+ years. In this respect, there would be no Government debt.

### **3.24 Deputy M.B. Andrews of St Helier North of the Minister for Treasury and Resources regarding the value of the Strategic Reserve. (WQ.107/2024)**

#### **Question**

Will the Minister advise –

- (a) what long term funding plans she has, if any, to increase the fund value of the Strategic Reserve; and

- (b) whether it is her assessment that the value of the Strategic Reserve can be increased through existing revenue streams to the levels recommended in the most recent [Fiscal Policy Panel Annual Report](#)?

#### **Answer**

- a) The long-term aim is to grow the Strategic Reserve. The Fiscal Policy Panel have recommended that the 2019 prior-year taxation debtor should be transferred to the Strategic Reserve, and as outlined in the Government Plan 2024 – 2027 this remains under consideration;

Ministers have considered how this asset can support the strengthening of the Balance Sheet, including increasing the value of the Strategic Reserve, the Stabilisation Fund and investment in the Island's infrastructure through capital projects. This is a potentially complex issue, and requires the input of the Treasury Advisory Panel, before inclusion in the next Government Plan. (see page 87 Government Plan 2024-2027)

- b) It is a priority to grow the Strategic Reserve to the Fiscal Policy Panel recommendation of between 30% - 60% of GVA. It is possible for existing revenue streams to be used but these would have to be reprioritised from other areas of revenue or capital spending. This would require Council of Ministers agreement and States Assembly approval. However, given the challenges of reprioritising budgets away from delivering and investing in public services, alternative funding strategies are being explored.

#### **3.25 Deputy M.B. Andrews of St Helier North of the Minister for Treasury and Resources regarding the application of a standard 20% rate of income tax on the entirety of High Value Residents' income. (WQ.108/2024)**

##### **Question**

Will the Minister advise how much additional tax revenue it is estimated would have been generated for the 2021 tax year from the application of a standard 20% rate of income tax on the entirety of High Value Residents' income?

##### **Answer**

No estimate has been made. It would be difficult and time-consuming to construct a meaningful estimate because of the five different versions of the HVR Tax Regime which apply to HVRs who have come to Jersey since 2005.

HVRs in the five versions of the HVR Tax Regime are subject to different rates of income tax on different prescribed amounts of taxable income. Only Versions 4 and 5 of the Tax Regime legally oblige HVRs to pay an amount of income tax prescribed by law with a top up mechanism in force for those who are unable to generate sufficient income to meet the prescribed amount. Any indication that we might move the goalposts beyond the statutory review of the minimum limit will reduce the Island's competitiveness with other jurisdictions in attracting new HVRs.

It cannot be assumed that the application of a standard 20% rate of income tax on the entirety of an HVRs' income would generate additional revenue. The legal obligation to pay a minimum sum – combined with the top-up mechanism - ensures that the Exchequer receives at least the amount expected from the operation of the HVR Tax Regime.

**3.26 Deputy M.B. Andrews of St Helier North of the Minister for Housing regarding the extent of second home purchases. (WQ.109/2024)**

**Question**

Is it the Minister's assessment that the scale of ownership of second homes in the Island is a problem and, if so, what plans does the Minister have, if any, to reduce the extent of second home purchases?

**Answer**

As Jersey has a housing crisis, it is a matter of concern to me whether we are getting the most appropriate use of our housing stock, including whether there are an extraordinary number of homes which are lying underused whilst many Islanders are desperately seeking a home which is appropriate for them to live in.

Steps have already been taken to limit the rate of second home ownership through a ban on new share transfer properties that was introduced in 2022 and the introduction of a 3% stamp duty surcharge for second homes in 2023.

I am not aware of how many homes can currently be considered second homes, so cannot speak to the precise degree this could be considered a problem. However, the Jersey House Price Index provides information on the type and number of second home transactions, following the introduction of the higher rate of stamp duty and land transaction tax introduced in January 2023. The Index for the fourth quarter of 2023 shows that 28% of properties transacted during this period were not purchased to be the main residence of the purchaser(s)<sup>7</sup>. I am keeping the situation under review.

I believe that it is important to create a more even playing field between investors and first-time buyers. Policy measures such as ending the creation of share transfer units of accommodation, and the 3% uplift on the rate stamp duty and land transaction tax contribute towards achieving this objective, which will be further supported by my measures to help and encourage more first-time buyers into the housing market in Jersey.

**3.27 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the demolition of a number of premises in Kensington Place. (WQ.110/2024)**

**Question**

Following the demolition of a number of premises in Kensington Place and the subsequent boarding up of the site, will the Minister consider converting this site into a temporary car park to increase footfall and to assist businesses in this part of St. Helier; and if not, why not?

**Answer**

This site is identified for use as part of the New Healthcare Facilities Programme (NHFP), and there are no current plans to convert this site into a temporary car parking facility. Any temporary use of the site outside of the immediate control of Health and Community Services and the programme team represents a potential risk of delay to programme delivery.

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<sup>7</sup> House Price Index, Fourth Quarter 2023

Having liaised with the Minister for Health and Social Services, I understand that the temporary use for the site will be for facilities to improve working conditions for health staff working at the General Hospital and that ground investigations are currently being undertaken on the site.

In addition, the use of the site for parking (and therefore potential sources of flame due to smoking and vehicles, emissions, noise, etc.) within the immediate borders of the General Hospital site presents some issues, such as the proximity to the medical gases bottle store and sensitive healthcare facilities, including the mortuary drop off and pick up, pathology and day case theatres. Fuel interceptors may also be required to prevent any potential spills or leaks from contaminating the ground and entering the drainage system. Mitigating these issues would likely result in additional cost to programme delivery. Any parking which could be proposed would be linked to operational service vehicles with the possibility of some emergency staff parking. This would however be subject to design, consents and be only temporary whilst plans for the NHFP are progressed.

Lastly, planning consent would be required to change the use of this land, even on a temporary basis, with additional further applications required for future change of uses, resulting in potential administrative risk to delivery of the programme.

### **3.28 Deputy R.S. Kovacs of St. Saviour of the Minister for Children and Families regarding the Jersey Youth Service. (WQ.111/2024)**

#### **Question**

In respect of the Jersey Youth Service (JYS), will the Minister detail –

- (a) the JYS annual budget for each of the last 5 years;
- (b) how the budget is audited;
- (c) how the budget is split between JYS projects in each Parish;
- (d) any support, other than financial support, which the Government provides to the JYS; and
- (e) what direct involvement, if any, the Government has in the creation of the JYS curriculum?

#### **Answer**

##### **A. The JYS annual budget for each of the last 5 years.**

| <b>Year</b> | <b>JYS Budget (rounded to £100s)</b> |
|-------------|--------------------------------------|
| <b>2019</b> | <b>£2,434,900</b>                    |
| <b>2020</b> | <b>£2,767,000</b>                    |
| <b>2021</b> | <b>£2,898,100</b>                    |
| <b>2022</b> | <b>£2,887,600</b>                    |
| <b>2023</b> | <b>£3,420,800</b>                    |

##### **B. How is the budget audited**

The Jersey Youth Service is part of the wider Department of Children, Young People, Education and Skills (CYPES). Its expenditure and income are subject to internal and external audit like any other Government of Jersey department.



### C. How the budget is split between JYS projects in each Parish

The Youth Service over the past 28 years have developed Parish Partnerships that started with the then president of Education the late Len Norman with the first Parish being St Peter. This investment by the CYPES department and the Parishes has made a positive impact on the community-based Youth Clubs which offer a safe place within the local community for our island young people to meet, socialise, be part of the relevant Parish and have some fun.

This year the CYPES department will be increasing budget to the Parish of St Mary, St John, St Lawrence and Trinity as the youth workers who were part-time are in the process of becoming full-time.

| Parish / Youth Club                        | 2023 CYPES Budget | Income from Parish |
|--|-------------------|--------------------|
| St Peter - (St Peter Youth Club)           | £41,000           | £33,000            |
| St Ouen - (St Ouen Youth Club)             | £18,000           | £22,000            |
| St Mary - (St Mary Youth Club)             | £21,000           | £20,000            |
| St Lawrence - (St Lawrence Youth Club)     | £25,000           | £15,000            |
| St John - (St John Youth Club)             | £22,000           | £15,000            |
| Trinity - (Trinity Youth Club)             | £22,000           | £18,000            |
| St Martin - (Maufant Youth Club)           | £81,000           | £14,000            |
| Grouville - (Gorey Youth Club)             | £88,000           | £15,000            |
| St Clements - (Le Squez Youth Club)        | £111,000          | £21,000            |
| St Saviour - (Grands Vaux Youth Club)      | £112,000          | £21,000            |
| St Brelades - (St Brelades Youth Club)     | £92,000           | £20,000            |
| St Helier<br>(First Tower Youth Club)      | £51,000           | £25,000            |
| (La Pouquelaye Youth Club)                 | £55,000           | £25,000            |
| Move-on-Cafe (including Street Youth Work) | £123,000          | £11,000            |

The table above shows the staffing and non-staffing net revenue budgets delegated from CYPES, (excluding depreciation) and the contributions agreed by the Parishes. In addition, most of the Youth Clubs also raise small sums from sundry charges such as hire of facilities.

### D. Any support, other than financial support, which the Government provides to the JYS

The Jersey Youth Service is part of the department for Children, Young People, Education and Skills (CYPES) and receives support from CYPES and other Government Departments to deliver its operations; including Infrastructure and Environment, Treasury and Exchequer and the Cabinet Office. Support is provided for a number of key business activities, which include; HR, finance, compliance, health and safety, IT, vehicle hire, facilities and property management (including building maintenance) and communications and marketing.

The support received by the Jersey Youth Service is in accordance with other services provided centrally by the Government of Jersey.

### **E. What direct involvement, if any, the Government has in the creation of the JYS curriculum**

The Jersey Youth Service is part of the Government of Jersey. All Jersey Youth Service employees are Government of Jersey employees. The development and implementation of the Jersey Youth Service curriculum has been led by Youth Service staff on behalf of CYPES and the Government.

The Youth Work Curriculum was launched in March 2024, at a conference day with over 100 staff and 20 young workers attending. The curriculum has been under development for the past 18 months with support from the National Youth Agency and our local Youth Workers.

### **3.29 Deputy I. Gardiner of St. Helier North of the Minister for Education and Lifelong Learning regarding funding of each service function. (WQ.112/2024)**

#### **Question**

Further to the response to [Written Question 80/2024](#), will the Minister provide a breakdown of the 2023 figures for funding of each service function by –

- (a) student or personal finance;
- (b) income from businesses; and
- (c) funding transferred directly from the Children, Young People, Education and Skills Department?

#### **Answer**

| Service Function                                  | Student Finance | Personal Finance | Income from businesses | Recharges to other states departments | CYPES core budget | TOTAL      |
|---|-----------------|------------------|------------------------|---------------------------------------|-------------------|------------|
| Higher Education - UCJ                            | 1,121,200       | 190,100          | -                      | -                                     | -505,400          | 806,000    |
| Adult and Community Education                     | -               | 250,000          | -                      | -                                     | 17,000            | 267,000    |
| Apprenticeships including higher vocational quals | 56,800          | 80,300           | 123,600                | -                                     | 1,309,300*        | 1,570,000  |
| Further Education                                 | -               | -                | -                      | -                                     | 4,784,500         | 4,784,500  |
| Enterprise, Professional & Digital                | -               | 417,900          | 348,300                | 228,800                               | 1,409,000         | 2,404,000  |
| Student Support                                   | 15,000          | -                | -                      | -                                     | 751,500           | 766,500    |
| Central and overhead Functions                    | -               | 416,100          | 78,900                 | -                                     | 4,792,100         | 5,287,000  |
| Total funding                                     | 1,193,000       | 1,354,400        | 550,800                | 228,800                               | 12,558,000        | 15,885,000 |

\* INCLUDES TRACKERS

### **3.30 Deputy I. Gardiner of St. Helier North of the Minister for Education and Lifelong Learning regarding the 2023 Apprenticeships funding. (WQ.113/2024)**

#### **Question**

Further to the response to [Written Question 80/2024](#), will the Minister –

- (a) provide a breakdown of the 2023 Apprenticeships funding line allocated to –
  - (i) higher level apprenticeships (studied through University College Jersey (UCJ))
  - (ii) apprenticeships; and

- (iii) youth service apprenticeships;
- (b) for each of the above categories, provide a break down of the profession of apprenticeship and number of students undertaking each profession; and
- (c) advise how the funding line differentiates between the funding allocated to UCJ and to higher apprenticeships which are undertaken within UCJ?

**Answer (a) and (b)**

| Area                                   | Student Numbers | Funding      |
|--|-----------------|--------------|
| <b>Higher Level</b>                    |                 |              |
| Degree Programs - Construction - UCJ   | 32              | 137,900.00   |
|  |                 |              |
| <b>Apprenticeships</b>                 |                 |              |
| Construction (Painting / Bricklaying)  | 4               | 14,800.00    |
| Plumbing                               | 52              | 186,300.00   |
| Carpentry                              | 70              | 250,800.00   |
| Electrical                             | 125             | 424,300.00   |
| Mechanic                               | 74              | 251,200.00   |
| Welding                                | 19              | 64,500.00    |
| Hairdressing                           | 6               | 29,600.00    |
| Beauty Therapy                         | 8               | 39,400.00    |
| Culinary Arts & Hospitality Studies    | 14              | 48,000.00    |
| Childcare                              | 67              | 107,200.00   |
|  |                 |              |
| <b>Youth Service - Apprenticeships</b> | 10              | 16,000.00    |
|  |                 |              |
|  |                 | 1,570,000.00 |

(c)

Funding for Higher Level Apprenticeships (Degree Level) is via Student Finance, Personal Finance and the College's CYPES core budget. Level 2 and 3 apprenticeships are funded from the College's CYPES core budget, Trackers, Personal and Businesses.

UCJ Higher level Apprenticeships are not differentiated from the rest of the UCJ budget – they are part of the planned departmental spend for that area and also part of the targeted income set to cover costs.

**3.31 Deputy I. Gardiner of St. Helier North of the Minister for Infrastructure regarding improvements to the existing Les Quennevais skatepark facility. (WQ.114/2024)**

**Question**

Will the Minister advise what budget, if any, has been allocated for improvements to the existing Les Quennevais skatepark facility, and whether he plans to use any of this budget to provide better educational signage regarding the use of helmets at this park and at other skateparks in the Island?

## Answer

In 2024, £310k was allocated for capital improvements to the Pavilion, covering enhancements to welfare facilities and floodlight installations. Additionally, a revenue budget of £9,500 is in place for the facility's operational needs.

The British Standard BS EN 14974 outlines safety guidelines for skatepark facilities and provides guidance on signage and information for users. Clause 11(e) of this standard states that clear and visible signage is installed informing users that the use of appropriate protective equipment (e.g. helmet, knee pads, elbow pads etc) is recommended.

The Les Quennevais Skatepark signage goes beyond this and states that we strongly recommend the use of protection such as helmets, wrist guards etc.

As you know, the skatepark is not supervised so as operators we are unable to enforce the wearing of helmets, but it's important to note that the majority of users choose to wear helmets.

The signage at Les Quennevais Skatepark was created in collaboration and with input from the JSA (Jersey Skateparks Association).

### **3.32 Deputy R.S. Kovacs of St. Saviour of the Chair of the Comité des Connétables regarding financial or other contributions each Parish provides for youth projects in their Parish. (WQ.115/2024)**

#### Question

Will the Chair advise what financial or other contribution, if any, each Parish provides for youth projects in their Parish?

#### Answer

To provide a response to this question every Parish has been asked to provide information of financial or other contributions relating to the last complete financial year ending 30/4/2023 (actual), the current year ending 30/4/2024 (either budget or actual to date) and any other information. The information provided is set out below.

However, contributions (financial or other) have been provided for many years. Every Parish publishes on its website the annual accounts (these detail the financial expenditure) and the proposed budget expenditure for the coming year (for approval each year by the Parish Assembly).

#### **Parish of St Brelade**

Year ending 30/4/2023 (actual) – St Brelade Youth Project £20,750 grant; £10,000 for youth worker and £10,750 for general running costs.

Current year ending 30/4/2024 (budget/actual to date) - St Brelade Youth Project £21,750 grant; £11,000 for youth worker and £10,750 for general running costs.

The Parish of St Brelade also makes annual donations of £400 to the following youth oriented clubs and charities –

- Healing Waves
- La Moye Cadets
- 10th Jersey (St. Brelade) Scout Group

- St Aubin Institute

and £800 to West District Guides Association (for two groups).

The Parish maintains the Elephant Park (children's playground), the costs of which are set out below.

- 2022/23 - £29,516 (as per Report and Accounts)
- 2023/24 – £35,000 (estimate as per the accounts)

Upgrades to the upgrade the toilet block are required as it is 60 years old and no longer fit for purpose (likely to cost – subject to Parish Assembly approval - in the region of £500,000) and consideration is also being given to upgrading the playground equipment (subject to funding).

### **Parish of St Clement**

The Parish has an agreement with the Department for Children, Young People, Education and Skills to contribute towards youth worker salaries at Le Squez Youth Club. This has been in place for many years and historically has been agreed for a 5-year term. The current agreement started 1 May 2020 and is for the Parish to contribute £21,000 annually.

The Connétable and Procureurs also allocate £12,000 annually to various charities and organisations many of which benefit children and young people. Donations may change on an annual basis but for last year included:-

- Les Amis
- 1st East Rainbows / Rangers
- 2nd Jersey Scout Group
- 9th Greve d'Azette Brownies
- 11th St Clement Guides / Brownies
- St Clement Battle of Flowers
- St Clement Sport Club
- Youth Enquiry Trust
- The Grace Trust

We also have money available to disadvantaged parishioners through various trusts. With our help, many children and young people from low-income families have been able to achieve that which would have otherwise been unattainable, and the results are often life changing. Funding is awarded on a case-by-case basis and has recently assisted with the costs for both dental and optical treatment, school uniform, IT equipment, school trips and travel for parents to accompany their child to an off island medical appointment.

The parish has also recently taken on the lease to premises at Clos Mourant which we are in the process of establishing as a Community Hub. A facility that will benefit all residents of the area whatever their age.

### **Parish of Grouville**

Year ending 30/4/2023 (actual) - £17,500 grant to help fund a Youth Worker/youth projects under the Parish/Youth Service contract.

Current year ending 30/4/2024 (budget/actual to date) - £14,000 grant to help fund a Youth Worker/youth projects under the Parish/Youth Service contract.

### **Parish of St Helier**

At its annual Rates Assembly, the Parish of St Helier donated the sum of £126,000 to the St Helier Youth and Community Trust in both 2022/23 and 2023/24. This donation includes a specific requirement to contribute £66,000 to fund Youth Workers in the Parish. The remainder of the money covers grants/aid or support to charities/organisations or individuals who apply to the Trust for assistance. We are aware that during 2023, there were nine grants made in relation to children or youths, totalling a sum of £34,000.

The Parish has recently distributed £10,000 to the Brighter Futures charity – which supports children and young families. It also donated a further £5,000 to Family Nursing and Home Care who support both children and adults.

St Helier organises several events each year which are family orientated and cater for all age groups including young people; these include (1) the Fete de St Helier, (2) Havre des Pas Festival, and (3) the Christmas Light Switch on. The overall net cost of these events is in the region of £96,000.

The Parish hosts an annual Ambassadors competition which focuses on youth entries; this includes a prize and funded trip to a UK flower festival.

### **Parish of St John**

The Parish has budgeted £20,000 per annum for the funding of a part time youth leader at the St John Youth Project. This was increased from £15,000 per annum to £20,000 per annum in 2021 to enable the project to increase the hours but they were unable to fulfil this so only £15K per annum has been paid to date.

Annual grants to youth-related groups:

- JAYF (Jersey Association for Youth and Friendship) £500
- Parish Sports Club £500 (paid to a different Club each year)
- St John's Skate Park £500

Donations 2023/2024

- St Johns Football Club £1,000

Additional Youth Projects:

- The Parish provides and maintain a Childrens Playground in the Parish Church yard.
- The Parish has entered into a lease with JPH (Jersey Property Holdings) for an amount of just £100 a year for them to develop a playing field for St Johns Primary School.

Also within the Parish, through the Butlin Trust who owns the property and leases it on a pepper corn rent, the St John's Recreation Centre hosts numerous Sports Clubs and events which provide for youth projects, including the St John's Youth Project.

### **Parish of St Lawrence**

The Parish paid £15,000 towards the Youth Workers salary and a grant of £500 to the St Lawrence Youth Club in 2022/2023 and the same figure is budgeted this year.

The Youth Club uses, free of charge, the St Lawrence Community Centre for which the Parish is responsible and meets the cost of upkeep and maintenance. The Centre is also hired out, for a fee, for other events involving children/youth e.g. sports clubs, children's playgroup, children's private parties, football club etc.

### **Parish of St Martin**

The Parish has paid £15,000 p.a. to fund a Maufant Youth Centre Worker in recent years.

Year end to 30.04.23 – grants to

- Brighter Futures £800
- Healing Waves £800
- Riding for the Disabled £800
- You Matter £800

Year end 30.04.24 – grants to

- Jersey Association for Youth and Friendship £800
- YES Project £800

A presentation was made by a member of the Maufant Youth Project Committee in 2020 at the end of the Parish Rates Assembly. This committee was set up by Connétable Karen Shenton Stone in 2019 with its main purpose to raise funds to assist members with their activities. Following this meeting the Committee was made into a charity status – the Maufant Youth Project (the Charity). The charity now receives added donations from Parishioners and corporate bodies to fund additional activities for the Youth Project members.

In November 2023 a new accessible playground was opened on the Village Green in St. Martin, following the Connétable of St. Martin's consultation with children at St. Martin's School and taking into account the views of the Jersey Youth Parliament's (JYP) Play Strategy. The generosity of two major donors facilitated the creation of the new playground and local playground designer, Emily Jennings, helped with the design and delivery. The playground perfectly complements the natural playscape situated at the far end of the Green. The Connétable is delighted that planning permission has recently been granted for a Viking Swing to be situated near to the natural playscape. The Viking Swing can be used by teenagers and further fulfils the JYP's Play Strategy and the Play Strategy being developed by the Comité des Connétables.

### **Parish of St Mary**

Year ending 30/4/2023 (actual) –

- Contribution to Youth Service £20,000
- Charitable Grants - Kids' Club donation £500; 6th Jersey Scout Group £500; 20th St Mary Brownies £500

Current year ending 30/4/2024 (budget/actual to date) –

- Contribution to Youth Service £20,000
- Charitable Grants - Kids' Club donation £500; 6th Jersey Scout Group £500; 20th St Mary Brownies £500; Youth Club £1,500

### **Parish of St Ouen**

Year ending 30/4/2023 (actual) – Total £40,455

- Youth Worker £22,000
- St Ouen's Youth & Community Centre £15,000
- 1st St Ouen Scout Group £1,000
- St Ouen's Youth Club £1,000
- Beresford Street Kitchen £400
- Recreation field rent & maintenance £1,055

Current year ending 30/4/2024 (budget/actual to date) - Total £35,900

- Youth Worker £22,000
- St Ouen's Youth & Community Centre £10,000
- 1st St Ouen Scouts £1,000
- St Ouen's Youth Club £1,000
- Beresford Street Kitchen £400
- Recreation field rent & maintenance £1,500

There are also a couple of local Trusts that help to provide school uniforms for St Ouen children and support youth groups within the Parish.

### **Parish of St Peter**

Year ending 30/4/2023 (actual) –

- Youth Leader Salary £30,008
- St Peters Youth Club grant £7,500
- Outreach Project £5,000
- Jersey Assoc Youth & Friendship grant £1,200
- St Peters School £2,000

Current year ending 30/4/2024 (budget/actual to date) –

- Youth Leader Salary £31,500
- St Peters Youth Club grant £5,000
- Outreach Project £5,000
- Jersey Assoc Youth & Friendship grant £1,200
- St Peters School £4,000

### **Parish of St Saviour**

For the financial year ending 30 April 2023, the Parish of St Saviour committed £21,000 to the Grand Vaux Youth Centre. This funding was specifically earmarked to subsidise the salary of a youth worker, pivotal in steering various youth-centric projects. Additional grants were also dispensed to various youth-centric charitable or community groups, as follows:

- St Pauls: £800
- 2nd Jersey (Greve D'Azette) Scout Group: £600
- 3rd Jersey (St Saviour) Scout Group: £1,050
- 7th (St Lukes) Brownies: £600
- Beresford Street Kitchen: £1,000
- Jersey Association for Youth & Friendship: £900
- Jersey Youth Trust: £400
- Les Amis: £1,000
- Jersey Scout Band (part of Scout Association): £600

Anticipating a continuation of this trend, the budget for the year ending 30 April 2024 has been set to match this commitment with another allocation of £21,000.

In a recent discussion, the Connétable and Procureurs examined the Parish's role in financially supporting a Youth Centre Worker, considering whether this responsibility (legally responsible) might better belong to the Children, Young People, Education, and Skills department (CYPES).



Despite these considerations, the strong relationship with the Grand Vaux Youth Centre continues, leading to the renewal of the partnership for three more years.

Over the past decade, the Parish of St. Saviour has provided grants totalling in excess of £150,000 to Grand Vaux Youth Centre.

### **Parish of Trinity**

Year ending 30/4/2023 (actual) –

- £18,000 to the employment of a Youth worker at Trinity Youth Centre.
- £200 to Ebenezer Methodist Church, Sunday School
- £300 to Trinity Youth Club.
- £442.80 payment to Trinity Youth Centre to meet the cost of rates

Current year ending 30/4/2024 (budget/actual to date) –

- £18,225 to the employment of a Youth worker at Trinity Youth Centre.
- £200 to Ebenezer Methodist Church, Sunday School
- £250 to Trinity Youth Club.
- The Parish intends to meet the cost of the rates of the Trinity Youth Centre.

### **3.33 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Justice and Home Affairs regarding the support for children who have been affected by Violence Against Women and Girls. (WQ.116/2024)**

#### **Question**

Will the Minister outline the specific work she will be implementing (with the Minister for Children and Families and the Minister for Education and Lifelong Learning) in respect of the support for children who have been affected by Violence Against Women and Girls (VAWG); and is there, or will there be, specific assistance for schools (especially teachers) to support children that have been affected by VAWG?

#### **Answer**

The VAWG Taskforce report highlighted the education of young people about VAWG issues as a crucial part of wider efforts to prevent this form of violence. The research findings shared in the report indicated that young people felt that schools should be doing more in this area and that they had a very low awareness of the specialist support services that exist on the island. As a result, the Taskforce report made the following recommendations:

- The Government should work with schools and specialist support services to promote awareness of these services amongst young people (recommendation 65).
- An education programme on VAWG should be introduced for parents so that they are better able to support and advise their children around this issue (recommendation 66).
- The Government should work with schools to improve the way in which education on the issue of VAWG is delivered and the delivery of this education should be subject to formal assessment (recommendation 76).

- The Government should consider rolling out a whole-of-school approach to VAWG (recommendation 77).

My response to the VAWG Taskforce recommendations was developed in consultation with other Ministers and published at the end of March. In this response the Minister for Education and Lifelong Learning indicated that he would undertake work within his department to develop a comprehensive plan to take these recommendations forward, in close cooperation with schools and support services. I understand that the Minister intends to publish this plan in the coming months, once an approach to implementing the relevant recommendations has been finalised.

### **3.34 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Justice and Home Affairs regarding the divorce law. (WQ.117/2024)**

#### **Question**

Will the Minister advise what actions, if any, she is progressing or planning to reform the divorce law, including the timetable for any such work, and will she state whether ‘no fault divorce’ will be included in this work; and if not, why not?

#### **Answer**

I am fully supportive of the proposals set out by the previous Minister for Justice and Home Affairs in her Ministerial Plan for 2024, for the reform of Jersey’s current divorce processes, including the introduction of no-fault divorce.

I have already agreed with officers that work to bring forward the necessary legislation which introduces the concept of no-fault divorce must continue in 2024. It is my intent that the required legislation will be available at the end of 2024 for debate by the States Assembly in 2025.

I have also approved that similar amendments to the legislative processes surrounding the dissolution of a civil partnership will be addressed as part of this work.

### **3.35 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding g GP visits each year from 2019 to 2023 for a brain injury. (WQ.118/2024)**

#### **Question**

Will the Minister advise how many people have visited their GP each year from 2019 to 2023, rather than the General Hospital, for a brain injury, and include a breakdown by age group and the type and cause of injury?

#### **Answer**

Due to the complexity of the question and the way in which GP data is collated, it is not possible to provide this information, however, I would certainly welcome a conversation with the Deputy to ascertain what she is looking to understand on this topic, and how we might provide this through an alternative avenue.

### **3.36 Deputy C.D. Curtis of St. Helier Central of the Minister for Infrastructure regarding the trial to make St. John's Road one way. (WQ.119/2024)**

#### **Question**

Will the Minister state whether the trial to make St. John's Road one way to northbound traffic will still go ahead and, if so, when; and will he explain why the trial was delayed from taking place in 2023?

#### **Answer**

The timing of this question has crossed over with the recent public statements on this topic of the 2<sup>nd</sup> April 2024, which confirmed that the trial will be going ahead, but southbound rather than northbound.

In answer to the second part of the question, on the 30<sup>th</sup> November 2023, a statement was made by the previous Minister, Deputy Binet, that explained:

*The St John's Road three-month one-way trial, which was due to start on Monday, has been postponed until the new year.*

*This is due to unforeseen supply and labour issues, meaning the raised tables would not be in place in time for the trial. Additionally, following Storm Ciaran, resources are currently diverted to prioritise the clean-up operation and other urgent work.*

*The Infrastructure and Environment project is in conjunction with the Parish of St Helier, who will work together to agree a new date for the trial...*

Then, on the 21<sup>st</sup> February 2024, Constable Jehan as the new Minister advised:

*Following public feedback, the new Minister for Infrastructure, Constable Andy Jehan, has asked transport officers to consider a different approach to the proposed one-way scheme on the lower part of St John's Road.*

*The initial plan was to trial the narrow lower section one-way in a northbound direction, away from Cheapside.*

*Recognising community concerns, the Minister for Infrastructure has asked the transport team to review the options, including southbound, and to model potential impacts. This will be done using the most up-to-date traffic information.*

*It is hoped any new proposal for trialling will be prepared in time for the summer.*

Finally, on 2<sup>nd</sup> April 2024, it was announced:

*Following public feedback, the new Minister for Infrastructure, Constable Andy Jehan, recently asked transport officers to consider a different approach to the proposed one-way scheme on the lower part of St John's Road in St Helier.*

*The initial plan had originally been to trial the narrow lower section one-way in a northbound direction, away from Cheapside. Recognising community concerns, Constable Jehan asked the transport team to review the alternative options and to model potential impacts.*

*The Minister has now considered the review and decided to proceed with a trial of southbound only traffic on the narrow lower section between the Parade Road junction and Cheapside. The intention is to introduce the traffic management during the summer half term. More details of the exact arrangements will be released nearer the time.*

**3.37 Deputy R.S. Kovacs of St. Saviour of the Chief Minister regarding the deadline to introduce legislation on ‘Development Levies’ (P.14/2023). (WQ.120/2024)**

**Question**

Further to the response to [Written Question 87/2024](#), and the adopted [amendment](#) of the previous Council of Ministers to ‘Development Levies’ (P.14/2023), which extended the deadline to introduce legislation on this issue by one year to 31st March 2025, will the Chief Minister state whether this timetable to carry out the decision of the Assembly will be met; and if not, why not?

**Answer**

The Environment Minister and I are aware of the timetable set by the States for the Development Levy legislation and will be meeting to discuss the next steps in respect of this piece of work.

**3.38 Deputy S.M. Ahier of St. Helier North of the Minister for Infrastructure regarding the Havre des Pas Lido. (WQ.121/2024)**

**Question**

In relation to the Havre des Pas Lido, will the Minister advise –

- (a) whether the lease was put out to tender;
- (b) whether a lease has now been signed;
- (c) whether the lease was given to the previous leaseholder; and
- (d) who has responsibility for the upkeep of the toilet facilities?

**Answer**

- a) The lease was not put out to tender; there is an assumption (not a guarantee) that the current leaseholder will have the option to renew their lease.
- b) The lease has not yet been signed; there was some work on fire safety numbers that was fundamental to the lease that had to be outsourced and that has only recently been completed. The expectation is that the lease will be signed by 12 April. If the current occupier does not sign the lease and take this opportunity, then we will look to readvertise and seek another occupier.
- c) The lease was offered to the previous leaseholder.
- d) Jersey Property Holdings is responsible for the upkeep of the public toilet facilities.

**3.39 Deputy J. Renouf of St. Brelade of the Minister for Treasury and Resources regarding the money allocated to Central Reserve Expenditure in the Government Plan. (WQ.122/2024)**

**Question**

Will the Minister outline how the money allocated to Central Reserve Expenditure in the Government Plan was spent in each of the last 3 years?

## Answer

The term Central Reserve was introduced for the first time for 2024, through the Government Plan 2024-27. The Central Reserve consolidates the General Reserve and the Reserve for Centrally Held Items. In previous Government Plans, these were separate Heads of Expenditure (the Central Reserve is also a Head of Expenditure). Therefore, in answering this question, I have set out all of the allocations from the General Reserve and Reserve for Centrally Held Items.

Starting from 2022, the Annual Report and Accounts provides details of all allocations from the reserves, so this information is now routinely made available.

### Allocations made during 2021

| Department                                   | Description                     | Amount<br>£'000 |
|--|---------------------------------|-----------------|
| Bailiff's Chambers                           | Pay Awards 2021                 | 11              |
| Chief Operating Office                       | Pay Awards 2021                 | 247             |
| Chief Operating Office                       | Voluntary Redundancy 2021       | 53              |
| Chief Operating Office                       | Commercial Services             | 1,250           |
| Children, Young People, Education and Skills | Pay Awards 2021                 | 1,476           |
| Customer and Local Services                  | Pay Awards 2021                 | 207             |
| Financial Services and Digital Economy       | Fisheries Support               | 190             |
| Financial Services and Digital Economy       | FS - Mock MONEYVAL              | 461             |
| Financial Services and Digital Economy       | Coin Hoard                      | 3,512           |
| Financial Services and Digital Economy       | Pay Awards 2021                 | 110             |
| Health and Community Services                | Pay Awards 2021                 | 4,133           |
| Health and Community Services                | HCS - Special Payments          | 2,637           |
| Infrastructure Housing and Environment       | Pay Awards 2021                 | 471             |
| Infrastructure Housing and Environment       | IHE Liquid Waste                | 250             |
| Infrastructure Housing and Environment       | IHE Housing and Food Licensing  | 1,000           |
| Infrastructure Housing and Environment       | IHE Hazardous Waste             | 1,250           |
| Infrastructure Housing and Environment       | IHE Biosecurity                 | 870             |
| Infrastructure Housing and Environment       | IHE Future Fisheries Management | 50              |

|                                   |                     |               |
|-----------------------------------|---------------------|---------------|
| Judicial Greffe                   | Pay Awards 2021     | 58            |
| Justice and Home Affairs          | Pay Awards 2021     | 479           |
| Justice and Home Affairs          | JHA Defence Funding | 505           |
| Law Officers' Department          | Pay Awards 2021     | 154           |
| Office of the Chief Executive     | Pay Awards 2021     | 82            |
| Office of the Lieutenant Governor | Pay Awards 2021     | 9             |
| Official Analyst                  | Pay Awards 2021     | 6             |
| Other                             | Fees & Charges      | (577)         |
| Our Hospital                      | Our Hospital        | 11,167        |
| Probation Department              | Pay Awards 2021     | 33            |
| States Assembly and its services  | Pay Awards 2021     | 95            |
| States Assembly and its services  | Audit Costs         | 73            |
| States of Jersey Police Service   | Pay Awards 2021     | 317           |
| Strategic Policy, Performance     | Pay Awards 2021     | 130           |
| Treasury & Exchequer              | Pay Awards 2021     | 235           |
| Treasury & Exchequer              | T&E Revenue Jersey  | 1,299         |
| Treasury & Exchequer              | T&E Insurance       | 9             |
| Treasury & Exchequer              | T&E PECRS           | 510           |
| Viscount's Department             | Pay Awards 2021     | 40            |
| <b>Departmental Allocations</b>   |                     | <b>32,803</b> |

| <b>Department</b>                            | <b>Description</b>   | <b>Amount<br/>£'000</b> |
|--|----------------------|-------------------------|
| <b>Covid-19 Response</b>                     |                      |                         |
| Customer and Local Services                  | CFPS                 | 17,759                  |
| Customer and Local Services                  | COVID Helpline       | 597                     |
| Children, Young People, Education and Skills | Online Home Learning | 177                     |
| Children, Young People, Education and Skills | CAMHS Wellbeing      | 793                     |
| Children, Young People, Education and Skills | CAMHS                | 162                     |
| Children, Young People, Education and Skills | Schools Catchup      | 178                     |

|  |                           |               |
|--|---------------------------|---------------|
| Children, Young People, Education and Skills | Covid Pressures           | 1,948         |
| Infrastructure Housing and Environment       | Covid Pressures           | 607           |
| Health and Community Services                | Covid Operational Costs   | 3,967         |
| Health and Community Services                | Covid and Brexit Projects | 1,716         |
| Health and Community Services                | PPE Write-off             | 366           |
| Justice and Home Affairs                     | Test and Trace Programme  | 7,281         |
| Justice and Home Affairs                     | Test and Trace Technology | 1,067         |
| Justice and Home Affairs                     | Covid Pressures           | 184           |
| Strategic Policy, Performance                | Test and Trace Programme  | 3,297         |
| Bailiff's Chambers                           | Covid Pressures           | 150           |
| <b>Covid-19 Response Allocations</b>         |                           | <b>40,249</b> |
| <b>Total Allocations</b>                     |                           | <b>73,052</b> |

**Allocations made during 2022**

| <b>Department</b>                            | <b>Description</b>   | <b>Amount<br/>£'000</b> |
|--|--|-------------------------|
| Bailiff's Chambers                           | Reserve Funding, Additional Income and Repurposing in 2022 | 485                     |
| Bailiff's Chambers                           | Pay Awards   | 41                      |
| Chief Operating Office                       | Voluntary Redundancy                                       | 7                       |
| Chief Operating Office                       | Pay Awards   | 718                     |
| Chief Operating Office                       | Special Payment  | 1,114                   |
| Children, Young People, Education and Skills | Demographic Pressures - SEN and RON                        | 2,000                   |
| Children, Young People, Education and Skills | Voluntary Redundancy                                       | 130                     |
| Children, Young People, Education and Skills | Pay Awards   | 2,827                   |
| Children, Young People, Education and Skills | Social Worker and Recruitment & Retention                  | 1,570                   |
| Children, Young People, Education and Skills | Pay Awards - Teachers                                      | 2,373                   |

|   |  |  |        |
|---|--|--|--------|
| Comptroller and Auditor General         |  | Reserve Funding, Additional Income and Repurposing in 2022 | 16     |
| Customer and Local Services             |  | Pay Awards   | 596    |
| Department for the Economy              |  | Pay Awards   | 153    |
| Department for the Economy              |  | Reserves Movement - DoE - Opera House Return               | 68     |
| Health and Community Services           |  | Voluntary Redundancy                                       | 360    |
| Health and Community Services           |  | Relocate Samares/Plemont                                   | 583    |
| Health and Community Services           |  | Financial pressures 2022                                   | 4,085  |
| Health and Community Services           |  | Pay Awards   | 6,818  |
| Health and Community Services           |  | Total Reward & Recognition 2022                            | 50     |
| Health and Community Services           |  | Special Payment  | 375    |
| Health and Community Services           |  | Reserve Funding for pressures                              | 13,275 |
| Infrastructure, Housing and Environment |  | Increased Chemical Costs in Energy Recovery Facility       | 550    |
| Infrastructure, Housing and Environment |  | IHE - Future Fisheries & Marine Resources Management       | 366    |
| Infrastructure, Housing and Environment |  | IHE - Vienna Convention vehicle testing                    | 72     |
| Infrastructure, Housing and Environment |  | IHE - UK EU TCA Biosecurity Border Controls                | 1,804  |
| Infrastructure, Housing and Environment |  | Pay Awards   | 1,413  |
| Infrastructure, Housing and Environment |  | Westaway Court Refurb                                      | 490    |
| Infrastructure, Housing and Environment |  | Voluntary Redundancy                                       | 93     |
| Infrastructure, Housing and Environment |  | Brexit funding Return                                      | (801)  |
| Infrastructure, Housing and Environment |  | Sewage Treatment Works Return                              | (709)  |
| Jersey Overseas Aid                     |  | Ukraine Funding  | 1,000  |



|                                |  |     |
|--------------------------------|--|-----|
| Judicial Greffe                | Pay Awards   | 130 |
| Justice and Home Affairs       | JCIS Legal & Policy  | 73  |
| Justice and Home Affairs       | Pay Awards   | 962 |
| Justice and Home Affairs       | Operation Spire Reserve Funding                            | 190 |
| Law Officers Department        | JCIS Legal & Policy  | 99  |
| Law Officers Department        | Pay Awards   | 259 |
| Law Officers Department        | Reserve Funding, Additional Income and Repurposing in 2022 | 811 |
| Ministry of External Relations | Reserve Funding, Additional Income and Repurposing in 2022 | 66  |
| Ministry of External Relations | Pay Awards   | 51  |
| Ministry of External Relations | Voluntary Redundancy                                       | 50  |
| Office of the Chief Executive  | Ukraine Funding  | 144 |
| Office of the Chief Executive  | Pay Awards   | 170 |

| Department                        | Description          | Amount<br>£'000 |
|-----------------------------------|----------------------|-----------------|
| Office of the Chief Executive     | Voluntary Redundancy | 65              |
| Office of the Lieutenant Governor | Pay Awards           | 27              |
| Official Analyst                  | Pay Awards           | 15              |
| Probation                         | Pay Awards           | 76              |
| States Assembly                   | Pay Awards           | 134             |
| States of Jersey Police Service   | Voluntary Redundancy | 11              |

|  |   |               |
|--|---|---------------|
| States of Jersey Police Service            | Pay Awards  | 803           |
| States of Jersey Police Service            | Reserves Movement - SOJP - Smoothing Reserve - C&CC             | 413           |
| Strategic Policy, Planning and Performance | Voluntary Redundancy  | 37            |
| Strategic Policy, Planning and Performance | Independent Jersey Care Inquiry (IJCI) Care Survivor led Legacy | 83            |
| Strategic Policy, Planning and Performance | Pay Awards  | 328           |
| Treasury and Exchequer                     | Voluntary Redundancy  | 31            |
| Treasury and Exchequer                     | Additional bank charges and card fees                           | 530           |
| Treasury and Exchequer                     | Land & building valuation                                       | 262           |
| Treasury and Exchequer                     | Pay Awards  | 788           |
| Treasury and Exchequer                     | Reserve Funding, Additional Income and Repurposing in 2022      | 200           |
| Treasury and Exchequer                     | Return of unspent allocations                                   | (35)          |
| Viscount's Department                      | Pay Awards  | 65            |
| <b>Departmental Allocations</b>            |   | <b>48,757</b> |
| Covid-19 Response                          | Covid Helpline  | 395           |
| Covid-19 Response                          | Covid Pressures   | 1,814         |
| Covid-19 Response                          | Covid response pressures  | 6,362         |
| Covid-19 Response                          | Test & Tracing Programme  | 13,116        |
| Covid-19 Response                          | Ambulance Service Improvements                                  | 565           |
| <b>Covid-19 Allocations</b>                | <b>Response</b>   | <b>22,253</b> |
| Health and Community Services              | HCS - Relocate Samares/Plemont                                  | 369           |

|   |  |               |
|---|--|---------------|
| Department for the Economy  | Opera House  | 84            |
| Health and Community Services                                       | HCS - Permanent PCR Testing Facility                                 | 665           |
| <b>Departmental Capital Expenditure Allocations</b>                 |  | <b>1,118</b>  |
| Transfer to Departmental heads of expenditure                       | Allocation of unspent 2021 project approvals                         | 4,496         |
| Transfer to Project heads of expenditure                            | Allocation of unspent 2021 project approvals                         | 21,476        |
| <b>Additional Allocations</b>                                       |  | <b>25,972</b> |
| <b>Total Allocations</b>  |  | <b>98,100</b> |
| Children, Young People, Education and Skills                        | Revenue to Capital Expenditure (Discrimination Law and Safeguarding) | 163           |
| Infrastructure, Housing and Environment                             | Oakfield   | 3,100         |
| <b>Total Additional Allocations to Project Heads of Expenditure</b> |  | <b>3,263</b>  |

### Allocations made during 2023

Figures reported below are not finalised, they remain subject to on-going year end procedures and audit. Final figures will be published in the Annual Report and Accounts for 2023.

| Department                                   | Description                             | Amounts<br>£'000 |
|--|---|------------------|
| Bailiff's Chambers                           | Pay Award 2023                          | 105              |
| Bailiff's Chambers                           | Funding for Court and Case Costs        | 166              |
| Bailiff's Chambers                           | Closing 2023 Departmental Positions     | 66               |
| Cabinet Office                               | Pay Award 2023                          | 3,213            |
| Cabinet Office                               | Recruitment budget                      | 250              |
| Cabinet Office                               | Pay Award 2023                          | 2,578            |
| Cabinet Office                               | Health and Wellbeing Recovery Programme | 478              |
| Children, Young People, Education and Skills | Pay Award 2023                          | 5,450            |

|   |                                     |        |
|---|-------------------------------------|--------|
| Children, Young People,<br>Education and Skills | International Cultural Centre       | 300    |
| Children, Young People,<br>Education and Skills | Pay Award 2023                      | 3,443  |
| Comptroller & Auditor General                   | Pay Award 2023                      | 9      |
| Customer and Local Services                     | Pay Award 2023                      | 1,213  |
| Customer and Local Services                     | Ukraine support                     | 221    |
| Customer and Local Services                     | Funding Older Person's Living Forum | 8      |
| Customer and Local Services                     | Funding Free Period Products        | 107    |
| Customer and Local Services                     | Funding Cost of Living Support      | 18     |
| Economy   | Pay Award 2023                      | 284    |
| Economy   | Operation Nectar                    | 2,432  |
| Environment                                     | Pay Award 2023                      | 1,113  |
| Environment                                     | Contingency Planning                | 182    |
| External Relations                              | Pay Award 2023                      | 147    |
| External Relations                              | British Irish Council 2023          | 79     |
| Financial Services                              | Pay Award 2023                      | 124    |
| Health and Community<br>Services                | Pay Award 2023                      | 8,236  |
| Health and Community<br>Services                | Waiting List Recovery Initiative    | 2,798  |
| Health and Community<br>Services                | Financial Recovery Programme        | 800    |
| Health and Community<br>Services                | Pay Award 2023                      | 6,103  |
| Health and Community<br>Services                | Parental Leave                      | 1,000  |
| Health and Community<br>Services                | Rheumatology Incident               | 1,300  |
| Health and Community<br>Services                | Funding for Health Pressures        | 15,000 |
| Health and Community<br>Services                | Closing 2023 Departmental Positions | 7,490  |
| Infrastructure                                  | Pay Award 2023                      | 1,955  |
| Infrastructure                                  | Sports Income                       | 500    |
| Infrastructure                                  | Haut Du Mont Recovery               | 190    |
| Infrastructure                                  | Grand Vaux Flood Defences           | 182    |
| Infrastructure                                  | Inflation on Hydrocarbons and Fuels | 836    |

|                |   |     |
|----------------|---|-----|
| Infrastructure | Inflation on Process Chemicals                  | 460 |
| Infrastructure | Inflation on Aquasplash Contract                | 300 |
| Infrastructure | Inflation on Maintenance Costs                  | 595 |
| Infrastructure | Inflation on Outsourced Contracts               | 450 |
| Infrastructure | Inflation on Property Maintenance               | 550 |
| Infrastructure | Inflation on Leased in Property Costs and Rates | 760 |
| Infrastructure | Funding to Central Markets                      | 60  |

| <b>Department</b>                  | <b>Description</b>                         | <b>Amounts<br/>£'000</b> |
|------------------------------------|--|--------------------------|
| Judicial Greffe                    | Pay Award 2023                             | 316                      |
| Justice and Home Affairs           | Pay Award 2023                             | 2,259                    |
| Justice and Home Affairs           | Operation Spire                            | 5,679                    |
| Law Officers Department            | Pay Award 2023                             | 681                      |
| Law Officers Department            | Funding for Court and Case Costs           | 1,556                    |
| Law Officers Department            | Closing 2023 Departmental Positions        | 82                       |
| Office of the Lieutenant Governor  | Pay Award 2023                             | 61                       |
| Official Analyst                   | Pay Award 2023                             | 35                       |
| States Assembly                    | Pay Award 2023                             | 318                      |
| States of Jersey Police            | Pay Award 2023                             | 1,859                    |
| States of Jersey Police            | Operation Nectar and Operation Spire       | 3,243                    |
| States of Jersey Police            | Funding for Court and Case Costs           | 214                      |
| Treasury & Exchequer               | Pay Award 2023                             | 1,800                    |
| Treasury & Exchequer               | Pay Award 2023                             | 180                      |
| Treasury & Exchequer               | Business Partnering Team                   | 334                      |
| Treasury & Exchequer               | Inflation on Insurance                     | 951                      |
| Treasury & Exchequer               | Funding additional Insurance Increases     | 574                      |
| Viscounts Department               | Pay Award 2023                             | 153                      |
| <b>Department Allocations</b>      |  | <b>91,846</b>            |
| Feasibility                        | Funding to Liquid Waste Key Infrastructure | 1,963                    |
| Replacement Assets - HCS           | Anaesthetic Machines                       | 870                      |
| <b>Capital Project Allocations</b> |  | <b>2,833</b>             |

**3.40 Deputy T.A. Coles of St. Helier South of the Minister for Infrastructure regarding a breakdown of bus usage. (WQ.123/2024)****Question**

Further to the provision on [www.gov.je](http://www.gov.je) of [the weekly number of bus passengers](#), will the Minister provide a breakdown of bus usage by month and by day?

**Answer**

The information is the bus operator's and originates from its information systems, to which, in the interests of transparency and cooperation, my department is provided some access.

The department will investigate with the bus operator the practicalities of doing as requested and report directly back to Deputy Coles with its findings in due course. It should be noted that, at present, there is an ongoing tender process, upon which both the bus operator and the department are necessarily having to focus their resources.

**3.41 Deputy T.A. Coles of St. Helier South of the Minister for Justice and Home Affairs regarding cannabis seizures. (WQ.124/2024)****Question**

Will the Minister provide details of the monthly number of cannabis seizures, and quantity of drugs detained, for the last 5 years?

**Answer**

Please see below relevant details as collected by both the Jersey Customs and Immigration Service, and the States of Jersey Police.

**Jersey Customs and Immigration (JCIS)**

**Customs and Immigration Service Cannabis (herbal and resin) seizures (in grams)**

|              | 2019      |               | 2020       |              | 2021      |              | 2022      |              | 2023      |               |
|--------------|-----------|---------------|------------|--------------|-----------|--------------|-----------|--------------|-----------|---------------|
|              | Number    | Quantity      | Number     | Quantity     | Number    | Quantity     | Number    | Quantity     | Number    | Quantity      |
| Jan          | 9         | 4,173         | 10         | 2,046        | 8         | 290          | 2         | 18           | 4         | 99            |
| Feb          | 6         | 1,423         | 6          | 83           | 15        | 226          | 10        | 358          | 6         | 200           |
| Mar          | 8         | 93            | 5          | 63           | 19        | 389          | 8         | 448          | 7         | 188           |
| Apr          | 8         | 948           | 23         | 813          | 12        | 1,073        | 3         | 73           | 1         | 3             |
| May          | 9         | 42,152        | 30         | 1,094        | 3         | 42           | 4         | 308          | 8         | 424           |
| Jun          | 7         | 5,971         | 27         | 402          | 6         | 100          | 5         | 275          | 3         | 114           |
| Jul          | 5         | 101           | 5          | 133          | 8         | 4,383        | 4         | 179          | 7         | 1,840         |
| Aug          | 4         | 14,913        | 11         | 109          | 6         | 377          | 0         | 0            | 2         | 112           |
| Sep          | 6         | 570           | 8          | 90           | 4         | 245          | 0         | 0            | 7         | 8,614         |
| Oct          | 8         | 932           | 4          | 128          | 4         | 165          | 6         | 600          | 4         | 764           |
| Nov          | 3         | 206           | 8          | 376          | 4         | 165          | 7         | 890          | 6         | 2,676         |
| Dec          | 3         | 131           | 15         | 285          | 0         | 0            | 6         | 561          | 1         | 60            |
| <b>Total</b> | <b>76</b> | <b>71,611</b> | <b>152</b> | <b>5,622</b> | <b>89</b> | <b>7,454</b> | <b>55</b> | <b>3,710</b> | <b>56</b> | <b>15,094</b> |

**States of Jersey Police (SOJP)**

| Category  | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total |
|---|------|------|------|------|------|------|------|-------|
| Drug (other offence) Total                      |      |      |      | 7    | 4    | 2    |      | 13    |
| Drug (possession of controlled substance) Total | 130  | 126  | 101  | 80   | 80   | 93   | 30   | 640   |
| Drug (possession with intent to supply) Total   | 5    | 7    | 7    | 5    | 4    | 8    | 1    | 37    |
| Drug (supplying controlled substance) Total     | 2    | 1    | 2    | 3    | 2    | 1    |      | 11    |
| Grand Total                                     | 137  | 134  | 110  | 95   | 90   | 104  | 31   | 701   |

**Notes:**

- The total figures displayed on the table are for all recorded offences during that time period – this includes countable and non-countable offences. It does not represent total charges or prosecutions.

- Unfortunately, within the time available it has not been possible to provide a monthly breakdown of figures held by SOJP or provide accurate figures in relation to quantities seized.

**3.42 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding developing a sustainable health funding model. (WQ.125/2024)**

**Question**

Will the Minister state what progress, if any, has been (or is being) made by the Health and Community Services and Treasury and Resources Departments in developing a sustainable health funding model; and will he advise when proposals for a model will be shared with the Assembly?

**Answer**

This work has been subject to some delay due to changes of Government and internal staff resourcing, however I have provisionally agreed the process and timeframe for progressing this work. I will be having detailed discussions with the Treasury and Social Security Ministers in due course.

I am also happy to provide the Assembly details of that process as soon as it has been agreed with the relevant Ministers.

**3.43 Deputy K.M. Wilson of St. Clement of the Minister for the Environment regarding an audit of prescribed medicinal cannabis. (WQ.126/2024)**

**Question**

Further to his [recent statement](#) in the Jersey Evening Post and the release of the audit of prescribed medicinal cannabis, will the Minister –

- (a) indicate the timescale for bringing forward the legislation necessary to regulate and inspect cannabis clinics in Jersey’;
- (b) commit, in coordination with the Minister for Health and Social Services, to making the full audit findings public; and
- (c) state the number of General Practices on the Island purchased by Medicinal Cannabis businesses; and if not, will he explain why not and undertake measures to obtain this information?

**Answer**

- (a) Initial scoping work to develop the policy that will inform the legislative framework to regulate and inspect cannabis clinics has commenced. However, development of the legislation will not begin until after the project to regulate hospital and ambulance services has concluded, by the end of 2024. On this basis, it is intended to develop legislation throughout 2025 with a view to bringing the necessary amendments to the States Assembly for debate in early 2026. The project is at an early stage and so this timetable may change.
- (b) The full audit report has been made public. It is understood that some media reported that a further report is pending, this was simply an error.



- (c) This information is not held by government. However, ownership of Jersey companies must be declared annually to the Jersey Financial Services Commission. I do not propose to undertake measures to obtain this information as this would not be relevant to my ministerial portfolio.

**3.44 Deputy K.M. Wilson of St. Clement of the Minister for Housing regarding housing problems facing people with long-term mental health issues. (WQ.127/2024)**

**Question**

Will the Minister –

- (a) state what information he has on the housing problems facing people with long-term mental health issues and identify what those problems are;
- (b) advise what protections, if any, are in place to ensure that people experiencing mental health problems do not lose their homes should they require hospital admission for a substantial period of time for treatment; and
- (c) if no such protections exist, consider developing or establishing such protections?

**Answer**

- (a) I do not hold information on the housing problems faced by Islanders with long-term mental health issues. As the Deputy will appreciate, I only hold data on Islanders registered on the Gateway for social housing or those who have approached the Housing Advice Service to discuss their housing needs. However, the Housing Advice Service are working with the director of Mental Health and Adult Social Services to develop and improve pathways in this area.
- (b) A tenancy should not be ended because a tenant has experienced a mental health difficulty or has had to temporarily leave their home to seek medical treatment. However, ‘no fault evictions’ remain allowable under Article 6 of the Residential Tenancy Law, whereby a landlord can issue three months’ notice to a tenant on a periodic tenancy with no requirement to provide a reason. I am working on producing a new Residential Tenancy Law to provide enhanced protections for tenants. Also, I am aware of some cases where tenants have worried they would end up in rent arrears, due to losing parts of their Income Support. I have discussed this issue with the Minister for Social Security, who agrees that we should do more to make sure that Health and Income Support work together to support patients in this instance.
- (c) Up until recently the Gateway team were only made aware of a patient’s needs at the point of discharge. However, the Housing Advice Service have this month set up a monthly meeting with a representative from Andium Homes and the hospital’s discharge planning team to discuss accommodation solutions, including financial support where appropriate.

**3.45 Deputy D.J. Warr of St. Helier South of the Minister for the Environment regarding complaints in connection with properties that fall under the Lodging Houses (Registration) (Jersey) Law 1962. (WQ.128/2024)**

**Question**

Will the Minister advise how many complaints, if any, have been received by the Government Environmental Health team over the last 10 years in connection with properties that fall under the Lodging Houses (Registration) (Jersey) Law 1962; and will the Minister provide a breakdown of those complaints by month and type?

**Answer**

The Minister for Housing is responsible for the [Lodging Houses \(Registration\) \(Jersey\) Law 1962](#)

The inspection of the Lodging Houses is undertaken by the Housing and Nuisance Team in Environmental and Consumer Protection (formerly Environmental Health).

Officers are authorised by the Minister for Housing to inspect in line with Article 15 of the Lodging House (Registration) (Jersey) Law 1962.

These inspections are undertaken in line with the [Public Health and Safety \(Rented Dwellings\) \(Jersey\) Law 2018](#).

Complaints can also be made to the Housing and Nuisance Team under the [Statutory Nuisance \(Jersey\) Law 1999](#).

Due to the published [retention schedule](#) the Minister can only able to provide 3 years of records.

| Date           | Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 | Statutory Nuisance (Jersey) Law 1999 |
|----------------|---|--------------------------------------|
| February 2024  | 1   |                                      |
| January 2024   | 2   |                                      |
| December 2023  | 1   |                                      |
| April 2023     | 1   |                                      |
| September 2022 | 2   |                                      |
| July 2022      |   | 1                                    |
| July 2022      | 1   |                                      |
| February 2022  | 2   |                                      |
| December 2021  |   | 1                                    |
| October 2021   | 1   |                                      |
| May 2021       |   | 1                                    |
| February 2021  | 1   |                                      |
| TOTAL          | 12  | 3                                    |

**3.46 Deputy I. Gardiner of St. Helier North of the Minister for Education and Lifelong Learning regarding increasing the Jersey Premium funding. (WQ.129/2024)**

**Question**

Will the Minister advise whether he is considering increasing the Jersey Premium funding in the next academic year and, if so, by what amount; and if not, why not?

**Answer**

Jersey Premium is a very important strategy to support further improved outcomes for Jersey's children and young people, especially the most vulnerable. The Department is rightly proud of the successes delivered by the Jersey Premium since its inception, and for having narrowed the gap to reach parity with the rates of the Pupil Premium in England per pupil.

I am considering increasing the rates of Jersey Premium to exceed the rates paid in England. The specific amounts will be determined once the number of eligible pupils is finalised. Changes will be applied in the next academic year, mindful that this would be applied for 1st January, as our funding to schools follows the financial year not the academic year.

**3.47 Deputy M.B. Andrews of St Helier North of the Minister for Social Security regarding overpayments made by the Social Security Department. (WQ.130/2024)**

**Question**

In respect of overpayments made by the Social Security Department, will the Minister advise –

- (a) the total balance of overpayments outstanding;
- (b) the number of individuals affected; and
- (c) whether any consideration is being given to writing off the overpayments and, if so, the timescale for this to be carried out?

**Answer**

- (a) Overpayments in respect of Income Support benefit relating to existing and previous claims totalled £8.46 Million as at the first week of April 2024. This figure includes both current and historic debt.
- (b) Overpayments are currently registered against 2,266 existing and closed income support claims.
- (c) As Minister I have asked the Customer and Local Services Department to prioritise looking at the issue of overpayments, particularly in how they are affected by communication and the ease of navigating the benefit system. I do not wish vulnerable people to be put in difficult situations because of overpayments that they would have found it difficult to avoid. This work is already being carried out and this area is under active review.

**3.48 Deputy M.B. Andrews of St Helier North of the Minister for Children and Families regarding residential children’s homes in Jersey. (WQ.131/2024)**

**Question**

Will the Minister state the number of residential children’s homes in Jersey and the number of children currently being looked after in those homes?

**Answer**

Our Residential Care provision comprises eleven separately Registered provisions (via the Jersey Care Commission).

Seven of the eleven provisions are Children’s Homes which cater for Children in Care from the age of 7, up to the age of 18. This includes the Secure Children’s Home which currently holds fewer than five Children in Care. All these children can also be referred to as Children Looked After (CLA). There are a total of twelve Children Looked After in these Homes.

As well as Registered Children’s Homes caring for Children in Care, another two Registered Children’s Homes offer short breaks to children with disabilities. A total of six children can be provided with a short break with a maximum of three in each Home.

Two further Homes offer placements for young care experienced adults who are between the ages of 18 to 21. Seven young adults presently reside in these Homes.

**3.49 Deputy M.B. Andrews of St Helier North of the Chair of the Commonwealth Parliamentary Association regarding overseas trips undertaken on Commonwealth Parliamentary Association business. (WQ.132/2024)**

**Question**

In respect of overseas trips undertaken on Commonwealth Parliamentary Association business since June 2022, will the Chair advise for each Member –

- (a) the number of overseas trips undertaken;
- (b) the number of days spent overseas; and
- (c) the total cost of trips?

**Answer**

The information requested is provided in the below table. Where a Member is not shown in the list, it indicates that they have not undertaken any trips.

N.B For certain trips the flights and/or hotel costs were met by the CPA.

| Member                         | Number of trips | Number of days | Total cost |
|--------------------------------|-----------------|----------------|------------|
|                                |                 |                |            |
| Connétable Mike Jackson        | 3               | 23             | £1,804.53  |
| Connétable Andy Jehan          | 1               | 4              | £324.27    |
| Connétable Karen Shenton-Stone | 1               | 4              | £690.23    |

|                           |   |    |           |
|---------------------------|---|----|-----------|
| Connétable Richard Vibert | 2 | 7  | £1,387.18 |
| Deputy Carina Alves       | 1 | 7  | £2,700.59 |
| Deputy Catherine Curtis   | 1 | 4  | £753.96   |
| Deputy Tom Coles          | 1 | 7  | £2,700.59 |
| Deputy Louise Doublet     | 1 | 4  | £299.33   |
| Deputy Lyndsay Feltham    | 1 | 4  | £753.96   |
| Deputy Mary Le Hegarat    | 3 | 10 | £4,814.43 |
| Deputy Hilary Jeune       | 2 | 9  | £1,223.97 |
| Deputy Raluca Kovacs      | 2 | 8  | £1,084.59 |
| Deputy Carolyn Labey      | 2 | 10 | £3,372.59 |
| Deputy Helen Miles        | 2 | 11 | £3,747.74 |
| Deputy Elaine Millar      | 1 | 6  | £1,019.77 |
| Deputy Beatriz Porée      | 3 | 13 | £9,107.87 |
| Deputy Lucy Stephenson    | 2 | 8  | £1,053.29 |
| Deputy Montfort Tadier    | 1 | 3  | £633.22   |
| Deputy Barbara Ward       | 2 | 7  | £1,134.38 |
| Deputy Rob Ward           | 2 | 11 | £3,201.16 |
| Deputy Karen Wilson       | 2 | 11 | £5,831.16 |

**3.50 Deputy J. Renouf of St. Brelade of the Minister for Sustainable Economic Development regarding funding of arts, heritage and culture organisations. (WQ.133/2024)**

**Question**

Further to the response to [Written Question 101/2024](#), will the Minister advise how much funding each organisation listed received in 2023; and will he provide a similar breakdown for 2022?

**Answer**

During 2023 the arts, culture and heritage budget was deployed to support the following organisations:

|                           | <b>2023</b> |
|---------------------------|-------------|
| 13th Parish Film Festival | £25,000     |
| 88 Bunkface               | £320        |
| Art in the Frame          | £17,450     |
| ArtHouse Jersey           | £1,130,000  |
| Ballet d’Jèrri Limited    | £360,000    |
| Caesarean Ceilidh Band    | £600        |

|   |            |
|---|------------|
| Green Eye Productions                                   | £12,500    |
| Jersey Academy of Music                                 | £5,000     |
| Jersey Arts Centre Association                          | £850,000   |
| Jersey Heritage Trust                                   | £5,500,000 |
| Jersey International Centre of Advanced Studies (JICAS) | £10,000    |
| Jersey Opera House Limited                              | £514,000   |
| Jersey Surf Film Festival                               | £6,500     |
| Progressive School of Music                             | £2,500     |
| Shaolin Kungfu & Taichi Centre LTD                      | £6,000     |
| Société Jersiaise                                       | £12,500    |
| Stefentertainment                                       | £3,600     |
| Sula  | £480       |
| The Association of Jersey Architects                    | £7,500     |
| The Jersey Symphony Orchestra                           | £20,000    |
| Victoria College  | £1,690     |

During 2022 the arts, culture and heritage budget was deployed to support the following organisations:

|   | <b>2022</b> |           |
|---|-------------|-----------|
| 13th parish Film festival                               | £           | 20,000    |
| 65 Wilding Films  | £           | 8,760     |
| Art in the Frame  | £           | 17,450    |
| ArtHouse Jersey   | £           | 915,000   |
| Ballet d'Jèrri Limited                                  | £           | 30,000    |
| Glimmer Events (Jersey) Ltd                             | £           | 6,250     |
| Jersey Arts Centre                                      | £           | 640,000   |
| Jersey Heritage Trust                                   | £           | 5,500,000 |
| Jersey International Centre of Advanced Studies (JICAS) | £           | 15,000    |
| Jersey Opera House                                      | £           | 472,000   |
| Songwriters Society                                     | £           | 6,250     |
| Stefentertainment                                       | £           | 6,500     |
| The Jersey Gilbert & Sullivan Society                   | £           | 3,620     |
| The Jersey Literary Festival Association                | £           | 46,000    |
| The Jersey Symphony Orchestra                           | £           | 7,500     |

**3.51 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding correspondence relating to the departure of the Chair of the Health and Community Services Advisory Board. (WQ.134/2024)**

**Question**

Will the Minister publish all correspondence between himself and others regarding the recent departure of the Chair of the Health and Community Services Advisory Board, including correspondence received by the Minister regarding the Chair?

**Answer**

I am not prepared to publish correspondence relating to the recent departure of the Chair of the Health and Community Services Advisory Board because the correspondence contains personal information.

**3.52 Deputy D.J. Warr of St. Helier South of the Chief Minister regarding the report on Jersey's housing market by the Fiscal Policy Panel. (WQ.135/2024)**

**Question**

Further to his response to [Written Question 27/2024](#), in which he advised that the report on Jersey's housing market by the Fiscal Policy Panel was expected to be published by the end of March 2024, will the Chief Minister advise why the report has not been published and when the report will be issued?

**Answer**

The report was published on Friday 12<sup>th</sup> April. Whilst this is slightly later than hoped, it is an independent report of the Fiscal Policy Panel and as such, Ministers did not want to unduly influence the delivery of their work.

**3.53 Deputy K.M. Wilson of St. Clement of the Minister for Justice and Home Affairs regarding [The Hate Crime and Public Order \(Scotland\) Act 2024](#). (WQ.136/2024)**

**Question**

Following the recent changes in Scotland regarding hate speech and the introduction of [The Hate Crime and Public Order \(Scotland\) Act 2024](#), will the Minister advise whether it is her intention to develop similar legislation in Jersey?

**Answer**

Work on the Draft Crime (Prejudice and Public Disorder) Law has been underway for some time and previously also incorporated what is now known as the Crime (Public Order)(Jersey) Law 2024, that was adopted by the Assembly earlier this year. In order to progress those public order aspects, the hate crime components were withdrawn and it is planned to progress these separately.

Unlike most jurisdictions, Jersey has not yet introduced legislation to address crime motivated by hatred or prejudice against groups of people, and there are no customary law offences which expressly cover this area. This is a gap that must be addressed in order for Jersey to meet its present international obligations.

Hate crime legislation has been in place in the UK since 1986, and is an established and well-tested aspect of law. On 1 April 2024, the [Hate Crime and Public Order \(Scotland\) Act 2024](#) came into force, which broadens the scope of Hate Crime offences. Alongside that new Act, Police Scotland has established a reporting system for non-crime hate incidents.

It is important that a modern, diverse society such as Jersey should provide adequate protection from such fundamentally unacceptable behaviour as hate speech and stirring up hatred or prejudice. Having appropriate legislation in place to address such behaviour would clearly re-enforce Jersey's commitment to equality, reflected recently in the introduction and gradual extension of the Discrimination (Jersey) Law 2013.

That being said, Scotland's expansion of the scope of the offences has meet with some public concern, and I am determined that anything that we do locally will be tailored to the needs of our community with appropriate defences where relevant. Very careful consideration will need to be given to the balance between the protection of free speech and any legitimate public interests the offence might pursue.

### **3.54 Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding the Future Economy Programme. (WQ.137/2024)**

#### **Question**

Will the Minister provide an update on the progress being made in implementing the Future Economy Programme; and will he detail the current risks facing Jersey's economy and how these are being managed?

#### **Answer**

Good progress has been made by the Future Economy Programme (FEP) since the publication of the Strategy and Delivery Framework for Sustainable Economic Development in October 2023. This includes work on enabling business which the Government will publish shortly; improved collaboration with Planning; economic advice for the Offshore Windfarm project; and increasing the prominence on productivity across the Department's objectives. A full update on Future Economy Programme progress will be published later in the year.

Jersey's economy faces a number of challenges and opportunities in the coming decades. These are set out in the [Strategy for Sustainable Economic Development](#) with the principal two challenges being:

- **Demographic shifts** – By 2040, without net inward migration, it is estimated that the number of people over the age of 65 will have increased by 50% from 2021, whereas the working age population (16-64) will have decreased by 10%.
- **Low productivity** – Since 1998, overall productivity in Jersey has fallen by about 30%.

The recognition of these challenges was the rationale for creating the FEP and they will be managed through the combined efforts of the actions set out in the [Delivery Framework](#).

In addition, the [Fiscal Policy Panel](#) reports advise on the strength of the economy, the economic outlook and the economic cycle in Jersey. The Department for the Economy also follows the Government's [Risk management guidance \(gov.je\)](#) and the Department Leadership Team update and manage these on a regular basis.



**3.55 Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding visiting the Highlands College campus. (WQ.138/2024)**

**Question**

Will the Minister agree to visiting the Highlands College campus with the Minister for Infrastructure to identify areas that need upgrading and to develop a works programme to improve the college facilities; and if not, why not?

**Answer**

The Highlands College campus is a key educational facility for islanders of all ages and plays a central role in the provision of lifelong learning opportunities for our community.

Investment is required in various parts of the education estate, including at Highlands, and I am committed to working with colleagues to identify and deliver the improvements we need to provide modern educational facilities across the island. The Government Plan 2024 includes a specific allocation of £1,395,000 in 2025 and £1,565,000 in 2026 for Highlands College and University College Jersey to address maintenance recommendations identified within a recent condition survey.

I visit the Highlands campus regularly and would be pleased to engage with the Infrastructure Minister, including during one of those regular visits, to identify and agree further improvements that would benefit the Highlands campus beyond 2026, and how these might be delivered as part of future capital programmes.

**3.56 Deputy D.J. Warr of St. Helier South of the Minister for the Environment regarding the [St. Saviour's Hospital development brief consultation](#). (WQ.139/2024)**

**Question**

Further to the [St. Saviour's Hospital development brief consultation](#), will the Minister advise what plans, if any, exist for the future use of this site and outline the proposed development timetable?

**Answer**

Responses to the consultation are currently being reviewed, so to reflect the feedback received, further amendments may be made to the Spatial Planning Guidance. The SPG will outline planning principles and design guidance to allow development proposals to be prepared for the site, which will assist with the submission of future planning applications of the site, its grounds, and other land and property in public ownership.

Andium Homes have previously been identified as a preferred developer for this site with a view to maximising the affordable housing provision and have therefore been progressing some feasibility design work, however, further development is reliant on the outcome of the SPG.

**4. Oral Questions**

**4.1 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding the [Royal College of Physicians Jersey Rheumatology Report](#) (OQ.55/2024)**

Will the Minister provide an update on the status of his response to the Royal College of Physicians Jersey rheumatology report?

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

Since the release of the Jersey rheumatology report, a number of its recommendations are currently being undertaken by H.C.S. (Health and Community Services). These include certain patient reassessments, which have resulted in various changes to patient diagnoses and/or medications. Work is now continuing at a pace to review the wider group of patients, and every effort is being made to communicate with them as frequently as possible throughout the process. Another important area being progressed is the development of much more robust clinical governance processes - that is not just within the Rheumatology Department, but that is throughout the whole of H.C.S. - and the imposition of stronger governance frameworks, such as monthly care group governance meetings. We are also in the process of appointing a new specialist rheumatologist to lead Jersey's rheumatology service. As expected, we have received a number of potential compensation claims, which are currently being managed through a standard claims process. But we are continuing to explore alternative collective compensation schemes, which may help to make the situation a little bit more manageable.

**4.1.1 Deputy J. Renouf:**

I thank the Minister for the response. Recommendation a. of the plan, the very first recommendation, was an action plan to implement all the recommendations should be created within 6 months and given to a non-executive board member to ensure the recommendations are completed. Will the Minister commit to producing this action plan and to follow the timetable in the report?

**Deputy T. Binet:**

The plan is currently under construction, and, yes, I can certainly commit to doing that.

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

Given many of the recommendations centred around a lack of strong clinical governance, and many features of the Health Department may have contributed to this situation, is the Minister aware of any other potential clinical areas within our Health Department where similar problems may have arisen?

**Deputy T. Binet:**

Yes, there is some work being undertaken now to look through the whole of H.C.S. and try and find ... we are putting together a priority list in terms of areas that we want to consider after rheumatology.

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

Can the Minister give an indication of either what type of areas he is looking at or the number of areas where he has concerns?

[9:45]

**Deputy T. Binet:**

I would be a little bit happier to do that when we have a little bit more firm information.

**4.1.4 Deputy I. Gardiner:**

Does the Minister agree that the key issue identified in the report was a culture of reluctance to follow standard clinical guidelines, and that making sure that the health service is built around clinical guidelines is a key part of ensuring public safety?

**Deputy T. Binet:**

Yes, I think that is a reasonable assessment. There is a lot of work going on to implement a complete culture change, which is quite complicated, but it is certainly work in progress.

#### **4.1.5 Deputy I. Gardiner:**

Who is the leading person? Is it the Minister and the responsible officer to implement this culture change within H.C.S.?

#### **Deputy T. Binet:**

I think it is fair to say that that has been done by the whole of the senior team in equal measure. You cannot change culture unless everybody is on board. That is being led by all of the principal people involved.

#### **Deputy I. Gardiner:**

I apologise, but I think I asked about who is in charge of this change.

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

I think that was answered.

#### **Deputy T. Binet:**

From a political perspective, that is certainly me and I make no apology for that. From an operational point of view, that is the C.E.O. (chief executive officer) of H.C.S.

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

Can the Minister outline how conflicts of interests are being managed within this review?

#### **Deputy T. Binet:**

To be honest with you, off the top of my head, I cannot bring to mind any particular conflicts of interest, but something I can certainly look at going forward.

#### **4.1.7 Deputy T.A. Coles:**

I find it hard that a health system that is so close on an Island so small there are no conflict of interest that are coming up. Does the Minister admit that he would need to review this to make sure that all declarations are clear and transparent?

#### **Deputy T. Binet:**

As I said with my first answer, I am very happy to look at that.

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

The Common Strategic Policy does not include reference to implementing the rheumatology report. At the briefing on Friday that the Chief Minister gave, he justified the slimmed down C.S.P. (Common Strategic Policy) on the grounds that they were concentrating on actions that could be completed within 2 years. Given that the rheumatology report actions could fall within that, I would have thought it could have been included. Can he say why he does not feel that it justifies inclusion in the C.S.P.?

#### **Deputy T. Binet:**

There was a good deal of debate as to what should and should not be included in the Common Strategic Policy. I think we all came to the conclusion that you just have to make a decision and that is it, otherwise you would include everything and it would not be focused particularly. I took the view, quite simply, that this is all work that is urgent, that has to be done. Putting it in the Common Strategic Policy would not have brought it forward to any extent. The whole of the health service is receiving a lot of attention, and that attention will not change whether or not it is in the Common Strategic Policy.

## **4.2 Deputy M. Tadier of St. Brelade of the Minister for Health and Social Services regarding difficulties at the Hospital pharmacy (OQ.62/2024)**

Will the Minister explain why the public are experiencing difficulties at the hospital pharmacy; and what actions, if any, are being taken to address any problems?

### **Deputy T. Binet (The Minister for Health and Social Services):**

I am reliably informed that the number of prescriptions being dispensed at the hospital pharmacy has been increasing gradually in recent times and this, combined with the shortage of staff, has resulted in queues extending to thoroughly unacceptable levels. Fortunately, through a commitment to deploying more staff, several existing staff who had announced their intention to leave have decided to stay on. This is going to cost a little bit more money, but I am intending to address this and some more considerable funding matters over the course of the next few months. In addition, along with my small team, I have had several meetings with the Minister for Social Security and her officers, all of whom have been extremely helpful in coming up with ideas to tackle some of the more difficult problems involved in facilitating the collection of at least some prescriptions from external pharmacies. I hope that helps to cast a little bit more light on the situation.

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

Is the Minister certain that the only reasons for the long queues and delays are staffing issues and the number of prescriptions involved? Is it not also to do with the system that is being used? What steps has he or will he take to make sure that any system is expedited and efficient?

### **Deputy T. Binet:**

I had hoped to have covered that in the third paragraph of my last response. I am working closely with the Minister for Social Security, and so are the 2 teams on our sides to get through what is a little bit more of a complicated matter than appears on the surface, given that the funding for pharmaceuticals comes from 2 different funds, and there are some prescribing difficulties in that the hospital pharmacy does hold some medications that cannot be distributed from other pharmacies.

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

The Minister outlined the funding issues, but would he confirm whether the issues over the Health Insurance Fund and who holds the purse strings for that?

### **Deputy T. Binet:**

The Health Insurance Fund rests with Social Security, hence the discussions that I am having with the Minister for Social Security.

### **4.2.3 The Connétable of St. Brelade:**

Would he agree that the queues, particularly for elderly people who do not know when they are going to be able to pick up their particular prescriptions, is entirely unacceptable? Would he be taking some short-term actions to alleviate the queues?

### **Deputy T. Binet:**

I think I described in my first response that the queues were thoroughly unacceptable and we have had several emergency meetings to do what we can. The first thing we can do is put more staff and, at the end of last week, we carried out some checks and the queues had tailed off a little bit. We are working as quickly as we can to introduce some short-term measures, just to take a bit of pressure off. To get it done properly will take a little bit longer.

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

Is the Minister aware of concerns around culture, morale and even allegations of bullying in the pharmacy workforce? If so, what is being done to address those concerns?

**Deputy T. Binet:**

I am aware of some issues, but they are employment matters and I do not think they are for me to comment upon. But every issue at pharmacy is currently being dealt with, I am comfortable to say that.

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

Given that the Minister's first answer to the original question, the solution seemed to be to have more staff stay, does that not suggest that there should be a concern around recruitment and retention to the pharmacy? Does the Minister have any views about if these concerns around morale and bullying could be impacting that?

**Deputy T. Binet:**

To be honest, I think I answered that question with my last response.

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

The hospital pharmacy used to open at weekends. I know now it is only for Monday to Friday, 9.00 until 5.00. Would there be a possibility of opening on a Saturday for outpatients, because it was open until September 2023?

**Deputy T. Binet:**

It is something that is under consideration. But when you are a little bit short-staffed, that is sometimes difficult and it is more expensive. But it is under consideration.

**4.2.7 Deputy I. Gardiner:**

Can the Minister confirm there is no pharmacy in the Enid Quenault Centre at St. Brelade? If it is correct, does he think it is reasonable to travel from St. Brelade to St. Helier to get a prescription?

**Deputy T. Binet:**

I think we require a law change to have a situation where medicines can be prescribed from other pharmacies. But we are working on that as quickly as we can because it is too far a distance, and we want medications to be distributed in the community wherever possible.

**4.2.8 Deputy I. Gardiner:**

Would the Minister agree that the Enid Quenault Centre in St. Brelade is different from the private pharmacy? Can anything be done to provide pharmacy services at St. Brelade, at the first instance, before we all go into the private pharmacies.

**Deputy T. Binet:**

I am very happy to have a look at that.

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

My panel questioned the Minister a month ago on this and we were told it was a priority, which was reassuring, but we were told that there were complications around finding a solution in this area. Could the Minister please give some detail into what those complications are and what the potential timeline might be for solving them?

**Deputy T. Binet:**

I had hoped I had drawn attention to some of them. The timeline is difficult. It is going to take as long as it takes, and we can only go as quickly as we can go. So I cannot put a precise time on it. There are several issues, not least of which pharmaceuticals purchased by external pharmacies are more expensive because the hospital purchasing system brings in those products more cheaply and they are funded from different sources. The law does not allow, as I understand it, the Health

Insurance Fund to subsidise pharmaceuticals from outside of the hospital pharmacy. Those are the issues that we have to overcome.

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

I want to zero in on one particular condition, which I know around 250 Islanders, potentially more, are facing waits. That is around A.D.H.D. (Attention Deficit and Hyperactivity Disorder) medication, which has to be accessed on a monthly basis due to the controlled substance. Could the Minister look at this area, in particular, because it is very much a public interest and the numbers of people that are facing the issues there, to see if there is a bespoke solution to that area that could be put in place a bit quicker?

**Deputy T. Binet:**

I think we are all very aware of the A.D.H.D. situation. It has been treated as a priority, along with all the other issues with pharmacy, but there is only so much you can do at any given point in time.

**4.2.11 Deputy B.B. de S.DV.M. Porée of St. Helier South:**

With regards to the long queues for collection of medication, I believe some of the issues have to do with the fact that the names, when the names are called by workers or by the staff, they are not easily identifiable by the patients waiting for their prescription. Can the Minister confirm if patients are asked to bring documentation with them on the picking-up time of their prescriptions?

**Deputy T. Binet:**

I have been caught a little bit off balance. I was not aware of that, so I will certainly have to have a look at that. It is not something I was aware of.

**4.2.12 Deputy B.B. de S.DV.M. Porée:**

Or possibly just change by rather than calling people by their own names, have a different system and number system which should be much easier to identify.

**Deputy T. Binet:**

I just thank the Deputy for pointing that out.

**4.2.13 Deputy T.A. Coles:**

One of the issues that many patients find, and it was highlighted briefly by Deputy Doublet, that certain medications are controlled and therefore can only be issued one month at a time. Could a practical solution be to allow clinicians at the hospital to prescribe certain medications for more than one month at a time, to prevent repeat queuing?

**Deputy T. Binet:**

That has been under discussion, but I do not think that is allowed.

**4.2.14 Deputy M. Tadier:**

Earlier on, the Minister did not seem to answer my question about systems. I know that there are certain things out of the Minister's control but there are things I think he can control. One constituent told me that there was only one queue when he went to collect his medicine. So there was one queue for handing in your prescription and one queue for collecting the medication, which was the same one. Of course, people were getting confused because they did not know who was in front of them. That was a problem that was leading to longer queues. Would the Minister make sure that there are logical systems in place that are expedited so that, whatever the other problems are, we have the most efficient system that is workable within the parameters that exist?

**Deputy T. Binet:**

I am not aware that the current system is illogical, but when I come away at lunchtime I shall go and make that inquiry.

**4.3 Deputy L.M.C. Doublet of the Minister for Health and Social Services regarding the publication of Jersey's Maternity Strategy (OQ.66/2024)**

Will the Minister provide an update on the publication of Jersey's maternity strategy?

**Deputy T. Binet (The Minister for Health and Social Services):**

Development of the maternity strategy is nearly complete and a draft has recently been shared with key stakeholders. These include medical, midwifery and support workers, along with service users and Maternity Voices Partnership. The process will continue and we will plan to present firstly to the H.C.S. leadership team during May, with the intention of publishing sometime during June.

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

Could the Minister advise of the reasons behind the delay?

[10:00]

Also, could the Minister give an indication of perhaps the top 3 findings or recommendations or actions that are in that report?

**Deputy T. Binet:**

Two things, I was not aware that there had been a delay. I have not yet had a copy sent to our department, so I am afraid I am not in a position, at this stage, to answer that question properly.

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

Given recent media coverage around an inquest that took place, is the Minister able to take the opportunity to reassure Islanders that Jersey's maternity services are safe and fit for purpose?

**Deputy T. Binet:**

Yes, I believe they are now.

**4.3.3 Deputy I. Gardiner:**

Would the Minister believe that once he will have a question in the States about the maternity strategy, he just try to read the review that was the pre-maternity strategy development, which was published 3 years ago, and be ready to answer our questions?

**Deputy T. Binet:**

Sorry, I was a little bit confused by that question. Could I ask the Deputy to repeat it?

**Deputy I. Gardiner:**

Absolutely. The Minister was aware that he will be questioned in the States about the maternity strategy. Does the Minister think it is appropriate to read a review that was done about maternity services 3 years ago, which suggested to write the strategy?

**Deputy T. Binet:**

I think in theory that is all well and good. If somebody could find me an extra day in the week to read reports from 3 years ago, I would be most grateful. At the moment, I am not able to take on any more than I am doing, and I have been in post for 10 weeks, so I hope I can be forgiven for not having read every single document relating to every area of health.

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

Can the Minister commit that in the new maternity strategy will be a proper assessment of the ongoing needs of the U.N.I.C.E.F. (United Nations Children's Fund) baby-friendly initiative as well, and that the resources allocated be appropriate to it?

#### **Deputy T. Binet:**

On the face of it, yes. As I say, it is not an area that I have had a great deal of time to consider. I will do over the course of time, but in principle that sounds fine.

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

Can the Minister just explain, having told us that he knows maternity services are safe, how he has arrived at this conclusion?

#### **Deputy T. Binet:**

I have had various conversations with one of the 4 members of the turnaround team whose specialist area that is. Short of going and standing in the maternity unit for a couple of weeks to see what is going on, I think you have to trust people in these situations. I certainly trust her and the good work that she has been doing.

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

Has the Minister got any evidence to suggest that maternity services are safe?

#### **Deputy T. Binet:**

Evidence that I can produce right here and now, no. But if the Deputy wants further evidence, I am happy to provide it to her.

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

With regard to the Minister's answer, that he does not have time to read reports from 3 years ago, that may be the case but does he not think he could ask his officers to provide summaries of work that has gone on before, those who do have the corporate memory, to give a précis of what has happened, or perhaps ask one of his many Assistant Ministers to also look into those areas?

#### **Deputy T. Binet:**

I am sorry, now I think we have got to be reasonable. As I say, there are so many hours in the day and I get a lot of briefings, a lot of the time from a lot of very good people. So I am afraid I make no apology. I have not covered every area. I shall be looking at maternity in the fullness of time.

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

I think the Minister has misunderstood my intention, is that now that he has been appraised of the issue by the Deputy and other Members in the Assembly, would he simply go back to his staff, discuss this report that has been alluded to and other matters, and then report back, either publicly or privately, to those Members about whether their concerns are justified?

#### **Deputy T. Binet:**

I genuinely thought I had indicated that that is exactly what I was going to do. But if it needs to be stated more clearly, then absolutely.

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

Will the Minister be able to achieve the necessary funding in order to make our maternity services safe?



**Deputy T. Binet:**

I alluded earlier that I would be coming back to the Assembly in the coming months on matters of funding to do with Health. I do not think I can say very much more than that. I am happy to say that I think the health service needs a lot more money than it has at the moment, so rest assured I will be coming back to discuss that in more detail.

**4.4 Deputy M.B. Andrews of St Helier North of the Minister for Sustainable Economic Development regarding a statutory requirement for Estate Agents to obtain membership of an independent redress scheme (OQ.69/2024)**

Will the Minister advise what progress is being made to establish a statutory requirement for estate agents to obtain membership of an independent redress scheme?

**Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):**

The regulatory improvement team have been preparing a draft policy with the input of a subject matter expert from the Trading Standards team. I will be considering that policy in more detail next month, and be launching a public consultation later this year to invite direct involvement with industry stakeholders. Following that, I hope to be in a position to lodge an amendment to the law by the end of next year or beginning ... sorry, by the end of this year or beginning of next year.

**4.4.1 Deputy J. Renouf:**

Is the Minister concerned that the intent to capture legislation regarding estate agents may miss out an important area of concern, which is letting agents - not all of whom are estate agents - but where there are concerns that letting agents are engaged in practices. I heard of one where they were charging considerable amounts to find a new tenant for the property when somebody was leaving and when, in fact, the tenant had actually found the person for them already, but the fee was nevertheless levied. In other words, that there are some disturbing practices in letting agents. Would he agree with me that these also need to be considered with a view to possibly intervening in that area?

**Deputy K.F. Morel:**

If I remember rightly, during the debate on Deputy Andrews' proposition, I believe letting agents were brought up. But the proposition itself did not address that issue. So it is not something that I am currently looking at. If the Deputy would like to speak to me about that issue, I will be happy to look into it further.

**4.5 Deputy A.F. Curtis of St. Clement of the Minister for the Environment regarding greater public access to the Island's geospatial data (OQ.60/2024)**

Will the Minister advise what consideration, if any, is being given to enabling greater public access to the Island's geospatial data, including free access to aerial imagery at the Jersey Library?

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

Access to free public interest maps and geospatial data is in place using the Government of Jersey web-mapping application on the gov.je website, and the mapping team are constantly updating the service to provide a wide range of free-to-use public interest maps. The team are working directly with Jersey library to install the Government's public web-mapping application, so it is also easier for Islanders to access aerial imagery and also the wider range of public interest mapping layers, such as Jersey school catchment areas, the bridging Island Plan, countryside access and recycling points, to name a few.

#### **4.5.1 Deputy A.F. Curtis;**

I thank the Minister for sharing the progress. In respect of the Minister's portfolio, does he agree that access to aerial imagery, which is currently too costly for individuals to access, will give a greater equality of arms with regards to planning, enforcement and compliance matters?

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

The Deputy and I both share a wide interest in maps and, before I get to answer the specific question he has given, I would say to Members that I personally use the States of Jersey mapping pages where there are over 200 different maps that you can access. Looking at them at the moment; roads by ownership, 3D buildings, the Jersey tree map, there is a heat loss map, there is a natural site, St. Helier Ring Road all on the first page. There is lots and lots to do. But I agree with the Deputy. He was previously an attendee to the Geospatial Board, the mapping service team, and he knows that there is an ongoing issue with the funding. We currently have a situation where all these maps on the website are free of charge, but that people pay for those more valuable pieces of data, and it is the commercial payment that funds the website and the updating it and the free access to the public. While I accept that some of that important data is really good to get at, it is expensive to create. At the moment, the business model we are using is that that more valuable data is paid for, and those payments fund all the other services which provide free access to the public.

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

One of those, I think what he would call high-value datasets, would be L.i.D.A.R. (light detection and ranging) that has been acquired of the Island, which has important scientific value. Does he agree with me that it would be good if we could gain public access to that without payment, as it would further scientific research, for example, in archaeology and so on? This might be helpful for scientists, academics and, indeed, Islanders who want to look at these aspects of our heritage.

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

I agree, and L.i.D.A.R. was a really interesting map to look at because it looks through the tree canopy, through the foliage, and shows us some boundaries, field boundaries, that we would not be able to see otherwise. The service team are modernising the website to make it more accessible for the public, and they are going to add places of interest, cycle rack locations, defibrillators; I name a few. But I accept the fact again that some of this more valuable data is expensive to create. But I do say to the Deputy, I will go away and look at ways that more of this type can be made free to the public.

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

The Minister may or may not be aware that revenue from geospatial data has flatlined for many years. Actually, despite continuous pushes to create this as a growing financial return, those have not materialised. Does he agree we need to investigate that actually the economic value of selling the data is overrated and the economic value of the community having widened far-reaching access to the data could be far more beneficial in the long run?

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

I am happy to go away and ask officers to investigate why this has flat-lined. It may well be that we have not publicised this enough. I mean, how many members of the public realise there are over 200 maps available to them, free of charge, with vast, varied interests that can be looked at. So I will ask officers to investigate and, as the Deputy says, if there is a better case to be made for making some of this more valuable data free of charge - a better case for the public - we will certainly look to do that.

#### **4.6 Deputy S.M. Ahier of the Chief Minister regarding a Jersey Public Services Ombudsperson (OQ.54/2024)**

Will the Chief Minister advise what progress has been made to introduce a Jersey Public Services Ombudsperson and when the draft legislation will be published?

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

The matter is still under consideration by the Council of Ministers, largely due to concern over the high estimated cost of establishing the service and ongoing running costs. C.O.M. (Council of Ministers) would like to see our existing complaints process significantly enhanced, and work is being done to address this. When the work has been concluded, we can then consider the rationale for increasing public spending on an ombudsperson scheme and whether legislation is required to support improvements to our complaints-handling processes instead.

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

The Chief Minister mentions the costs. The allocation of the 2022 Government Plan was for £401,000 in 2023, £412,000 in 2024 and 2025. Does the Chief Minister now think that that was not sufficient?

**Deputy L.J. Farnham:**

Yes, we do not believe it is sufficient. That is still a considerable sum of money. I am advised this would be insufficient to cover the cost of the health-related complaints especially, so it is therefore likely that the cost of the ombudsperson in the budget would be significantly more than budgeted for in the Government Plan. In addition, public authorities will incur costs in responding to ombudsperson investigations that have not yet been budgeted for in government departments. That is why we want to have another look at the current complaints system, to see if we can improve that, to do the job; much better value for money.

[10:15]

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

Does the Chief Minister accept that the Public Ombudsman has widespread support in the public? Does he have any evidence to suggest that the public have gone off the idea of an ombudsman, which would be sufficient to kill the proposition that is in place to bring forward that?

**Deputy L.J. Farnham:**

We are not looking to kill off the proposition. We have respect for propositions that were approved by this Assembly, and if we did seek to change things, we would probably come back to the Assembly with our propositions. What I am aware of, there is a public dissatisfaction sometimes at the way complaints are handled or not handled, simply due to the fact that I think our ongoing process needs to be reviewed. That is no criticism of the current process, but I think it is worth doing a bit of extra work to see if we can find a better balance between what we have and going to the full service of an ombudsperson, which would be costly. But I want to reiterate, we do respect past decisions of the Assembly, and we would be bringing whatever we decide back to the Assembly, if it does not align with the original decision.

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

Would the Chief Minister commit to trying to discover what the public's views are on a Public Service Ombudsman before bringing forward any rescindment?

**Deputy L.J. Farnham:**

I think we have to try and reflect the public's views through this Assembly. I will not undertake to do separate surveys on public views because we know that the public require and deserve a process

where they can express their concerns, and we want to make sure they have that. What we are saying now is that before we commit to a full ombudsperson service, we want to have a closer look at what we do now so we can see if we can improve it. If the Assembly will bear with us, we will do that work and keep them all posted.

**4.6.4 Deputy K.M. Wilson:**

Could the Chief Minister outline just where the areas are that he believes the improvements need to be made, based on his own assessment?

**Deputy L.J. Farnham:**

I think the biggest challenge we have at the moment is the health service. The Deputy will know that from the work she did there. Of course, the Minister for Health and Social Services and his team are giving that priority. So Health is probably the biggest area of concern. Then generally we see complaints from across the public sector, not in too great a volumes. It is Health and then it is a bit of a general mix, in my opinion.

**4.6.5 Deputy K.M. Wilson:**

Does the Chief Minister think that it is a systems issue or a customer service issue that needs to improve in terms of the experience that people have through responding or engaging with our complaints system as it currently stands?

**Deputy L.J. Farnham:**

I think it runs quite a bit deeper than that. There are lots of reasons why people complain. Some is related to customer service, some is related to lack of services, not being able to access the right services, all sorts of reasons. The key to solving it is improving our service and our systems throughout the public sector. Work is always ongoing to do that. But we do need a more effective complaints system. The States previously decided that this would take the form of an ombudsperson, and that could well be the case. But we want to make sure, before committing to the costs of that, that there is not a better option.

**4.6.6 Deputy G.P. Southern of St. Helier Central:**

Does the Chief Minister not consider that looking around for a better solution sounds awfully like delaying what is a States decision and that actually justice deferred is, in fact, in this case, justice denied?

**Deputy L.J. Farnham:**

I would not quite agree with the justice delayed is justice denied in this occasion, but in short, yes, it is delaying the decision, and we apologise for that. But I think, as I said, with fear of repeating myself, we think the Council of Ministers would like to explore the possibility of improving an internal complaints process to make that sufficient before committing to going to a fully-fledged ombudsperson. I undertake to do that work as quickly as possible, keep the Assembly updated. As soon as we make a decision, we either come back to the Assembly with a new proposition or proceed with the existing one.

**4.6.7 Deputy G.P. Southern:**

I love it when the Chief Minister says “as quickly as possible”. It is such a moveable feast. How long before he comes back with a definitive statement, either on the ombudsman or on an alternative to achieving decent appeal systems?

**Deputy L.J. Farnham:**

I apologise, I must try and stop using phrases like that because I agree with the Deputy. They do not actually mean much and “as quickly as possible” might not be accurate. But we will be assertive in

our intention to bring this back but cannot put a timescale on it. But I would like to think it will definitely be this year. But I would rather not put a timescale on it other than just reassure the Assembly that the work is currently underway and we will be expedient in delivering and try not to delay the decision longer than is necessary.

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

In the Chief Minister's initial response, he mentioned the cost of medical health complaints. But that was not the intention of the original proposition, because the medical health would have its own ombudsman, if it was possible. Does the Chief Minister think this is just an excuse for delay?

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

No.

#### **4.7 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the Common Strategic Policy's priority within it to "deliver a plan to revitalise Town" (OQ.57/2024)**

Further to the lodging of the Common Strategic Policy, and the priority within it to "deliver a plan to revitalise town", will the Minister advise what funding mechanism will be utilised to deliver this priority and whether this mechanism will include the use of any funding received from the States of Jersey Development Company?

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

I thank the Deputy for his question. As part of the Government Plan 2024 to 2027, there are allocated funds of up to £5 million identified to fund public realm projects sourced from the Government's capital programme, prior year allocations carried forward in the current plan and planning obligation agreements, including some relating to the recent States of Jersey Development Company developments on the Esplanade. Proposals for funding mechanisms to deliver the new Government common strategic priorities will be included within the 2025 to 2028 Government Plan.

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

Will the Minister agree to brief the town Deputies on the projects planned for St. Helier for the next 2 years?

#### **The Connétable of St. John:**

I would be more than happy to do that. The Deputy will be aware that my Assistant is the Constable of St. Helier, and both he and I are looking at the priorities that are currently in train to see whether or not we believe they should be changed at all. We are particularly keen to introduce functional examples making it easier for people to walk and cycle within St. Helier, and would be more than happy to discuss these with the Deputies.

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

Does the Minister foresee the introduction of new street furniture and social spaces within his estate as a priority to enable Islanders to create a vibrant St. Helier without necessarily having to always spend money or visit retail or hospitality outlets?

#### **The Connétable of St. John:**

Absolutely. I think the experience that people get when they either visit St. Helier or if they live in St. Helier, is vital for us to maintain and enhance the retail opportunities we have. The Constable and I are working closely on that, and we have already identified some areas that we would like to see improvements in.

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

It is a small area, but street furniture for seating in Jersey is woefully lacking for communal seating, where members can sit among each other and share a longer period of time. Does he see that as an area he can prioritise?

#### **The Connétable of St. John:**

I was recently on holiday with my wife, and my wife commented at the lack of seating in the city we were actually visiting, and I think St. Helier has quite a lot of seating. But that does not mean to say that it cannot be enhanced. Only 2 weeks ago, I was sat on the seat at Snow Hill waiting to go to an appointment, and I found it very relaxing and very interesting sitting there. So we will consider that as well.

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

Given that the Common Strategic Policy refers to youth facilities as well, and there is an existing funding pot for skateparks, which was going to be used towards a St. Helier skatepark, is the Minister able to confirm that the funding that already exists for a St. Helier skatepark will remain and continue?

#### **The Connétable of St. John:**

Yes, I am delighted to confirm that the funding remains and the officers are working tirelessly to try and find suitable locations, not only within St. Helier but in the east of the Island, for skate facilities. Longer term, we would like to do something much more substantial, but we would like to try and do something as quickly as we possibly can for those youngsters, in particular, in the St. Helier area.

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

Has the Minister considered having discussions with the 13 St. Helier Deputies about his plans to revitalise St. Helier?

#### **The Connétable of St. John:**

I would be more than happy, as I said in an earlier answer, to meet with the St. Helier Deputies and listen to their ideas. If they have sites, for example, for a skatepark, I would be delighted to hear from them. A skatepark that is achievable in delivering in a short period of time is something that we are really keen on.

#### **4.7.6 Deputy I. Gardiner:**

Has the Minister had engagement with the group that worked around revitalising the Central Market and the area around, and if there are any plans to improve the area?

#### **The Connétable of St. John:**

We have had discussions around the market. The Constable of St. Helier is leading on the Central Market for both the Infrastructure Department and the Economy Department, and I believe there is a meeting scheduled for later this week.

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

In addition to funding, does the Minister agree that it is important that the revitalisation of town takes place in the context of an overall strategic framework, and that it is important to have some kind of a master plan for what is trying to be achieved in town and not just pursue haphazard projects?

#### **The Connétable of St. John:**

The Deputy raises a very good point. We have so many reports about St. Helier and what can be done, particularly around making it easier for walking and cycling. That is why I refer to looking at

priorities. I am more than happy to, as I said, join the Constable and meet with the Deputies and talk to them about those priorities and ensure that they fit with an overall plan.

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

Can I ask if there is an intention to engage with his colleague, the Minister for the Environment, to see whether there is going to be any master planning for St. Helier?

#### **The Connétable of St. John:**

The Minister for the Environment and myself have a fortnightly formal meeting, but we also have lots of informal discussions, so I am sure that will come up in our next discussion.

#### **4.8 Deputy G.P. Southern of the Minister for Sustainable Economic Development regarding improving productivity in each of the retail, agriculture, and hospitality sectors (OQ.64/2024)**

Further to the lodging of the Common Strategic Policy, and the flat line in the growth of Jersey's productivity – over 30 years now - what measures will the Minister prioritise to improve productivity in each of the retail, agriculture, and hospitality sectors?

#### **Deputy K.F. Morel (The Minister for Sustainable Economic Development):**

Productivity is at the heart of the future economy programme. My department is currently developing a sectoral productivity review for each of the sectors during 2024. This includes analysis of the current levels and trend, as well as suggested areas of focus that are most likely to impact the relevant sectors. Until this has been done, it is not possible to say exactly what measures will be prioritised as a result. But I can say that we are working very closely with Jersey business, as the Government's arm's length organisation, providing direct business support across multiple sectors. This has a specific productivity workstream. This includes such elements as a productivity week, focusing on increasing awareness, and also practical ways to increase productivity in your business; an annual productivity survey, the Productivity Circle, in which businesses learn from each other, business improvement and leading growth programmes, and providing support to individual businesses in receipt of grant funding through the productivity support scheme.

[10:30]

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

I believe there I heard one absolute clear fact, which was productivity bonuses attached to the agriculture grants system. Could the Minister give us 2 more - one for each of the 3 groups - so that we have some faith that after all the words that are spent on productivity, we will actually see some progress and improvement?

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

I have to go back to my first answer, which is that we are currently developing sectoral productivity reviews for each of the sectors that the Deputy asks about in his question. These will be delivered during 2024.

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

Some of the sectors which the Ministry is talking about - productivity and increasing productivity - other countries will benefit from quite substantial grants or subsidies, possibly from the E.U. (European Union) or from their own countries. In the absence of such levers in Jersey, what levers does the Minister have to influence productivity in some of these areas?

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

We do have a grant programme with regard to productivity. It is the productivity support scheme, which provides matched funding. It is limited in scope at the moment, but I am hoping that following

the publication of the Common Strategic Policy last week, that we may be able to access more funding to improve productivity across a range of sectors, particularly in light of the desire to increase the living wage.

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

The Minister has often talked about decreasing red tape. Does he identify the qualies that are required to live in Jersey and to access certain sectors and types of work are actually a form of red tape. Could that be one area that liberates businesses and employees to be able to do work that they currently cannot do?

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

It is a very interesting question. In one sense, yes, they are red tape because any processes that a business has to go through which are not focused on that business providing products to sell into the market, anything such as that would be red tape. But some of these elements, such as qualifications, and I understand, when the Deputy says qualies, that to mean housing qualifications. They are there for very different reasons and they are there to ... obviously, number one, they are not part of my remit, but they are there to serve different purposes. Some of which Islanders will wish to maintain, some of which Islanders do not wish to maintain. But they are, by the letter, I guess, red tape. But not all of that red tape can be gotten rid of just because it is red tape. Some of it is there to protect the Island in different ways.

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

Does the Minister believe that giving above inflation pay awards will help to improve productivity?

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

I believe, in asking that question, the Deputy is likely to be talking about public sector pay awards. In which case that has no element on productivity in the private sector, which is the element that I am working towards. In terms of private sector businesses giving above inflation pay awards, of course, that is entirely a matter for them but that can help improve productivity in the sense that it can also drive the business to seek more efficient ways of working as a result of having a higher wage bill.

#### **4.8.5 Deputy R.S. Kovacs**

Has the Minister considered the possibility of increasing productivity on collaborations with different other jurisdictions? If yes, in what ways?

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

That is again, a very interesting question. Other than looking at other jurisdictions for information about what they are doing, very much perhaps on an informal basis, I have not contacted any other jurisdictions directly in order to learn or share information about that. Yes, I read a great deal about this, and a lot of the things that I read are about productivity gains in other jurisdictions but I have not reached out to those other jurisdictions.

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

I return to the Minister's first answer where he seemed to be suggesting that what he was talking about was policy in progress. I wondered, again, as I often do with the Minister, when that might come to a fruition. When will we see a plan for productivity coming from the Minister this year or earlier?

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

I have to go back to my answer, which was this year we will see those plans for productivity gains but I also wish to point out that certainly in the hospitality sector and also the agricultural sector, they



are sectors which have significantly improved their productivity over the last few years. That is something that I have publicly proclaimed, because I believe it is something that we should celebrate, and I congratulate those sectors on doing exactly that.

#### **4.9 Deputy C.D. Curtis of St. Helier Central of H.M. Attorney General regarding average time for serious sexual assault offences to be investigated and brought to Court (OQ.67/2024)**

In respect of a serious sexual assault offence, will H.M. (His Majesty's) Attorney General advise the average time for this type of offence to be investigated and brought to court and how the victim and their family are kept informed of the status of their case?

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

If I may, I will answer the question in relation to rape cases in 2023 and in 2024, this year to date. For that time period, the total average time from a complainant in a case of rape being made to the police - or the complaint being made to the police - to trial and disposal in the Royal Court, the average time was 601 days, or about 18 months. For comparison, in England and Wales, although there are differences in the way that the data is collected, our best estimate is that the total average time from first complaint in a rape case was about 858 days, or 27 months. Specifically as regards the prosecution phase in court in Jersey in 2023, the average number of days from first charge of a defendant in court to trial and disposal in the Royal Court was 260 days, or about 8 months, whereas in England and Wales the average time from charge to trial in the Crown Court was 421 days. For rape cases, the average time currently to investigate and prosecute rape cases in Jersey is about a third quicker than in England and Wales. As regards keeping the victim and their family informed of the status of their case, that is done by the police officer in charge of the case and their independent sexual violence adviser if the complainant has consented to having one. Contact between the police and the victim and their family is informed by a victim communication plan. Finally, the police have also recently introduced a victim information and support guides, which provide much more information about serious sexual assault investigations and prosecutions.

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

Are there special measures in place to support reluctant or vulnerable witnesses and victims - for example, those with communication difficulties - including guidance in place regarding keeping the family informed?

##### **The Attorney General:**

Yes. There are special measures in court so the victim can give their evidence through and with the assistance of an intermediary who may be appointed to assist the victim with their evidence. A screen may be put up to shield the victim from the defendant or the public gallery. So there are special measures that the court can take to assist the victim with giving evidence. There are also measures that the police take in terms of achieving best evidence, which allows the victim to give their evidence, which can be video-recorded and may, in certain cases, be played in court rather than the victim having to give evidence-in-chief in a live court case. Sorry I did not catch the last part of the Deputy's question, perhaps she could repeat that.

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

The last part was just to ask if the families were also kept informed, especially in cases where the victim had communication difficulties, for example.

##### **The Attorney General:**

Yes, as I understand it, the police do have measures to keep the family informed and particularly in those sorts of cases where the victim may have communication difficulties. It does require the victim to consent to having an I.S.V.A. (independent sexual violence adviser), so it is dependent on the

victim's consent, but the police officer in the case will always be responsible for liaising with the complainant or the victim and the victim's family in appropriate cases.

**4.9.2 Deputy J. Renouf:**

The U.K. (United Kingdom) court system is widely considered to be if not in crisis then certainly troubled, and therefore the comparisons that appear favourable may not be quite as favourable as they appear on the surface. Can the Attorney General indicate whether he feels that the delays that he outlined in terms of bringing cases to court in Jersey are the minimum that could be expected? In other words, the best that we can do, given the complexity and so on of those cases or does he think that there is considerable room for improvement in reducing those?

**The Attorney General:**

I thank the Deputy for that question. There is always room for improvement. Yes, the courts in England and Wales do have difficulties, and the investigations in England and Wales have difficulties. In terms of whether there is more that we can do to speed up investigation and prosecution times, that is something that we are always open to but the times that I have given, particularly for the court phase, are actually good times in the circumstances of dealing with these cases, which are very difficult. They may require forensic evidence, they may require investigation of phones, they may require detailed lines of enquiry with witnesses and they are incredibly difficult and sensitive cases to have to investigate. It may take time for the victim to be able to give their account. It may take multiple interviews for a victim to be able to give his or her account of their complaint. While, no, we are not complacent about these cases, it is an area that certainly my department has invested, and I think the police as well, a great deal of time and effort in terms of improving our investigation and prosecution rates. They are cases that we take extremely seriously and we want to achieve the best results that we possibly can, particularly in relation to these cases.

[Interruption]

**The Deputy Bailiff:**

Who wants to volunteer? Whose phone was that? Could you make the normal financial contribution, Minister? Yes, thank you. Mr. Attorney?

**The Attorney General:**

I had finished my answer. Thank you.

**Deputy J. Renouf:**

I thank the Attorney General for his answer.

**Deputy T. Binet:**

A £10 infraction, my phone went off again.

**The Deputy Bailiff:**

Yes, that is right. Thank you very much for notifying us of that. Do you have a further question for the Attorney?

**Deputy C.D. Curtis:**

Just a final supplementary.

**Deputy M. Tadier:**

Sorry, I had my light on, I do not know if you saw it?

**The Deputy Bailiff:**

I apologise, I missed that with the ...

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

I think we all got distracted. Part of my question has been asked by the previous questioner, but would the Attorney General and the department consider benchmarking with jurisdictions other than the U.K. when it comes to matters of waiting times, et cetera?

#### **The Attorney General:**

The U.K., and England and Wales in particular, is the jurisdiction to which we are closest in terms of our criminal law - our substantive criminal law - and in many respects our procedural law as well. They really are the closest.

[10.45]

Guernsey and the Isle of Man are potential other jurisdictions but we are open to considering other jurisdictions - other Commonwealth jurisdictions possibly Australia and New Zealand, they might be other ones. But in terms of collecting this data, there is a cost and time element involved in collecting that data and one has to balance the cost and time involved as against putting the effort into actually investigating and prosecuting these cases, which I think is obviously the priority. But we are open to considering other comparators.

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

Is the Attorney General confident that current guidance, as described in the Victims and Witness Charter, is being upheld and is sufficient to ensure that victims are receiving an appropriate standard of care?

#### **The Attorney General:**

That question, I think, is perhaps largely directed to the police and to the Minister, perhaps on behalf of the police. As far as my department is concerned, as I have said, we do absolutely everything we can to investigate and prosecute these cases effectively. We do have some contact with victims, although there are strict limits on what we can do in terms of our contact with victims, because it is really confined to familiarising them with the process rather than going into the detail of their evidence. So for my department, certainly I can give that assurance. As far as the police are concerned, we work with the police a great deal in this area. We take a great deal of trouble to have regular joint training sessions to help them achieve the best evidence, best investigations that they possibly can. Some of the Deputy's question is not just directed at me, it is directed at other investigating authorities.

#### **4.10 Connétable A.S. Crowcroft of St. Helier of the Chair of the Privileges and Procedures Committee regarding improvements to the voting system (OQ.59/2024)**

Will the chair advise what improvements to the voting system, if any, are envisaged by the committee ahead of the next general election? What progress, if any, has been made towards achieving any such enhancements?

#### **Deputy C.S. Alves of St. Helier Central (Vice-Chair, Privileges and Procedures Committee – rapporteur):**

Aside from a number of small changes to the Election Law which the committee will be bringing forward later this year, the main improvement will be the automatic voter registration project, for which this Assembly approved funding in the 2024 Government Plan. We are about to appoint a project manager to take forward the development and implementation of a digital voter register. This will provide a digital version of the existing register and mean that voters will be able to cast their physical vote at any polling station on election day, as well as making the pre-poll process more mobile and allow for taking the ballot boxes out to the people. Consideration has also been given to using a postal voting system, which allows for an automated count whereby the ballots are scanned.

This system is widely used across the U.K. and was utilised very efficiently in and effectively in Guernsey in 2021.

**4.10.1 The Connétable of St. Helier:**

I welcome the vice-chair's confirmation that it will be possible to vote in different places, particularly for people who find themselves in town, they can vote when they are at work and do not have to make that long trip out to the polling station in the distant Parishes if it is raining, for example. Does the committee plan to continue with the presence of that very grey candidate "none of the above" who, of course, ran a couple of Members quite a close run in the last election. Will that option still appear on the ballot paper?

**Deputy C.S. Alves:**

In short, yes, that was a decision that was taken by this Assembly on the back of a proposition which I believe the now chair of P.P.C. (Privileges and Procedures Committee) brought forward herself. So, yes, we do not envision any change unless another proposition or somebody else decides to propose something and this Assembly approves that.

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

Does the vice-chair consider there is any particular reason that elections ought to be held on a Wednesday, when there are countries around the world that hold elections on Sundays and some, in fact, even have them on bank holidays in order to encourage greater turnout. If the committee has not considered such a thing, would she be willing to raise that up with the committee for their views?

**Deputy C.S. Alves:**

In the previous term, I was on the sub-committee looking at the electoral reforms as a whole. This was something that we did our own research on as well and we found much the same. I think this is something that we can do. There have been some discussions in the past with the Parishes and the Parish secretaries. I realise that there are some issues around sourcing volunteers for the count, for example, but I do know that in other jurisdictions often - comparing Madeira, which I have first-hand experience of, and Portugal - Government employees are normally used and then they are given a day off in lieu, for example. I think there are options that can be explored, and I think they can now be taken back to the newly constituted P.P.C.

**4.10.3 Deputy K.F. Morel:**

With regard to the answers the vice-chair provided to the main question, would she be able to advise the Assembly as to what impact, if any, she expects matters such as automatic voter registration or being able to vote at different places to have on voter turnout?

**Deputy C.S. Alves:**

I think it has the potential to be a double-edged sword. Obviously, with the automatic voter registration system our number of eligible voters will obviously increase, which, if we cannot get people to come out en masse, may give us data that looks like our voter turnout has actually decreased. That will be purely because the number of eligible voters will be much more accurate. That data will be more accurate. I would like to think that with this facility, this will encourage people to come out and vote, because it will be possible to vote anywhere. We can set up different polling stations in different places and be much more responsive to the public and their needs on where they would like to vote and when.

**4.10.4 Deputy K.F. Morel:**

With that in mind, obviously we measure voter turnout, and it is often said that what is not measured cannot be managed. In this case, you do measure it but we do not manage to increase voter turnout

very much at all. Will the Privileges and Procedures Committee be setting targets with this election, aspirational targets, for where they would like to see voter turnout rise to?

**Deputy C.S. Alves:**

I think that is difficult, given the kind of richness of our data in the past to be able to make comparisons with any past voter turnout figures. I do think it is important to have targets, absolutely, and this may come under the work of the sub-committee that has been made permanent now, which I set up, which was political awareness and education. I think there is a place for that committee to do some work around obviously engaging the public and making sure that they are aware. But I think that is something that we could definitely consider looking at targets and how we can use the data that we collect to do that.

**4.10.5 Deputy J. Renouf:**

Currently we are, I think, bottom of the league in terms of voter turnout and it drags down our performance in the Better Life Index. One target might be to come off the bottom. Given the seriousness of this and given the fact that it is seriously embarrassing for the Island that we have such a low turnout, can the vice-chair say with certainty that these changes of which she has spoken, including increasing the number of polling stations, will actually be in place for the next election?

**Deputy C.S. Alves:**

I would like to be able to confidently say yes. Obviously I cannot, because we are still in the process of appointing a project manager, for example. I will say this, however; I do feel that in the past there has been a lack of push from within the Government and this is something that I have addressed with the Chief Minister, and he has agreed that in my role as Assistant Chief Minister I will be given the responsibility for doing what I can to increase civic engagement from that angle. One example that I will give from past Governments is that, for example, the Government Facebook page has over 10,000 followers and during our last election there was only one post that was shared throughout the whole time about registering to vote and election day. I think for a government page that has such a big reach, that is really disappointing. I would like to see that change for the next election.

**4.10.6 Deputy M. Tadier:**

Which of the following does the vice-chair think will come first, online voting, the new hospital, a tunnel to France or the second coming of our Lord? **[Laughter]**

**Deputy C.S. Alves:**

I am not sure I am sufficiently qualified to answer that question.

**4.10.7 Deputy M. Tadier:**

Just in the absence of the Dean, I thought we may ask the Deputy. There is a more serious question here in that Jersey supposedly prides itself on being a digital island. We know that we have something called Digital Jersey but we also know that we are told we have got the fastest broadband fibre speeds maybe in some parts of Europe, if not the world. What is the point in having all of this if one of the very basic things that I think the public want to do is to be able to vote at their convenience? What steps is P.P.C. taking to seriously move forward the issue of allowing people in the 21st century to be able to vote online?

**Deputy C.S. Alves:**

I think the issue of voting online and voting digitally are 2 very different things. There are all kinds of security issues that come with voting online, which is around verifying people's identity and so on. We are aiming for a digital offering instead, which will be much more secure and will ensure that people are who they say they are when they are casting that vote, which I think is really important. Obviously, in an ideal world, with everything working perfectly, I think we would love to have online

voting. At the moment, our first step is to get that centralised automatic voter electoral roll, which will enable us to, at the very least, vote at every polling station in a more digital manner as opposed to online.

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

One of the many excellent opportunities created by the Commonwealth Parliamentary Association, which I would encourage all Members to be part of, is to observe and train as an election observer. I did this myself and I have been observing the Isle of Man elections. One of the things they trialled in their capital, Douglas, was a system of voting in any polling station for the constituencies involved. Would the vice-chair be interested, or has the committee spoken to those who trialled that, to see whether this could be an option for St. Helier, for example, or other Parishes, given that we had the joined-up Parishes now in voting?

**Deputy C.S. Alves:**

I understand that this is absolutely an option. I do not recall whether we have spoken to any other jurisdictions about this, but I think we have spoken to election observers when they have come to do their reviews and their observations. I think this is something that would definitely be possible in St. Helier. That may be the better option to start with. But I think the Deputy has raised a good point, it is definitely worth us talking to other jurisdictions about their experiences and learning from them..

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

Continuing on the theme about how to improve voter turnout, there have been a number of reports commissioned by the P.P.C. in the past, including the ComRes Report in 2015, which indicated that some of the reasons why Islanders were not voting were things such as they believed it did not make any difference and the quality of the candidates. I am wondering if the P.P.C. is pushing forward with any proposals to improve matters in those respects?

[11.00]

**Deputy C.S. Alves:**

I think with regard to the quality of candidates, I think that is very much subjective. I think obviously we have things like the Diversity Forum, which help push, educate and enable those in our community who may be less reluctant to come forward to stand for election. This has had a real positive effect. I know that a couple of people within our Assembly today attended one of those events that the Diversity Forum put on to encourage candidates to stand. I cannot remember what the other part of the question was, sorry.

**Deputy M.R. Scott:**

It was the makes no difference.

**Deputy C.S. Alves:**

Yes. I think that as a whole is around probably raising political education and awareness about how every vote makes a difference. I know there is often an infographic that goes around at election time where it shows two-thirds of people are saying that and that those two-thirds of the people would have made a massive difference. I think it is also around that and kind of pushing that message out that every vote does make a difference. We see it in this Assembly all the time when we have very close votes and I do not think it is always translated into the public.

**4.10.10 Deputy M.R. Scott:**

I wondered whether the P.P.C. has considered looking into what is meant by these things, because it seems like there might be assumptions about what is meant by not making a difference and what is

meant by poor quality candidates and whether, therefore, the P.P.C. will actually drill down deeper into what the public thinks about this and why they are not voting.

**Deputy C.S. Alves:**

We did have some focus groups that were kindly conducted by Dr. Christopher Pich - he was from Nottingham Trent University and he is in Nottingham - and we have some very rich data that came out of those focus groups. Obviously, we also have the J.O.L.S. (Jersey Opinions and Lifestyle Survey) again this year. So there are some questions that we have had some input into for that survey. There is always work to do around that and hopefully now that we have re-established P.P.C. and its sub-committees, we will be able to push through to combat some of the findings about what people think and address those misconceptions.

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

At the more extreme end of the scale, has the committee considered compulsory voting?

**Deputy C.S. Alves:**

This was again something that was looked at in the last term with the Electoral Reforms Sub-committee. At the time, the committee were not completely sold on the idea. I think it is always something that we should maybe keep in mind and how we would manage that. I know that Australia has a system of compulsory voting but they can still opt out. I think it is something to keep in mind for the future.

**4.10.12 Deputy R.S. Kovacs:**

Continuing on what Deputy Robert Ward mentioned about the collaboration with the Commonwealth Parliamentary Association and also including the Assemblée Parlementaire de la Francophonie and beyond, has the committee considered a wider collaboration or a closer collaboration with different jurisdictions with systems that work well for online registration or even gathering statistical data are working well? How could those be replicated here? Have these kind of discussions taken place anywhere?

**Deputy C.S. Alves:**

Yes, we are continuously doing research in the background and speaking to ... I know that our Greffier speaks to other Greffiers in other jurisdictions. We have especially been talking to Guernsey following the increase in their voter turnout and how they have gone about it. We do do research. We are continuously doing research. There is always room for improvement and there are always jurisdictions that we can take ideas from. We are happy to hear from people, obviously, if they have any ideas of or if they know of any systems that are working in certain ways elsewhere in the world that we can get in contact with and ask for some feedback on.

**4.10.13 Deputy G.P. Southern:**

Will there still be a requirement to show I.D. (identification) in Jersey voting?

**Deputy C.S. Alves:**

The law does not specify that there has to be photographic I.D. Obviously, I am really conscious that there are people in our community who do not possess a driving licence or a passport and therefore do not necessarily have photographic I.D. The law does state that as long as the identity of that person is verifiable, I think it is, or something along those lines, by somebody within the electoral authority ... there have been cases in the past where I believe that people from the Parish have been able to confirm other people's identities, for example. We also had something I remember in the last election, I think somebody wanted to use their Yoti, they were not sure whether they could and then we found out that they could. So, generally speaking, we do not intend on changing that part of the

law. There was some negative feedback around that when it was suggested in the U.K., because it served as a disincentive to some.

**4.10.14 Deputy G.P. Southern:**

Yes. I think the respondent is correct when she says the requirement for photo I.D. does constitute a reason why we should not vote or reason, on the day, why you should not. I think it is important that we get this correctly identified in order to improve.

**Deputy C.S. Alves:**

I am not sure there was a question there, but I will say that I agree and I think there probably needs to be maybe clearer guidance. This is maybe something for the Jersey Election Authority to consider, for example. The experience in the U.K. was not a positive one when this was trialled.

**4.10.15 The Connétable of St. Helier:**

I am grateful to the vice-chair for her responses and to Members for their interest in the subject. I suppose it is a bit early to ask the question but I am sure some Members, some people in here and some people out there, would like to put the date in their diaries of the next general election.

**Deputy C.S. Alves:**

As things stand, no change has been made to the law and the election would be due in June 2026. The Assembly can appoint the day by Act. However, the committee has agreed to consider the timing of the next election following a request from, I think, Deputy Ahier at the first meeting of the new P.P.C. We are mindful that any changes would need to be enacted sufficiently far ahead of the next election, otherwise, the terms of office of this Assembly will need to be extended and that would not be democratic. As it stands, with no changes being made to the law, it is due June 2026.

**4.11 Deputy G.P. Southern of the Minister for Sustainable Economic Development regarding the Earnings and Income statistics (OQ.65/2024)**

Following the publication of the latest earnings and income statistics, will the Minister advise how he intends to address the increasing income inequality and to deliver economic well-being in an inclusive way for all Islanders?

**Deputy K. F. Morel (The Minister for Sustainable Economic Development):**

The strategic and long-term aims set out in the future economy programme are underpinned by the theme of fairness. We aim to grow our economy in an inclusive way that benefits all Islanders. Delivering against these principles is something I seek to influence through the Council of Ministers, as other Ministers are accountable for many of the policies that address income inequality. As an example, I am working closely with the Minister for Social Security to deliver this Government's commitment to introducing a living wage. I am also re-establishing the Cost-of-Living Ministerial Group. This group works to mitigate the cost of living, especially for those most affected by rising costs. The group has yet to meet under this new Government, and the role and remit will be fully decided at that meeting, but my hope is that it will build on previous work and work to help those most affected by the cost of living in Jersey. It is also worth mentioning that the Common Strategic Policy interventions already have the potential to support reducing inequalities through policies delivered by other Ministers, such as the minimum wage becoming living wage, housing, childcare and skills.

**4.11.1 Deputy G.P. Southern:**

Is the Minister aware that the lowest quintile after housing costs saw their income increased by 7 per cent in nominal terms and decrease by 23 per cent in real terms. What is the Minister prepared to do to correct this drop in the income of the bottom quintile, the poorest in our society?



**Deputy K.F. Morel:**

The Deputy is correct, it is an all-of-government approach that is needed to address these inequalities. It is not a single Minister that has responsibility for all of it, because, as the Deputy I am sure is aware, housing costs are a significant part of the issue with regard to income inequality, with those people in the lower quintiles having to spend a higher proportion of their income on housing. That, in itself, is one example which shows how we do need a whole-of-government approach. As I mentioned, the Common Strategic Policy, through the living wage policy, through housing policies, through the greater provision of childcare and through greater provision of skills training, is aiming to deal with these issues across the whole of government.

**4.11.2 Deputy M. Tadier:**

Does the Minister agree with the underlying premise of the question that income inequality or an increase in income inequality is in itself a problem? That is to say: does he think it is a problem if the rich are getting richer at a quicker rate than the poorer are getting richer?

**Deputy K.F. Morel:**

I believe an excess of inequality is a problem, that is correct. I believe there will always be a level of inequality that is there will always be higher earners and there will always be lower earners. There is a level of inequality that people are comfortable with and societies are comfortable with. But when that inequality becomes excessive, then it does become a significant problem and can drive social issues, which become detrimental to the well-being of society.

**4.11.3 Deputy M. Tadier:**

In terms of the effort that Government expends, and perhaps his own department, on the one hand, ensuring that there are more and more super wealthy people that come to the Island, presumably that would drive the top end of inequality. On the other hand, the amount of effort that it spends on trying to increase the income of those at the bottom end, which does he think the Government is more comfortable and more successful at doing?

**Deputy K.F. Morel:**

I believe that in this Government we are addressing the lower end through the minimum wage and becoming the living wage policies. I believe that is a significant change, and it is one that this Government is doing.

**4.11.4 Deputy G.P. Southern:**

Will the Minister set targets to demonstrate this increase in income, say, for the Gini coefficient, which in this report has gone up from 0.38 to 0.43 significantly, and the 90:10 ratio as a measure? Will he set these targets?

**Deputy K.F. Morel:**

Yes, the 0.43 Gini coefficient is after housing costs. Before housing costs, it is less than that but that shows just how housing costs drive that inequality in the Island. I think that is a discussion that has to be had across the whole of government because there is no one single Minister responsible for income inequality. The discussion about whether we should have targets on that should be a Council of Ministers discussion.

**4.12 Deputy D.J. Warr of the Minister for Infrastructure regarding St. Helier Parking Needs Study report (OQ.58/2024)**

Sorry, I managed to lose my question just as I ... sorry, Sir. Further to the 2013 report, *St. Helier Parking Needs Study*, will the Minister advise what consideration, if any, is being given to address the perception that there is insufficient shopper parking in town?

[11.15]

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

Providing parking for shoppers is, of course, important for the vitality and economic success of the town centre. Therefore, Infrastructure is currently developing policy that specifically considers the different user demands for parking in town, including shopper parking. The work, which began last year, is taking a comprehensive approach to ensure that we manage and develop the public parking estate effectively, both now and into the future. A key thread of this work is going to be how we manage the different demands for parking, for example, so that more long-stay worker parking is provided around the town while keeping sufficient capacity in the town centre to support the retail and leisure activity, et cetera. A specific case in point is the new Charles Street car park, which will provide a further 137 short-stay 3-hour spaces when opened in early May.

**4.12.1 Deputy D.J. Warr:**

I am sure the Minister is aware this report cost the taxpayers £15,000, and I am sure he does not need to be reminded of his commentary about the indefensible use of taxpayers' money. When does he intend to bring his hopefully less costly strategy to the Assembly?

**The Connétable of St. John:**

No, I do not need to be reminded about use of taxpayers' money. It is something I continually remind the officers within the department about and the need to do things quickly and speedily, but also to good effect. What we need to do is look at what information is available to us and look at the changes. We have a hopper bus which nobody has been told about. In May we will be promoting that hopper bus. We currently have 24 per cent of St. Helier residents who work in town driving to work, so providing more spaces is not the answer by itself. It is about a combination of efforts that we need to work together on.

**4.12.2 Deputy M. Tadier:**

Would the Minister draw attention to those who would like to be able to park in town more easily to the great vacancy rate that there is at Pier Road, which is a car park that is very close to the town centre, albeit that the small hill in between the car park and town often seems to get exaggerated in terms of difficulty and distance. Would he take steps to remind people that there are lots of spaces on a day-to-day basis at Pier Road?

**The Connétable of St. John:**

I thank the Deputy for that prompt because he is absolutely correct in saying there are spaces regularly at Pier Road in good number. Parking in St. Helier has been impacted recently by the essential works that have been carried out at Patriotic Street over recent months. Those works were suspended during the Christmas period, but those works are hopefully going to be completed very shortly and will free up more spaces that are needed. Some 2 weeks ago, I wrote to the Bailiff about the possibility of using Vine Street for disabled drivers if we can find a suitable alternative to jurats' parking. That was before a letter was published in the *J.E.P. (Jersey Evening Post)* but I fully support the letter that was written to the *Jersey Evening Post*.

**4.12.3 Deputy A.F. Curtis:**

The Minister in Jersey Property Holdings has a planning application from 2022 for a lift to Fort Regent that would result in the loss of 28 car and 78 motorcycle spaces. Without prejudice to the planning merits and determination of that application, is the Minister still pursuing the development and, if so, does he have plans to replace any potential loss of town shopper spaces that would arise?

**The Connétable of St. John:**

There is no current action being taken on that application. It is interesting that the Deputy mentions motorcycle parking, because one thing that I have noticed is the lack of covered motorcycle and cycle parking that is available to people in St. Helier, and that is one area that I have asked the team to look at to see if we can increase the amount of motorcycle parking rather than reduce it. \

**4.12.4 Deputy S.M. Ahier:**

Has the Minister considered providing free shopper parking in St. Helier on Saturdays to encourage people to come into town?

**The Connétable of St. John:**

I have not. The only free parking that I have considered is that which could be attached to a park-and-ride scheme, which I am in discussions with an environmental group about trialling in St. Brelade. As part of my induction, I recently spent time with the parking control team, walking the streets with an officer. They pride themselves in helping the town function and I would like to pay tribute to those people who do their job. It is certainly not but they do their very best in ensuring that unloading bays, disabled discs, et cetera, are not abused. I pay tribute to those people.

**4.12.5 Deputy T.A. Coles:**

With the new Cyril Le Marquand flats that have just come online by Andium, there is a public car park provided within that complex. Would the Minister think it desirable that large scale developments like that include public parking in the future?

**The Connétable of St. John:**

There are 138 spaces that are going to be available to the public in that development, and I think we need to look at not necessarily new developments but existing developments that may have capacity in the first case. That is something that the Constable of St. Helier, myself and officers are working on to try to identify what existing capacity may become available to the public.

**4.12.6 Deputy D.J. Warr:**

I have just been reminded that in his answer to my written question about Kensington Place and the non-reopening of that site for parking, there just seems to be some inconsistency, and this comes back to my point about there being a plan for St. Helier, why is that not considered given the long-term nature of this hospital development? Why is that not being reconsidered for further shopper parking? Surely that has to be to the benefit of all businesses in that area.

**The Connétable of St. John:**

I think the answer to the written question was quite clear inasmuch as the site is that of a health site. What I do not want to do is to delay any works that may be required to take place there. My personal view is that while we did the work in Patriotic Street, it would be an ideal site to do that, to use that in the short term. I think once you get a car parking space in town, it is much harder to remove it. I stuck with the advice I was given and we did not do it.

**4.13 Deputy M. Tadier of the Minister for Infrastructure regarding the speed limit at La Pulente and on Mont de la Pulente (OQ.63/2024)**

Will the Minister advise whether a reduction in the speed limit at La Pulente and on Mont de la Pulente will be implemented this year; and, if not, why not?

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

I thank the Deputy for his question. I can confirm it is the intention for a 30-mile-an-hour speed limit to be introduced on Mont de la Pulente. The aim is for this change to occur by summer, by the end of July.

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

Can I thank the Minister for that? I know that it has been a recurring theme for a lot of the residents of the area and users of the area. Will the Minister just maybe clarify how residents will be informed and that this should be able to be done quite smoothly with consultation having been taken already?

#### **The Connétable of St. John:**

One thing that springs to my notice is the length of time it takes us from the time we start a consultation on a speed limit review, for example, to the time we make a decision and implement it. Clearly, there are a number of processes to follow. For example, in this case, it needs to be part of a speed limit order amendment. That includes other Parish - other roads in St. Ouen and St. Mary - changes. I know from my own experience in St. John the length of time it takes, and I am trying to encourage officers to think about the customer, the people, the public who have requested these things to happen and how we can deliver things quickly or more quickly while following process.

#### **4.13.2 The Connétable of St. Brelade:**

Would the Minister confirm that in any speed mitigation the raised table may be considered at La Pulente, given that signage on its own generally does not work and the recent loss of a large tree in the area after the storms has created a position which would lend itself very well to a table that I mentioned?

#### **The Connétable of St. John:**

I thank the Constable for his question. I am not sure if a raised table has been considered in this area but it is a question I will ask of officers, and I will get back personally to the Constable. Only recently I stood with another Constable watching traffic where a raised table was in place and I think a lot depends on the height of that table as to the effectiveness of them.

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

A similar theme. First of all, I would like to thank the Minister for the update on that, which will be welcomed by residents. Is the Minister confident that the resources exist to enforce the speed limit in that area?

#### **The Connétable of St. John:**

It is like every speed limit, the Deputy is absolutely right, it is all about enforcement. I had a very productive meeting with the Minister for Justice and Home Affairs and officers from her department and my department recently about implementation of speed detection. We also had a very useful presentation at the Comité des Connétables. So I am confident that progress is being made in that area, but I would invite the Deputy to come and stand with me in my garden on any Sunday from 7.30 in the morning and he will realise the problem is not limited to St. Brelade.

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

Simply to ask if the Minister will convey my thanks to the officers in the department? I know that they have been very responsive and they juggle with a lot of competing needs, so will he convey that on behalf of the Parish Deputies and maybe the Parish itself?

#### **The Connétable of St. John:**

I would be delighted to do so, thank you.

#### **4.14 Deputy J. Renouf of the Minister for Health and Social Services regarding the appointment of a new Chair of the Health and Community Services Advisory Board (OQ.56/2024)**

Will the Minister provide a timetable for the appointment of a new chair of the Health and Community Services Advisory Board?

**Deputy T. Binet (The Minister for Health and Social Services):**

Given that the Assembly is due to review the board arrangements in the spring of 2025, and the fact that the recruitment process for the new chair will take approximately 3 to 4 months, I have decided not to proceed with recruitment at this point in time. If a person were to be appointed, they would only have a contract period of around 9 months, and this would probably be too short a period to be attractive to candidates. That said, I am pleased to report that the former acting chair has agreed to chair the board meetings going forward, and she and the remaining non-executives have very kindly offered to share the workload of the chairperson between them. This will be of great benefit as I very much value their contributions. I am pleased to say that they support the actions that I have taken to date.

**4.14.1 Deputy J. Renouf:**

I am still digesting that. The Minister was one of those who voted against the establishment of the health board in June 2023, as did his entire Assistant Minister team, the current Minister for the Environment, the Minister for Infrastructure, the Minister for Children, and indeed the Chief Minister. The Minister has now got rid of the first permanent chair of the board and says he does not intend to replace him for over a year. Can he reassure the public that he is not simply trying to get rid of the board and remains committed to the decision of this Assembly to set up a board as an essential mechanism for driving up standards of healthcare in Jersey?

**Deputy T. Binet:**

Yes, I am very happy indeed to confirm that. I would just remind the Deputy of the reasons that I was sceptical about the board. I made it plain at the time that I did not object to a board at all but I just thought that the single point of failure in having that board reporting to the Minister for Health and Social Services only was not acceptable. That is a matter that I intend to address as soon as I can.

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

Is the Minister planning any other changes to the terms of reference or the remit of this board?

**Deputy T. Binet:**

No.

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

Does the Minister support the continuation of this board?

**Deputy T. Binet:**

I thought I had made that plain in my initial response.

**4.14.4 Deputy M. Tadier:**

I am not suggesting this is the case in any way but perception is an important issue when it comes to accountability of Government. Could there be a perception out there that the Minister might want a board that is compliant? If that is the case, does that then bring into question the whole purpose of the board in the first place?

**Deputy T. Binet:**

The Deputy is quite right, there could be that perception but that would be entirely incorrect.

**4.14.5 Deputy M. Tadier:**

What would the Minister do to try and allay that very real possibility of a perception in the public in his communication strategy? He has just told us about this, this morning, in a fairly shock

announcement. Will he be making a public statement about this to reassure the public that the checks and balances in the hospital are fully in place?

[11.30]

**Deputy T. Binet:**

I had not intended to make a public statement on it, and I do not think I will. This is just one particular incident. I made it plain in my initial response that the remainder of the board are very constructive and collaborative. I am enjoying working with them and I hope that the same can be said in reverse. I do not have any issues, the board is functioning perfectly well and I hope the media might report on the comments that I am making here.

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

It is my understanding that there is a further vacancy on the board, which is for an individual who has specific experience to do with finances. Could the Minister just confirm that for me, please, and confirm does this leave 2 vacancies? Will either of them be filled going forward?

**Deputy T. Binet:**

Yes, indeed, we are looking to fill the finance vacancy. With a bit of luck that might be achievable with somebody local, if all goes well.

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

I just wonder what thinking has been done about why a chair is not needed for the board when there are certain criteria set out that there should be individuals who have specific skills in finances and in public health arenas, and I think the terms of reference specify it. There is a clear terms of reference that it should be led by a chair. What formal consideration has been given to how that can just be got rid of?

**Deputy T. Binet:**

I was not aware that I had got rid of it. The lady that has agreed to carry on chairing has chaired it very successfully for 6 months, and she is a perfectly well-qualified lady.

**4.14.8 Deputy I. Gardiner:**

The Minister mentioned that the other members of the board are collaborative; does that mean that they are agreeing with what the Minister decided?

**Deputy T. Binet:**

Not necessarily, no.

**4.14.9 Deputy I. Gardiner:**

So, in this case, can the Minister explain what has happened during the 5 weeks from the Minister announcing an exceptional understanding of the health service delivery of Mr. Hayhoe to within 5 weeks Mr. Hayhoe disappears?

**Deputy T. Binet:**

Two things, I do not think this question really relates remotely to my timetable for appointing a new chair. It may do, but I can confirm that I have made an arrangement with Mr. Hayhoe that we would say nothing further, and I intend to stick to that. It was an arrangement that we made and I do not intend to break that.

**4.14.10 Deputy J. Renouf:**

The previous chair was quoted as saying that: "The Minister needs to learn to listen to people more and I am not the only one who struggles to work with him." Is the Minister concerned that it will be

hard to find a suitable high calibre replacement for the chair, when he finally gets around to doing it, given this reputation?

**Deputy T. Binet:**

The Deputy raises a very interesting point. I picked up on what was said so I emailed Mr. Hayhoe to ask him ...

**The Deputy Bailiff:**

Can we remind ourselves of Standing Order 104, which I should have mentioned earlier on? A Member of the States must not refer to an individual who is not a Member of the States by name unless it is unavoidable.

**Deputy T. Binet:**

Apologies to the former chair. Yes, I emailed the former chair, and I heard that comment made on the television and in writing by the BBC. I was assured by the former chair that those comments should not have been attributable to him and I have been assured by the BBC that they should. So that is ongoing and I am trying to get to the bottom of where those comments came from.

**Deputy J. Renouf:**

Could I ask just for clarification on the point that is he worried that his reputation will make it difficult for a chair to be appointed?

**Deputy T. Binet:**

That is a very difficult question to answer; that could well be the case. The fact that we are not intending to advertise for the time being should leave a certain period of time during which it will become apparent that the board is fully functional, so in the longer term I do not see that being a problem.

**4.15 Deputy L.M.C. Doublet of the Minister for Education and Lifelong Learning regarding the proposed timetable and funding mechanism to move towards a universal offer for 2- to 3-year-olds (OQ.61/2024)**

Further to the recently lodged Common Strategic Policy 2024-2026, and the priority to extend nursery and childcare provision, will the Minister advise Members of the proposed timetable and funding mechanism to move towards a universal offer for 2 to 3 year-olds?

**Deputy R.J. Ward (The Minister for Education and Lifelong Learning):**

As the Deputy will know, the current Government Plan says that: “We will review feasibility options for expanding early years nursery provision and childcare support to benefit all children in Jersey from 9 months to 3 years-old, with a report detailing any action plan from the Government to be presented to the States Assembly before 1st September 2024, and any financial implications forming part of the Government Plan 2025-2028.” That is on page 10. So the action of the intended Government Plan was unlikely to appear until September 2024; I hope that we can speed this up. I have already engaged officers to explore definitive options to extend nursery provisions via pilot schemes. If there is any way to have this in place by September rather than only the plan to do so, it will be acted upon, so my timetable is as soon as possible. Nearly 2 years has been spent in consultation and round tables with stakeholders that produced a very valuable Isos report; I know the Deputy observed one of these sessions. To extend further we will need to secure funding through future Government Plans which is driven by the commitments made in the draft C.S.P. and the C.S.P. that has been agreed by the Council of Ministers. We will need a cross-sector approach to extend provision to give a universal offer, and I will work as hard as I possibly can to try and extend that offer as quickly as possible. We have 2 years remaining in this Assembly. I want to see significant

changes to the provision in this time and to be able to announce a universal provision of some form in this time span is my target.

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

I thank the Minister for the answer, and I am pleased to see that the priority is being maintained in this area. It was my intention to secure funding and indeed had the informal backing of the previous Council of Ministers for a universal offer for at least 15 hours of nursery care for 2 to 3 year-olds. Obviously, this is not something that is within my control now but can the new Minister confirm that he will be able to secure at least 15 hours of nursery care on a universal basis for 2 to 3 year-olds?

**Deputy R.J. Ward:**

Yes, that would be the intention - 15 hours - but I do not, and I will not, offer 15 hours of universal care when the provision is simply not there. That makes false promises to parents. This is what has happened in the U.K. and there is now a real disillusionment among parents in the U.K. So instead we will be working incredibly hard to try and make sure that provision is available and then we can offer that universal provision of 15 hours, and I hope that can be successful. At the beginning, if we target well, we show the value of it, we will have a lot of work to do at cross-sector. I want to say - and I wrote a few things down and I highlighted this one - I want to underline to this Assembly that I value all of the sectors and want to see us work together to deliver what we want which is, in the end, the best start for children we can possibly give them.

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

Are there any plans to consider changing the staff-to-child ratios in an attempt to create more capacity in the system, and does the Minister believe this is a safe and sensible approach to take?

**Deputy R.J. Ward:**

I have heard people frequently say: "I thank the Deputy for the question", I genuinely mean I thank you for this question, the Deputy, because, no, we do not want to do that. We need to provide a provision across this Island which is safe and the best possible vision it can be. It was one of the fallouts of making a universal offer elsewhere that could not be reached, which meant the only solution for nurseries was to increase the numbers of children per member of staff, which I think is the wrong thing to do. It takes away from the quality of the care that is needed for our children and it takes away and can - and I am not saying this is the case - but it can reduce safety for those children and that is the last thing that we want to do.

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

I am very glad to hear that; thank you, Minister. In which case, how else does the Minister propose to increase provision?

**Deputy R.J. Ward:**

I have put down my notes because I have been working on this so much I can just answer. We have to be very creative in the way that we offer increased provision. The first thing we need to do is increase the understanding and the value of the early years sector in terms of care and the people who train to do that. There are, I believe, 67 young people - I think most of them are young people - coming through the training at Highlands this year, and it will take time for them to be into the system. We also need to be creative because there is a section of our community out there who may not want to work full time but may be - I will use the word "older" advisedly being perhaps an older person myself - but may want to return to the workforce and have skills bringing up their own children. With a focused training, intelligent approach to that sort of training, we can extend that provision in many, many ways; so that is one of the things I want to do. We need to look creatively at the way in which we can extend the numbers of people working in this very, very important sector for this Island.



#### **4.15.4 Deputy I. Gardiner:**

I am sure the Minister is aware that we have almost 150 free spaces at school nurseries. At the end of 2023, several schools expressed interest to take part in the pilot which will offer wraparound care after school, which will allow hopefully to have more capacity in the private nurseries, that more people will sign into the school nurseries where we do have capacity. Can the Minister confirm that this pilot will go forward in primary schools? We are talking about the between 3 to 5 primary schools that have expressed interest.

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

Yes, there are 188 places in primary schools. The pilot that was talked about was, I do not think, ever really enacted upon but, yes, that is exactly the type of interaction that we have to do. I know that we have had a conversation with headteachers who are very willing to enter into those sorts of arrangements to extend the hours of their nurseries, but to do so in the best way they possibly can. What I see is we need to work across our providers, both the state sector, the private sector, the charity sector, the third sector, if you like, and others who provide nursery care to be creative on this Island. We are a small Island but we need to have this provision in place for people and their children and the sooner we can do that and get people working together the better. Indeed, if we can get a project up and running for September, it is very likely to be exactly that type of model.

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

In the C.S.P., although the nursery and childcare provision was at the top of the agenda in that document, which I was pleased to see, I was disappointed to see that the word “quality” was not in that section. The Minister has spoken about quality today, could he confirm that any universal offer that is extended to families that he will maintain that principle of quality and, if necessary, inject additional funding, not just for the spaces but also for raising the quality of care that is delivered to our children?

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

Can I just check, did the Deputy say “quality” or “equality”? Quality. The reason the word is not there is because for me it goes without saying. There is no way that I would put my name to anything that reduces the quality of care for our young people. My children went to nurseries and we had that horrendously difficult balance between work, getting the children to nursery, getting them home, and we were, as most parents, absolutely obsessed with the quality of the delivery of care that they had. We are corporate parents and I take that role very seriously. As a corporate parent, I do not think we should even be considering that we have to put the word “quality” in there because as a corporate parent that is all that we would do for our own children and therefore we would do for the children across this Island.

#### **4.16 Deputy M.B. Andrews of the Minister for Education and Lifelong Learning regarding new Skills Development Fund (OQ.53/2024)**

Following the adoption of P.116/2022, will the Minister advise what progress, if any, has been made in creating a new Skills Development Fund, and how many individuals, if any, have benefited from this fund?

#### **Deputy R.J. Ward (The Minister for Education and Lifelong Learning):**

Again, from the Government Plan that we have inherited on pages 98 and 99, it does say the Government will establish a Skills Development Fund that uses both the current budgets for this purpose, and contributions from philanthropists - I got that word out - 2(1)(e)s, et cetera. To avoid delay, in 2024 this will form part of the C.Y.P.E.S. (Children, Young People, Education and Skills) departmental heads of expenditure.

[11:45]

I understand that a formal fund was not established by the previous Government for specific reasons 69/2021 in terms of it being simpler to not do so. I cannot account for the actions of the previous Government; however, a new Skills Development Fund, formerly the Business Licensing Skills Fund, was established at the beginning of 2024 to meet the objectives of a Skills Development Fund and monies have been put aside for a number of projects. To answer the second part of the question, and I have highlighted the answer separately, nearly 50 individuals have already benefited and it is anticipated there will be more applications and the delivery of sector-specific training courses during the remainder of the year, so there have been some actions taken.

**4.16.1 Deputy M.B. Andrews:**

Does the Minister envisage any changes will be made for future years to the Skills Development Fund to provide Islanders with upskilling and reskilling opportunities?

**Deputy R.J. Ward:**

Yes, I would say to the Deputy one of the things I tried to add to the remit was this notion of lifelong learning because we have to address that, and so this will become incorporated into a much wider piece of work into lifelong learning. Indeed, having separate funds does show that we are separating this notion away from our everyday work. I wonder whether it should be integral to what we do in terms of education, not just up to the age of 18, although that is still not compulsory but we are working on that, but beyond into the lifelong learning so that we skill people on this Island as is appropriate for need. I will say to the Deputy in terms of the individual accounts that was mentioned and amended in 7 parts of it, my political steer on that would be that we have to be very careful with that. Just like nursery funding, let us make sure that provision is in place before we set up funds, give people false promises which then they cannot act upon. I do not think that is good for any Government to do that, but we need to be realistic and take on the difficult challenges and put the training in place first.

**4.17 Deputy C.D. Curtis of the Minister for Justice and Home Affairs regarding oversight of court processes (OQ.68/2024)**

Will the Minister advise what oversight she has of court processes, in particular the timescales for bringing prosecutions to court, for trial or sentencing, and how, if at all, the victims and their families are kept informed of the status of their case by the Minister's department?

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

I thank the Deputy for the question. The courts are independent of Government in accordance with well-established principles of justice independence. Members will be aware that the Law Officers Department acts as the prosecution service in Jersey and, equally, are independent of Government. That said, it is recognised that interests of justice are best served by all parties within the criminal justice system working together in partnership. Members of my department sit on the Criminal Justice Working Group, along with other entities that make up our criminal justice system. Support and services to victims can be provided by a number of agencies, depending on the nature of the case. Some of these fall within my area of responsibility while others are provided by valued third sector partners. Victims are kept informed of the status of their case by the officer in charge of that case and their independent sexual violence adviser, if they have consented to having one. Jersey Domestic Abuse Service support victims of domestic abuse and/or sexual violence through the Independent Domestic Violence and Sexual Violence Advisory Service. These advisers are the main point of contact for victims while their case progresses through the criminal justice system. They provide them with regular updates and also support them through the court process. Victims First provides support to all witnesses and victims of crime with the exception of victims of domestic or sexual abuse whom J.D.A.S. (Jersey Domestic Abuse Service) support. Victims First will complete a needs assessment to provide tailored support through the entire criminal justice process.

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

Does the Minister believe there is sufficient accountability and governance of court processes?

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

I do believe that there is sufficient governance in relation to the court process. However, as a result of the Violence Against Women and Girls Taskforce, I have agreed to continue with the recommendation which talks about an independent review of the criminal justice system, which should be conducted in relation to domestic violence, rape and serious sexual offences to determine whether current arrangements deliver the best outcomes for victims, defendants and justice. The report did not define in precise terms what the review should look like. In my response to the taskforce's report, I committed to undertake detailed discussions with the relevant stakeholders to establish the best and most appropriate method of fulfilling this recommendation for Jersey. I want to make sure any review is focused on improving outcomes for victims and does not unduly distract those working in the area from their important day-to-day work. I am looking forward to working with the Attorney General and others so that we can ensure that from the start of the process to the end of the process that our criminal justice system and our delivery for justice, but in particular to victims, is first class.

### **5. Questions to Ministers without notice - The Minister for Sustainable Economic Development**

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

That concludes that period of questions. We now move to questions without notice and the first period of questions are questions for the Minister for Sustainable Economic Development and the first question is from Deputy Renouf.

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

Following the good news that a new version of Bergerac has been commissioned by UKTV, can the Minister update the Assembly on the Government's potential grant of around £1.8 million to the production company?

#### **Deputy K.F. Morel (The Minister for Sustainable Economic Development):**

This is obviously a difficult question to answer directly because it is commercial-sensitive negotiations that are ongoing. What I can say is that those negotiations are ongoing and officers and Visit Jersey are working closely to create a package that might be acceptable to Government for funding.

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

If I have a worry about the reboot I guess it is that it is going to be confined to what might be termed a niche digital channel without the huge reach of BBC One that we were so familiar with in the 1980s. Can I ask the Minister, has his department, as part of that process he has described, prepared a formal cost-benefit analysis or business case for government funding and how will the final decision be taken?

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

I share exactly the same concern as the Deputy. It is not just the case of there is a production and it is about Bergerac, therefore, it needs to be funded. It is a case of: is this the right production to be shown in the right places? Will it attract the right audience and the right numbers of audience? Those are exactly the questions I am asking. A business case has been prepared and has been circulating through Government as it seeks relevant authorisations.

**Deputy J. Renouf:**

The final part of my question was how will a decision be taken?

**Deputy K.F. Morel:**

Yes, I believe I will have to make the decision as to whether or not to seek that funding, but that would depend upon things such as is the funding available. I know funding for any kind of extraneous activity outside of the core government plans are very difficult to find, and so it is not just a matter of is it the right thing. It is: do we have the funds available as well? I believe the final decision is likely to fall to me but not necessarily as well, because I think there is a question as to Visit Jersey's role in that and the possibility that they could make that decision as well.

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

Could the Minister give his view on the principle of a 4-day working week and how it might improve productivity and morale in either the private or public sector?

**Deputy K.F. Morel:**

To my knowledge, no formal work has been undertaken on this question but it is a question that I think is of interest. There have been studies at various places around the world which have shown benefits to the 4-day working week but the 4-day working week is also something that can be understood in different ways. In my mind, the 4-day working week, if you say it is 40 hours a week that somebody works, a 4-day working week could be 10 hours a day, still 40 hours as opposed to reducing the number of hours in the overall week. Some people see it differently. My understanding is that there are studies that show that productivity is increased for the 4-day working week, and I think a great deal of that is down to the longer weekends that comes from that, which enables greater community, family and social engagements, so there are benefits to be had at the wider community level as well.

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

Is the Minister minded to explore this further and, if he is, what would the first step be for the public sector, I think, initially?

**Deputy K.F. Morel:**

Interestingly, if it is to be explored further in the public sector it probably would not fall to my department to do that. It would probably fall to, I would imagine, the Chief Minister's Department as that is where human resources matters are decided, and the States Employment Board, indeed. As far as the private sector element is concerned, I think it is very difficult for a Government to tell businesses how to structure their working weeks, but I would be surprised to find that no businesses in Jersey had tried it. Indeed, since COVID, with the greater flexibility to working that many businesses offer, it may well be the case that some businesses are already trialling the 4-day working week. It is something that I am happy to look into but it is not a part of the core programme that the Department for the Economy is currently pursuing, but it is something that we would more informally look into.

**5.3 Deputy S.M. Ahier:**

What actions is the Minister taking to modernise the Licensing Law? We have all been waiting far too long for new legislation.

**Deputy K.F. Morel:**

When the Deputy talks about the Licensing Law, I take that to mean the liquor licensing law because there is also an events licensing law. I am committed to looking at both because both of them are somewhat old and both of them are quite onerous in the demands that they place upon businesses ...

or organisations, it is not just businesses. I often make that distinction particularly where events licensing is concerned. Officers this year are undertaking scoping of that law, they are beginning to do work on the matters with regard to both licensing laws with a view to bringing amendments which would seek to simplify those laws. I would hope, certainly by 2026 with the end of this Assembly, that we would have both of those changes brought in or at least lodged. It is difficult, it is incredibly complex, particularly the liquor licensing law, but that is work that has already been done and it is work that my officers know is a priority for me as a Minister.

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

Following the Minister's sign-off of £2 million for an Impact Jersey challenge programme focusing on CareTech, will the Minister explain what involvement he had in the choice of care as a topic and did he provide any specific directions as to how the challenge should operate?

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

Care was suggested to me as a topic because it is an area we know in Jersey, and indeed the future economy programme speaks directly to this, that over the coming years healthcare and social care will be in greater and greater demand in the Island. They will place greater and greater costs on government and individuals. As a result, it was suggested to me that care might be an interesting subject for the impact fund to address, and I wholeheartedly agreed with that because of the demands that care is going to place on the Island. I cannot remember the second part of the question, if you do not mind.

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

It was about any specific directions the Minister gave to the function and operation of the challenge programme.

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

I do not recall making any specific directions other than agreeing that it was very interesting and a hopefully productive challenge.

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

In the operation, does the Minister commit to the strategic programme plan that was signed off to the delivery of Impact Jersey which focuses and highlights openness to both tendering, to opportunities and to the output of programmes as a key requirement of any challenge and the operation of the fund?

[12:00]

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

That strategic framework still holds and so, from that perspective, the commitment remains. Obviously Impact Jersey is being entirely operated through Digital Jersey and for the same specific kind of board, and it is to them that they operate within that strategic framework.

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

I welcome the Minister's commitment in answering Written Question 101 to publishing an annual report detailing the way the 1 per cent on arts, culture and heritage is spent. Can he describe the process by which a decision to make an award to a body is taken?

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

Well it is interesting because there are different avenues to grant funding. Some of them can be through ... let me start again. As Minister, and as a department, we fund a number of arm's-length organisations directly. Those include Jersey Heritage, Jersey Arts Centre, ArtHouse Jersey and others such as Digital Jersey, Visit Jersey and so on, but not from the 1 per cent. When it comes to those organisations they, in themselves, provide some grants directly to the artistic community,

particularly ArtHouse Jersey, and so they have their own methods and own channels for application. I was really keen when I was Assistant Minister and the 1 per cent came into play. I was really keen that there is also a government channel, which means that you do not have to go through ArtHouse Jersey or through the Opera House or Arts Centre or any other arm's-length organisation. Partly this was because I am very aware that when you put organisations in charge of grant-giving, they become gatekeepers, and so I wanted the diversity of gatekeepers, for want of a better phrase. So I did ask officers to set up a framework within government which enables them, as officers, to receive grant applications and then to award grant applications as sees fit. That process is in train and so it is possible, through the Creative Island Partnership, for any artistic organisation or individual to apply for grants and officers then themselves - I have no role in this - award the grants.

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

Might it help if he was to publish as part of the report he mentioned in his answer to the written question a transparent process by which applications are judged and the criteria for success so that applicants know what needs to be done to achieve a successful award and do not waste time providing information that is not required or on applications which are unlikely to be successful?

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

Transparency is absolutely key, there is nothing to hide in this area, so I believe that that information was available on the Creative Island Partnership's site on gov.je. If it is not the case, I will ask for that to be changed, but I believe that that process was publicly available.

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

I am aware that a few years back there was established an agricultural research centre in Jersey and there was also a collaboration between Digital Jersey and Rothamsted Research in Harpenden, Hertfordshire, which is the oldest agricultural research institution in the world. I see that now the centre is facing a funding crisis, we are no longer linking into that research. With the view of increasing the level of food security, sustainability, innovation and productivity in the rural area, would the Minister see a benefit in reintroducing an agricultural research centre in Jersey?

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

I believe strongly that it would be hugely advantageous for the Island to reinstate the agricultural research centre that used to be at Howard Davis Farm. It would not in itself have to be at Howard Davis Farm but I think it would be hugely beneficial to the Island for the reasons that the Deputy just outlined. I believe it has been a loss to the Island that we no longer have an agricultural research centre. That said, there are no specific plans at the moment to reinstate it and partly that is because, particularly with the increase in the minimum wage that will be coming through, a large part of the grant provided through the increased amount of money available to the agricultural sector is already being used just making sure that the businesses in the sector are able to continue to thrive.

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

What steps could the Minister consider taking in achieving such a centre and involving the younger generation in it too to grow interest for this sector?

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

As I said, there is no specific programme around developing that agricultural research centre. It is my personal opinion that it would be beneficial to the Island and so, at the moment, there are no specific steps to be taken.

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

I will take the opportunity. There has been a lot of publicity about a possible tunnel to France. Can the Minister say if there is any work currently ongoing in Government to further this plan?

**Deputy K.F. Morel:**

There is no direct programme of work. There is, I believe, in S.P.P.P. (Strategic, Policy, Planning and Performance) a small amount of work just around the general feasibility and reaching out to other jurisdictions, such as Guernsey and France. I have been in correspondence with, and also just communication, with my counterpart in Guernsey and we have talked about the possibility of setting up a joint commission - I use that word in its loosest sense - a joint body that may look at this. But over the next couple of years I think it is very much a case of, in fact I believe, the right thing to do is to start the conversation. The whole motivation behind the publicity around the possibility of a tunnel a couple of months ago was the fact that, from an engineering perspective, a tunnel is possible; from a financial perspective using the private sector, a tunnel is possible. Places like the Faroe Islands show us that these are not unusual things and they are possible. If we want to solve a housing crisis make sure we have enough workers, encourage tourism, increase food resilience and make sure that we have deliveries every day that are not weather affected, then a tunnel is something that could answer those questions but there would be an impact on Island identity. So the work that would, if any work is to take place over the coming few years, it would be about starting that conversation, because I think that is the most important thing. I think it would be negligent of me as Minister to ignore the fact that financially engineering-wise it is all possible, and just to ignore that I think would be wrong. I think it is right for a Minister in this position to put it to the Island that this is something that is feasible: what do Islanders think? What do Islanders want? Do they want us to pursue it further? So while I believe some work is ongoing, it is very light work, it is not heavy-duty, costly work; it is about just setting up that conversation.

**6. Questions to Ministers without notice - The Minister for Treasury and Resources****The Deputy Bailiff:**

That brings that period of questions to an end. The second period of questions is for the Minister for Treasury and Resources.

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

Given that Government often signpost to the Citizens Advice Bureau and indeed offer them for help with their tax returns, is the Minister for Treasury and Resources aware of the massive increases in numbers of Islanders seeking help from this organisation? Indeed, by February of this year nearly half of the total numbers of referrals from the previous year were being seen by the end of February this year. Will the Minister look at increased investment from Government to support this organisation?

**Deputy E. Millar (The Minister for Treasury and Resources):**

Yes, I am aware of the financial pressures being faced by Citizens Advice. They have written to me but any requests for further growth funding has to go through appropriate channels, and I will be advising Citizens Advice on that shortly.

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

Is the Minister supportive of a growth bid in the Government Plan to support this organisation?

**Deputy E. Millar:**

Without further information I cannot say that but we have to be aware that there are very many good growth bids, and it will be a constant balancing exercise as to how we meet them all.

**6.3 Deputy J. Renouf:**

The 2024 Government Plan committed the Treasury to investigate the introduction of an appropriate carbon tax or charge relating to the operation of private aircraft. Has this work started yet? If it has, can she update the Assembly on progress and if it has not, can she explain when it will?

**Deputy E. Millar:**

Yes, the work has started; it is at a preliminary stage, I believe. The Minister for the Environment and I had a meeting with the tax team and the environment team just over a week ago, I think, to discuss possible options for carbon taxes but there is still more work to be done.

**6.3.1 Deputy J. Renouf:**

Can the Minister say whether the proposal will be brought in in the next Government Plan that will be lodged later this year, June, I believe?

**Deputy E. Millar:**

I do not think I can say that just at the moment because any new tax would have to be carefully considered and consulted on with all relevant stakeholders. We would also have to be sure of all the information available. We would also have to be sure of how the money would be applied, any proceeds of that tax would be applied. I would like to say yes for the next Government Plan, but I am not quite sure that is feasible and it may be the one after.

**6.4 Deputy S.M. Ahier:**

It was proposed that the Income Forecasting Group should produce an absolute minimum of 2 forecasts each year, with one being no later than March of each year. When can we expect to see the latest edition published?

**Deputy E. Millar:**

I am sorry, I was not aware that that report was late. I will ask my officers to chase it.

**6.4.1 Deputy S.M. Ahier:**

In the last Income Forecasting Group report 2023 it was estimated that stamp duty and L.T.T. (Land Transaction Tax) for 2024 would be £39 million. Does the Minister think that this is achievable?

**Deputy E. Millar:**

I cannot comment on that at the moment. I do not know in my head what the forecast stamp duty receivables for 2024 are. They deserve on a huge number of things, including changes in the housing market and all the other reasons which we charge stamp duty. I cannot confirm that at the moment but I will ask my officers if they are able to provide an answer to that question.

**6.5 Deputy A.F. Curtis:**

Will the Minister update the Assembly on any conversations she has had with S.o.J.D.C. (States of Jersey Development Company) as shareholder representative on their plan for the waterfront site, as well as the approved fourth IFC building and, within those, has she provided any specific policy direction?

**Deputy E. Millar:**

In terms of the waterfront, I understand that S.o.J.D.C. are currently discussing options for Route de la Libération with I. and E. (Infrastructure and Environment), as this was one of the principal reasons for refusal. S.o.J.D.C. need to await the conclusion of these discussions, along with options around reclamation and the La Collette recycling of waste before considering any redesign of the layout, scale, mass or architecture. However, I do believe that this work is ongoing now as a matter of some priority for them, given the scale of that proposed development.

**6.6 Deputy M.B. Andrews:**

The Fiscal Policy Panel recommended that a long-term funding plan should be implemented for the Strategic Reserve, so could the Minister please confirm whether this will be a priority of hers and, if



so, will there be a long-term funding plan that will be implemented before the end of this term of office?

**Deputy E. Millar:**

Yes, I agree that is a priority. The Fiscal Policy Panel have been clear that we need to increase the amount in the Strategic Reserve, and that is something which I certainly believe we should be doing. However, there are of course competing bids for money - the constantly competing bids for money - and we need to have a close consideration as to where the funds are applied to build the Strategic Reserve and how we can develop that and increase it, along with meeting all the other demands for funding that come from multiple sources. But it is certainly something we will be considering with a view to a long-term plan being developed very soon.

**6.6.1 Deputy M.B. Andrews:**

With the Strategic Reserve forecast at 17 per cent of gross value added when it should be somewhere between 30 to 60 per cent of gross value added, is the Minister open to the introduction of new taxes and, if so, will those taxes be capital taxes?

**Deputy E. Millar:**

We are not presently considering new taxes. It may be that when the ... well the one new tax is Pillar Two, which will be starting from 2025, I believe. We are still working on that and it may be that Pillar Two income will form some of the basis of input into the Strategic Reserve.

**6.7 Deputy D.J. Warr:**

Is the Minister concerned that there will be significant payouts required as a result of the mistreatment alleged in the rheumatology report?

[12:15]

**Deputy E. Millar:**

That is not something I have been closely involved in. That is something which I would also expect would be for discussion with our insurers. Clearly anything that raises our insurance premiums is of concern, and it is a concern for patient safety, but I do not think I can say any more about that at present.

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

Could the Minister please give her views on the removal of G.S.T. (goods and services tax) from period products?

**Deputy E. Millar:**

I think my views on removal of G.S.T. from period products are quite well known. I do not think it will serve any purpose. I think it will serve a point of principle, but in terms of alleviating period poverty it will do absolutely nothing. As I have said more than once, it is a matter of simple maths. Simply removing G.S.T. from period products on the assumption that a woman spends £5 a month, will save a woman on low income 25 pence or £3 a year. I think that is quite insulting to suggest that that is an alleviation to poverty on any scope. However, the free period product scheme will save that woman £5 a month or £60 a year and that is a much, much better outcome. I think we also have to consider the evidence that is available for any policy objectives. The evidence from England is very clear that in 80 per cent of cases the saving was not passed on, it was kept by retailers, and that generally no more than 1 per cent was passed on, so I think G.S.T. really serves no purpose in helping women who are struggling to buy period products. We also have to consider the impact on businesses, and we would have to consider all businesses, not just those who say it is easy for them. I know there are retailers who say that it would be difficult for them to adjust to but you will remember

that we all received an email last year from a small pharmacist who said that the impact of removing G.S.T. could cause such an administration burden that they may stop providing period products. I think any policy that results in a limitation of supply would not be helpful to anyone.

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

Given that my question has just been asked, I will change it slightly. Was the Minister aware that her Ministerial colleague, the Minister for Social Security, was going to make public comments around 6 days ago to say that she was going to ask the Government to reconsider removing G.S.T. from period products? Were you aware before it was published?

**Deputy E. Millar:**

I believe the Minister was expressing her opinion, as she is entitled to do.

**6.10 Deputy S.M. Ahier:**

I was very pleased to hear the Minister that she has no intention of bringing in any new taxes but has she considered a vaping tax?

**Deputy E. Millar:**

Yes, a vaping tax is under consideration but we just need to look at all the ... it would be a very new thing to do. It would also be unusual for Jersey to increase a tax that does not exist in other places, but the fact that the U.K. have introduced one gives us some guidance and it is something that we are actively considering.

**6.11 Deputy J. Renouf:**

I think it was last week or the week before, the Chief Minister said that he had an ambition to extend the pay rise that was granted to teachers to front line staff. Has the Minister for Treasury and Resources put any figures on how much this would cost and worked out where the money would come from?

**Deputy E. Millar:**

Pay rises to staff are a matter for the S.E.B. (States Employment Board) and they are funded through the Central Reserve normally. The Central Reserve every year contains money for pay rises and for contingencies and unexpected amounts, so if the S.E.B. agrees with that increase it would be funded from Central Reserve.

**6.11.1 Deputy J. Renouf:**

Is the Minister saying that there is enough money in the Central Reserve under existing allocations to pay for that ambition and it will not require any further allocation of funds from anywhere else within the budget?

**Deputy E. Millar:**

I think there is always a balancing act has to be done with any allocation of funds, but I believe the increase would be about £7 million and I believe that money is available if that was the decision.

**6.12 Deputy K.M. Wilson:**

Could the Minister explain whether or not she is still supportive of the work that was initially started on the Sustainable Health Funding Model?

**Deputy E. Millar:**

Yes, absolutely. It seems to me that that is something that needs to be done. We need to understand what our healthcare needs are for the future and we need to understand how to pay for them, so, yes, I agree that is work which should continue.

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

Could the Minister give an indication of perhaps when that work will be presented to the Assembly for consideration?

### **Deputy E. Millar:**

I think that is possibly a matter for the Minister for Health and Social Services who will be running that project, so I cannot confirm timescales at present.

## **7. Questions to Ministers without notice - The Chief Minister**

### **The Deputy Bailiff:**

Are there any more questions for this Minister? We move on to the final period of questions for the Chief Minister.

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

Given the Council of Ministers' commitment to implementing all of the recommendations within the V.A.W.G. (Violence Against Women and Girls) Taskforce report, will the Chief Minister ensure that appropriate funding is directed to partner organisations who will deliver on many of the actions within the report?

### **Deputy L.J. Farnham (The Chief Minister):**

As we work through the report and start to implement the recommendations, we will ensure that funding is available, certainly internally within the Government, to deal with the recommendations. If the Deputy is referring to third sector organisations as well, we will work with them. I cannot give a cast-iron guarantee on funding but we will do our very best. I think it could be a matter for States debate or certainly inclusion in a future Government Plan.

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

Is the Chief Minister aware of the funding shortfall being faced by F.R.E.E.D.A. (Free from Domestic Abuse), formerly known as the Women's Refuge, and indeed the previous Government commitment to fund at least 50 per cent for this organisation is falling short? Would the Chief Minister agree to look at this urgently to make sure that at least 50 per cent of the cost of this organisation are met by Government?

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

Of course we will look at the funding. I have visited many third sector organisations and charitable organisations since our time in office, and I think the challenge is shared by many organisations. The Government is doing its very best to help them to address that where possible, and I can announce that £1 million is shortly to be released from dormant bank accounts into a Jersey Community Fund with, I hope, a further £1 million to be confirmed by the Minister for External Relations later in the year, so that is going to be of some help. But I am aware, the Government is aware, and we are doing what we can to help within the restraints of our budget.

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

We have heard today that the Government does not want to progress with the Public Services Ombudsman and then we have heard that the Minister for Health and Social Services does not plan on recruiting a new chair for the Health Advisory Board. Does the Chief Minister's Government have a problem with being held to account?

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

Absolutely not. Being held to account is part of the job, not just for the Government but for all of us here in this Assembly. We have not said we are against a Public Services Ombudsman. We have

said we want to look at other options to make sure we find a solution that is delivering the best value for money. In relation to the comments of the Minister for Health and Social Services in relation to the interim chair of the interim Health Board, if I remember rightly he did not say we were going to be without a chair. He is saying he has appointed an existing member as chair to see out the remaining term of office, which is only 9 months.

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

The publication of minutes of meetings are an important part of a transparent Government and a useful tool for those who are working to hold Government to account. I am pleased to see that we have now got some C.O.M. minutes that have been published. Will the Chief Minister commit to publishing States Employment Board minutes as well? I believe the Corporate Services Scrutiny Panel in its previous and current form have been asking to have them shared with it for many, many months and they still have not been forthcoming. Can the Chief Minister address that, please?

**Deputy L.J. Farnham:**

Yes, States Employment Board are not planning to share minutes simply because they contain a lot of personal data relating to individuals' employment, so we cannot agree to a carte blanche publication of States Employment Board minutes. If, however, there are particular questions that Members wish to ask, we will deal with those individually, but I would stress that we often deal with many matters of a personal nature with States employees.

**7.3 Deputy K.M. Wilson:**

Does the Chief Minister accept that an evidence base is critical to policy development in the formulation of new laws by this Assembly?

**Deputy L.J. Farnham:**

I am sorry, I did not hear the first part of the question.

**Deputy K.M. Wilson:**

I will repeat. Does the Chief Minister accept that an evidence base is critical to policy development in the formulation of new laws?

**Deputy L.J. Farnham:**

Yes, generally. Yes, it has to underpin ... evidence-based policy is always helpful but I think other inputs such as a future policy, strategic planning, aims and goals of where this Island needs to be also needs to be part of the formulation. It does need to be, I think, based on the foundation of evidence but there are other inputs as well that make a good policy, good legislation.

**7.3.1 Deputy K.M. Wilson:**

Does the Chief Minister recognise the importance of the reviews and evidence prepared by the previous Government, and would he not agree that it is in fact this work that has allowed him the luxury of time to implement a lot of work that has already been evidenced and started by the previous Government and respectfully acknowledge this?

**Deputy L.J. Farnham:**

I will happily respectfully acknowledge that. This new Government has never claimed or tried to take credit for any of the work, we have been very open. Some of the work we have picked up goes back prior to the last Government, to the Government before that and the Government before that. Some very good work goes back to the previous Government. I can, off the top of my head, look at the successful pilot scheme on school lunches, the work on Violence Against Women and Girls Taskforce report, we picked up the baton on that one and ran with that. So we do accept that and acknowledge that, and of some work on new ideas and aspirations of this current Government which

we built into the Corporate Strategic Policy to, I think, provide a balanced blend of work for this Assembly. But I would say it is not all about credit. We should not be here to accept credit, we should be here to get the job done and work collectively.

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

In the recently-published F.P.P. (Fiscal Policy Panel) housing market review, the report concludes that while the panel assumes housing prices will remain stable in 2024: “However, there is a risk that prices may fall in the short term”, does the Chief Minister not agree that falling house prices is not a risk but in fact essential to adjusting the housing affordability crisis?

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

I do acknowledge that we need more affordable homes, especially for younger Islanders and young families, so falling house prices is important. But we do not want falling house prices out of control. We want some form of stabilisation in that because a lot of Islanders are invested and have borrowed against the value of their properties. So, while I support that in principle, we do not want to see a large amount of negative equity and bringing in hardship for some Islanders, whereby partly solving one problem but creating a bigger problem. It is all about the balance.

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

I appreciate the risks of a sudden fall creating negative equity but if lower house prices, and significantly lower house prices in the long run, is not an objective of the Minister, is he not concerned that a plan of building as outlined in the C.S.P. would deliver an infinite trap that Islanders would be buying into a market at too high a point and we would not be able to see a stable yet continued decrease in the cost of housing as a ratio to a person’s earning?

[12:30]

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

I think it is a priority, reducing the cost of homes, and one of our key priorities is providing more affordable housing. I am not sure if there was another part to the question but the original question is, yes, reducing the cost of homes, providing more affordable housing is a key priority.

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

In his resignation letter last year, the Constable of St. John expressed serious concern at “the lack of any coherent health strategy to provide strategic direction in this vital area”. As Chief Minister, does he believe there should be a health strategy under this Government?

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

I think health is probably for the Government, the Council of Ministers, the biggest single challenge we face, and that is not being helped by the failure of previous Governments to provide better facilities. Well we are now on top of that. I have full confidence in the Minister for Health and Social Services and the team. They are in there, they are turning over stones and looking into all of the difficult problems, and I await for their judgment on how best we move things forward, aligned with the comments of the former Assistant Minister, and would support an appropriate strategy, should it be forthcoming. I do not want to commit to further strategies without having a proper debate on them, and I will await the findings of the Minister for Health and Social Services, but I think it is likely we will head in that direction.

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

It is not quite the commitment that I was hoping for when he hopes that we will head in the direction of a health strategy dependent on conversations with the Minister. Does he accept that decisions around, for example, the siting of healthcare facilities, whether or not to build a mental health facility

at St. Saviour and so on, will have to be driven by a healthcare strategy, and without one we are rudderless?

**Deputy L.J. Farnham:**

I did not say I would not support a new health strategy, I was giving courtesy to the Ministerial team that were working on it. I support a health strategy and if they come forward with that recommendation, they will get my full support. I hope that clarifies the matter.

**7.6 Deputy R.S. Kovacs:**

My question is to seek clarification on one of my written questions to the Chief Minister, which I do not believe was a clear response. My Written Question 120 of 2024 with the tabled answer on 9th April, the Chief Minister said: “The Minister for the Environment and I are aware of the timetable set by the States for the development levy legislation and will be meeting to discuss the next steps in respect of this piece of work.” Considering that my question was a follow up to the written question from Deputy Jeune to the Minister for the Environment who responded that: “A bid to secure the funding for the work that is required to be undertaken which was programmed for 2024 in order to meet the timeline established was made as part of the Government Plan 2024 to 2027 but was unsuccessful. In such circumstances this work will remain pending until such time that the resources are made available to enable it to be undertaken.” So considering that any cost with such consultation if necessary would be easily recovered from the first transactions once this levy implemented can the Chief Minister state if the timeline will be met and, if not, why not?

**Deputy L.J. Farnham:**

Looking at the written answer to the question it was very short, so perhaps I can just elucidate a little more. I have discussed this with the Minister for the Environment. The original proposition which was approved by the Assembly we thought was slightly ambiguous insofar as you could read it into asking for a levy or a tax on any kind of development of any size to any property. Now, I do not think it is right that we ... for example, somebody puts a small conservatory or a garden fence or a balcony on to their property and as it increases the value that should be taxed, but under the current wording of the proposition that could be the case. So, as we understood it, something that we support is initially a levy on rezoning. I think that is where it all started. If a piece of land worth an amount was rezoned for housing and suddenly increased exponentially, then that is where I think will be the starting point for the levy. So we are looking at the detail of that, but I think, in answer to the question, we will undertake to make sure the resources are available to introduce it. We will try to work to the original timescale. We might, however, have to come back with a revised wording to the Assembly.

**7.6.1 Deputy R.S. Kovacs:**

Given that the Assembly agreed that that wording was giving enough flexibility for the Council of Ministers to implement in the way it sees fit and the response given was that the funding for consultation was not available, as I stated, in the first transaction once this levy in whatever format will be introduced would cover that cost, what exact reason would be for any delay in that aspect, especially that the proposition expanded a year on the term?

**Deputy L.J. Farnham:**

I am not sure we said we were going to delay. We are working to the timetable of 31st March 2025, and we still hope to be able to commit to that. Sorry if I did not make that clear.

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

Referring to an answer the Chief Minister gave to a question from Deputy Renouf, the Chief Minister described some of the work being undertaken by the Minister for Health and Social Services as turning over stones. I wonder if the Chief Minister could confirm to the Assembly that that also

includes asking Back-Benchers to interview officials on behalf of the Ministers, and whether he considers that to be appropriate.

**Deputy L.J. Farnham:**

I do not seek to align the turning over of stones - I am sure Members will know what I mean by that phrase - to ... I do not relate that to any conversations or requests to States Members the Minister might have had with another Member of the Assembly. Whether it is appropriate, I am not sure of the work that has been requested. I am not sure if it has been carried out. I am not sure how it is being carried out, and I think each Member of this Assembly has a right to ask questions of States departments. I think it is a matter for the individual. Of course, we have work going on in the scrutiny function as well, and as long as everything can work collaboratively without conflict, then I do not see a problem. As I said, to reiterate, I am not ... I do not know the detail of what Deputy Moore is referring to.

**PUBLIC BUSINESS**

**8. Suspension of Standing Order 34**

**The Deputy Bailiff:**

That brings that period of questions to an end. Now, before we start Public Business, a decision needs to be taken about whether to amend the order in which the propositions will be taken. I understand the Minister for the Environment has a proposition to make.

**8.1 Deputy S.G. Luce (The Minister for the Environment):**

I would like to propose a suspension of Standing Order 34 under Standing Order 80, which will allow the debate on P.82 to be moved down the Order Paper to take place tomorrow. I propose this in order that Deputy Jeune, who is chair of the Environment Scrutiny Panel, and the Constable of St. Mary, who is also a member of that panel, can attend the debate, which they would otherwise miss because they are away on States business at the British-Irish Parliamentary Assembly.

**The Deputy Bailiff:**

I understand, Minister, that unless the proposal is adopted the 6-month period will have elapsed and the proposition will be withdrawn. Is that right?

**Deputy S.G. Luce:**

Indeed. As States Members will be aware, Standing Order 34(2) says that a proposition which is not debated within 6 months of the day on which it is lodged shall be taken as being withdrawn, and unfortunately for myself 6 months falls today and tomorrow is 6 months plus one day, hence my proposal to suspend Standing Order 34. I have informed also by email States Members previous to today that I intended to do this.

**The Deputy Bailiff:**

You have, Minister. Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? Those in favour of adopting the proposition ... forgive me, Deputy Tadier. Do you wish to speak on the proposition?

**8.1.1 Deputy M. Tadier:**

I do not have a problem with this but I think it is important to put on record that one would expect in future for the same courtesy to be extended to other Members. So if one is away on States business and one cannot make a debate for whatever reason ... I just note it is not the Minister who is doing it for his own convenience, it is being done for 2 other Members of the Assembly who you could consider key players and who need to speak on this. Others would say that in their absence there is still a panel that can speak on their behalf, so I think it is important that in future if other Members

are away and they might be back later on in the week for a sitting which is ongoing that they are also given the same courtesy. Because if it is good for the goose, it is good for the gander, and I am sure Members will be even-handed when they apply that suspension of Standing Orders in the future.

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

May I just ask the Minister in his summing up if it so happened that business was concluded early today and that P.82, the offshore wind, came up for debate today, would he also, therefore, withdraw it?

### **The Deputy Bailiff:**

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

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

Something I would just like to say to the Assembly, that the proposal to delay 24 hours was put to me by the chairman of the Scrutiny Panel. It was not at my suggestion, although I was happy to facilitate it. The Deputy is quite right, of course. If we conclude Public Business, everything apart from P.82, early this afternoon, as States Members might expect I am ready to go. We will start the debate. We cannot possibly hold up and delay. If it is the only item left on the Order Paper I am very happy. I can start now if we like but I would prefer to do as I proposed.

### **The Deputy Bailiff:**

Those in favour of adopting the proposition kindly show? Thank you very much. The proposition is adopted.

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Deputy Bailiff:**

Are Members content to adjourn? The Assembly stands adjourned until 2.15 p.m.

[12:42]

## **LUNCHEON ADJOURNMENT**

[14:18]

## **9. Appointment of Non-Executive Directors and new Chair to the States of Jersey Development Company (P.95/2023)**

### **The Deputy Bailiff:**

The next item is Appointment of Non-Executive Directors and new Chair to the States of Jersey Development Company, lodged by the Minister for Treasury and Resources, the main respondent being the Chair of the Corporate Services 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 (a) to appoint Nick Williams as an additional Non-Executive Director of the States of Jersey Development Company Limited (“S.o.J.D.C.”) for an initial period of up to 3 years, in accordance with the Memorandum and Articles of Association, to take effect from the delivery to the company of the notice referred to in paragraph (c) below; (b) to appoint Jennifer Carnegie as an additional Non-Executive Director and Chair of S.o.J.D.C. for an initial period of up to 3 years, in accordance with the Memorandum and Articles of Association, to take effect from the delivery to the Company of the notice referred to in paragraph (c) below; and (c) to authorise the Greffier of the States, for and on behalf of the States, to deliver a notice to S.o.J.D.C. in accordance with Article 21(b) of the Memorandum and Articles of Association to give effect to such appointments.



## **9.1 Deputy E. Millar (The Minister for Treasury and Resources):**

The States of Jersey Development Company was established through a proposition approved by this Assembly in October 2010. Today I stand to recommend to this Assembly a proposition that will see 2 new non-executive directors appointed to the S.o.J.D.C. board, one of which will also act as the new chair. The proposition requests Members to approve the appointment of Jennifer Carnegie as the new chair and Nick Williams as a new non-executive director. Members may have noted that the proposition was reissued last week and this was simply to update the biographies in the appendix, which had become out of date and needed updating since the proposition was originally lodged. The biographies, of course, speak for themselves in that both directors have significant relevant experience. The new chair has had a variety of senior leadership positions in the Island, while Mr. Williams, on the other hand, has decades of property management and development experience. I am confident that both of the proposed new additions to the board will contribute greatly to the workstreams that the company has in progress and future projects. We also, I venture to suggest, have to respect the independent and robust processes, the chair process in particular being overseen by the Jersey Appointments Commission, that has resulted in the proposed appointments of these candidates. The appointment of a new chair to any board affords the opportunity to recalibrate the vision and strategy of a company. The last year has seen the completion of the Horizon development and the latest office building addition to the International Finance Centre. Members will note that in the report it emphasises that I have asked the new chair, if the Assembly approves her appointment, to revisit ways in which S.o.J.D.C. can work more closely with Jersey Property Holdings and Government as a whole, this designed with a view to building on the successes of recent developments and tapping into the experience and services that S.o.J.D.C. brings for the benefit of the Island as a whole. I am conscious that Members may rightly be concerned about the balance and diversity of the S.o.J.D.C. board. I wish to assure Members that the company's Nomination Committee when making recommendations to me for all new appointments and reappointments is required to have regard to the overall balance, composition and diversity of the board as set out in the board's charter. As the report accompanying this proposition sets out, however, should Members support the recommendations the board will be gender-balanced between men and women and have an equal split between Jersey and non-Jersey resident directors. In concluding, I am reminded of the comments made by Deputy Bailhache in a similar recent debate around the reappointment of non-executive directors. Deputy Bailhache thought that the Assembly had agreed that such appointments or reappointments to the board of S.o.J.D.C. would no longer be required to be approved by the Assembly. The Deputy is right to have raised this as S.o.J.D.C. is unique from the other States-owned entities in requiring their board members to be appointed by the Assembly. However, the current Articles of Association of S.o.J.D.C. do currently still require appointments in this manner. I can assure Deputy Bailhache that work to agree new Articles is concluding, such that they are consistent with the other States-owned entities, including Andium, which will be considered later in the sitting, that will be presented to the Assembly in the not too distant future. I make the proposition.

### **The Deputy Bailiff:**

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

### **9.1.1 Connétable D.W. Mezbourian of St. Lawrence:**

I would just like to ask the new Minister for Treasury and Resources to note my concerns, which have been mentioned in the past to previous Ministers for Treasury and Resources, about the use of the term "Jersey Development Company" by the company rather than "States of Jersey Development Company". That does cause me some concern because I do believe that if they choose to forget that they are the States of Jersey Development Company, then they will choose to forget potentially other critical things that they are responsible for. I mention it just to make this Minister aware, particularly because in her opening words she did say that she, as I understood it, has told the potential new

chairman that she would wish them to work more closely with Government as a whole. I do think that they need to remember who they are representing.

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

I thank the Minister for reissuing the biography that clarifies the board appointments of the proposed members. That I think allays concerns one may have had reading the initial proposition of the fear of overboarding, which is something one can be concerned about for any appointee not regarding the specifics of a candidate. With those changes and that reissue it does bring a change in my thoughts. I do share some of the concerns, however, and I think this hopefully, on a positive note, is a chance for this Assembly to revisit the relationship it has with the States of Jersey Development Company. Many Islanders I think will often look at the work and the output of the States of Jersey Development Company and sometimes feel at a miss as to whether it either represents the Island's identity, whether it is prudent, whether the company is focused in its operations. I think Members might have been somewhat confused to see our development company running an ice rink last year, and maybe that showed a challenge. I think we are owed a far better relationship as representatives of this Island with the company enshrined with so much public visible land that offers such a chance for us, as the original formation of the company was regeneration, for creating places. While we may have seen many applications come forward with abundant place-making documents or studies or reports, they have often been bereft of heart and they have been bereft of soul. Any chair and board I think needs to have a refocus on how it develops for the public because certainly if it was developing for profit it has been abysmal at returning dividends to this shareholder, which is us, the public of the Island. So I would love to hear from the Minister's summing up how she intends to reshape that relationship. The assurances of a closer relationship with Jersey Property Holdings does not reassure me personally, that actually concerns me, because greater amounts of land going to the States of Jersey Development Company I see as being under less scrutiny than land under the Government. I certainly think when the opacity of the financial return and the socioeconomic side, the social return to this Island, is so hard to join I would want assurances that the Minister will bring everything ahead of this Assembly regarding those kind of discussions. I think we really, as an Assembly, need a greater conversation about how we have a better relationship with what could be a valuable, trusted partner in delivering for the Island. I did not hear enough in the opening speeches to reassure me that the Minister has a plan to work on that, so I would appreciate if she could reassure us that she is willing to drive, with a new chair, with a board with new members, substantially new members ... because of course we will appoint new non-executive directors in a coming sitting, or reappoint, are we not? I think we need more and, yes, this is a bit off the cuff. I am just trying to think. I really want that and I want assurances that any chair, any board members, are going to work against a directive set by this Assembly, and they are entering this with an open mind and with a focus on delivering for Jersey in a clear and transparent way and certainly consultative.

### **9.1.3 The Connétable of St. John:**

I do share some of the concerns of the previous speaker, but I have absolutely no concern in supporting this proposition. As stated on page 5 of the proposition, and as the Minister stated, part of the remit for the new chair will be to look at how the States of Jersey Development Company and Jersey Property Holdings can work more collaboratively. I welcome that. I really do welcome that. Jersey Property Holdings needs help and assistance and I am sure if we can work far more collaboratively with the States of Jersey Development Company it will benefit the Island and Islanders. On a personal note, I have worked with the candidate proposed as chair in 2 organisations, firstly at the Chamber of Commerce and, secondly, when I was chair of Jersey Business. Ms. Carnegie was a non-executive director and took over from me as chair in that organisation. She has proven herself to be a very capable individual with great leadership skills and also great change management skills, so I would endorse the proposition and encourage others to vote in favour.

[14:30]

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

I am prompted to say just a very few words, firstly to echo the views of the Connétable of St. John. I thoroughly endorse the proposition. We have 2 very high-calibre candidates. The comments Deputy Curtis made, which I think are poignant and important, we must remember it is the States of Jersey Development Company, but where I think perhaps Government and this Assembly might have not neglected their duties and responsibilities but not been as alive to them as they should is to make sure we give a proper brief to the States of Jersey Development Company, a brief that is based not upon maximising profit but delivering what the Island needs. Of course, it has to be financially sustainable and I can say that the Government will seek to improve communications to make sure that these bodies are following the policies that we put in place, especially in relation to homes and housing.

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

I am mindful of the fact that we need to speak to the facts of the appointment of these 2 individuals, not necessarily about everything to do with States of Jersey Development Company, but insofar as Members do have some areas of concern it would be interesting for those members, when they are appointed or reappointed, to maybe be mindful of the thoughts of States Members that are being raised during this proposition. So just to respond to a couple of things that have been said. First of all, I wonder whether it is any longer appropriate to call it the States of Jersey Development Company, because I think it was named during a time at which the States of Jersey was the Government, effectively. The Government of Jersey only came into existence very recently with the advent of Ministerial Government and then, of course, a much more recent rebranding. Similarly to other A.L.O.s (arm's-length organisations) like Andium or, let us say, Jersey Telecom ... Jersey Telecom and Andium are not owned by the States of Jersey, they are owned effectively by the Government. They provide functions on behalf of the Government of Jersey, not on behalf of the Parliament of Jersey. It would be very strange I think now for the Parliament to have its own development company. I think it would be strange for the Parliament to own a telecoms company or to own a Ports of Jersey. Those are functions of government. So that does not stop Members from having thoughts about what those bodies should be doing. I would ask for those new directors or the continuing directors to, with guidance from the Minister ... and it will be interesting to see what the Minister has to say as the shareholder representative for that, is that we have already a very crowded area where we have bodies doing arguably very similar, if not the same, types of exercises. So certainly from the point of view of a member of the public or even traders, and I remember speaking quite recently to somebody based in Liberation Square, trying to find out whose jurisdiction, if I can call it that, whose remit the particular area came under, because you have Property Holdings on the one hand, and I would question what is the difference or what are the overlaps, rather, between what the States of Jersey Development Company do, what Jersey Property Holdings do. Add to that Ports of Jersey, of course, who are just a stone's throw away across the area, and if we want to we can, of course, talk about Andium. It has already been said that it would be great to think of the returns that S.o.J.D.C., as we currently call them, might return to the Island, and the Chief Minister said it does not always need to be a financial return, it could be a social return. Well, it would be good if it was one or the other because I know that Andium provide a social return and they provide a very hefty financial return to the Treasury. I know that Jersey Telecom, which are entirely States-owned, return to the shareholder also a substantial amount, and hopefully they provide an important role. I think we do need to have that conversation about both the social and spatial return that S.o.J.D.C. has for us and possibly one day, because I think some of these directors are paid, if I am not mistaken, about what kind of financial return the States of Jersey or the Government of Jersey, but rather the people of Jersey, might get for these appointments that we are making today. Lastly, I would just add, and it is probably stretching the remit, but I would hope that the directors might take a personal interest in the project. We know that we have Liberation 80 coming up. We know that the Liberation Square area and the Weighbridge area are both important parts of the assets that belong to the States of Jersey

Development Company. I would like to see a project in that area which maximises potentially not just the social good for that area but in the longer term the usage and potentially the financial good that might come from the rehabilitation, if I can call it, of Liberation Square and Weighbridge Place, which I think are vastly underutilised as they currently stand.

**The Deputy Bailiff:**

I call upon the Minister to reply.

**Deputy E. Millar:**

Thank you, Sir ...

**Deputy J. Renouf:**

Sir, sorry, you did not see my light. I thought you ...

**The Deputy Bailiff:**

I did not, no.

**Deputy J. Renouf:**

I did have my light on earlier and I thought you had acknowledged it.

**The Deputy Bailiff:**

No, I did not. Well, in that case if you did then you must speak. Yes, Deputy Renouf.

**9.1.6 Deputy J. Renouf:**

I do beg your pardon, sorry. Yes, I did just want to echo quite strongly the points made by Deputy Curtis and the Constable of St. Lawrence. I think the single message that I take from listening to the other comments as well is that the Assembly is not keen on these appointments being seen as encouraging business as usual on the part of S.o.J.D.C., that there is a strong desire, I detect, for a re-examination of the mission of S.o.J.D.C. and its ability to deliver. There has been over the period that I have been in this Assembly considerable disquiet expressed about some activities of S.o.J.D.C., the size of apartments in some of the developments, trying to justify apartments that have windows facing a cliff face. There has been disquiet about what you might call the corporate attitude of S.o.J.D.C., and so what I would hope is that as part of these appointments that the message would go out that the Island is interested in reappraising that mission and seeing more. I am encouraged by the comments of the Minister for Infrastructure and the Chief Minister, who both talked about looking at the integration of S.o.J.D.C. with other functions like Property Holdings but also perhaps Andium and Ports, who are also developing projects on States-owned land, and that we can see more coherence and a more public good-focused approach. So I just would make those comments in relation to the appointments, that they should be seen in that context.

**The Deputy Bailiff:**

I call upon the Minister to reply.

**9.1.7 Deputy E. Millar:**

Thank you to everybody who has expressed views. The Constable of St. Lawrence, I hear your concern and I will pass that on. I suspect it is simply the name of the company, as in a corporate entity. I am sure it is still the States of Jersey Development Corporation and they have adopted the snappier Jersey Development Corporation for the sake of branding and how it looks. As I think the Deputy mentioned, we have had similar rebrandings in Government. I will mention that to them but there will be a cost to rebranding back the other way. I have no doubt that the board members will be listening to this debate and a promise had been made. In the short term that I have been Minister for Treasury and Resources, I have met with the chief executive and subsequently briefly with some

members of the board of S.o.J.D.C., and I will take all these points back to them. We have to remember that they are competing with the private sector. Can we compete with the private sector by building flats that other people can do on an affordable basis? Do we want a return or do we not want a return? These are things that have to be addressed. There is already conflicting views where Deputy Tadier would like land at Liberation Square and the Weighbridge to be used to benefit. Deputy Curtis does not want it to be an ice rink. The ice rink, I believe, was on their land and it was incredibly popular; they had very good attendance at that and I do believe they intend to repeat it this year, such was its popularity. Again, I think it did not totally turn a profit because of the storm but there is every indication, had it not been for the storm, it would have been a very profitable enterprise. I will take all of these comments back and we will discuss them with the board the next time I meet them. I have decided to give them the Assistant Ministers for Treasury and Resources. I will meet with the States-owned entities boards regularly myself and we have already started doing that and I intend to continue that for the rest of my term. I can only just finish again by encouraging Members to vote for the proposition.

### **The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can advise that the proposition has been adopted: 41 votes pour, no votes contre and 2 abstentions.

| <b>POUR: 41</b>            | <b>CONTRE: 0</b> | <b>ABSTAIN: 2</b>  |
|----------------------------|------------------|--------------------|
| Connétable of St. Helier   |                  | Deputy M. Tadier   |
| Connétable of St. Lawrence |                  | Deputy A.F. Curtis |
| Connétable of St. Brelade  |                  |                    |
| Connétable of Trinity      |                  |                    |
| Connétable of St. Peter    |                  |                    |
| Connétable of St. John     |                  |                    |
| Connétable of Grouville    |                  |                    |
| Connétable of St. Ouen     |                  |                    |
| Connétable of St. Saviour  |                  |                    |
| Deputy G.P. Southern       |                  |                    |
| Deputy C.F. Labey          |                  |                    |
| Deputy L.M.C. Doublet      |                  |                    |
| Deputy K.F. Morel          |                  |                    |
| Deputy M.R. Le Hegarat     |                  |                    |
| Deputy S.M. Ahier          |                  |                    |
| Deputy R.J. Ward           |                  |                    |
| Deputy C.S. Alves          |                  |                    |
| Deputy I. Gardiner (H)     |                  |                    |
| Deputy L.J. Farnham        |                  |                    |
| Deputy K.L. Moore          |                  |                    |

|                             |  |  |  |
|-----------------------------|--|--|--|
| Deputy S.Y. Mézec           |  |  |  |
| Deputy Sir P.M. Bailhache   |  |  |  |
| Deputy T.A. Coles           |  |  |  |
| Deputy B.B. de S.V.M. Porée |  |  |  |
| Deputy D.J. Warr            |  |  |  |
| Deputy H.M. Miles           |  |  |  |
| Deputy M.R. Scott           |  |  |  |
| Deputy J. Renouf            |  |  |  |
| Deputy C.D. Curtis          |  |  |  |
| Deputy L.V. Feltham         |  |  |  |
| Deputy R.E. Binet           |  |  |  |
| Deputy M.E. Millar          |  |  |  |
| Deputy A. Howell            |  |  |  |
| Deputy T.J.A. Binet         |  |  |  |
| Deputy M.R. Ferey           |  |  |  |
| Deputy R.S. Kovacs          |  |  |  |
| Deputy B. Ward              |  |  |  |
| Deputy K.M. Wilson          |  |  |  |
| Deputy L.K.F. Stephenson    |  |  |  |
| Deputy M.B. Andrews         |  |  |  |
| Connétable of St. Clement   |  |  |  |

**The Deputy Greffier of the States:**

Those Members who abstained: Deputies Tadier and Alex Curtis.

**10. Draft Income Tax (Amendment - Stage 2 of Independent Taxation) (Jersey) Law 202-(P.6/2024)**

**The Deputy Bailiff:**

The next item is the Draft Income Tax (Amendment - Stage 2 of Independent Taxation) (Jersey) Law lodged by the Ministry for Treasury and Resources. The main respondent is the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Income Tax (Amendment - Stage 2 of Independent Taxation) (Jersey) Law 202-. A law to provide for the final stage of the transition to independent taxation for people who are married or in a civil partnership. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

**The Deputy Bailiff:**

Minister, do you wish to speak on the principles?

**Deputy E. Millar:**

Yes. Sir, do we need to discuss the amendment first?

**The Deputy Bailiff:**

We only come to that when we come to the Articles.

**Deputy E. Millar:**

Of course, apologies.

**The Deputy Bailiff:**

It is the principles first. To be clearer in relation to your question, the principles first and if they are adopted then we will come to the Articles and it is the third Article the subject of the amendment by Deputy Doublet.

### **10.1 Deputy E. Millar (The Minister for Treasury and Resources):**

Sorry, Sir, I am having trouble with my microphone today. Today should mark a historic occasion, being the introduction of independent taxation in Jersey for all couples. This significant step is long overdue, signalling our departure from the outdated practice of taxing couples differently based on their marital status. For nearly a century the so-called married man's taxation has been entrenched in Jersey's tax law. Until recently a married woman's income was always treated as her husband's income. The husband was responsible for filing the annual tax return and the tax liability rests solely in his name. Somewhat shockingly for some, even accessing tax information about your own affairs required a married woman to obtain express permission from her husband. These inequities extended to same-sex marriages and civil partnerships, perpetuating unequal treatment. It is a matter of some embarrassment that Jersey has come to this outdated regime while most jurisdictions abandoned it long ago. Such practices raised questions about our commitment to equal treatment for Islanders and, potentially, allowed situations of coercion within marriages to persist. We can go down lots of rabbit holes on this but for me the essence of this change is to treat women as individuals, married women as individuals in their own right in the eyes of our tax system and not to have them as accessories to their husbands who owns their income and who is responsible for all their affairs; that is really the essence of what we are trying to do. Over the years many wives, I was one of them, married same-sex couples and civil partners have been shocked and dismayed to learn that they needed their husband's or partner's permission to discuss their own tax affairs with Revenue Jersey. In 2019 the then Minister for Treasury and Resources announced the intention to eliminate married taxation following public consultation. That consultation touched around 3,000 Islanders, one of the largest such exercises ever taken. Most respondents to those consultations said that treating married and unmarried couples differently was unreasonable. Independent taxation was a preferred alternative of the majority, which I think was almost two-thirds. Preparing to remove these outdated rules from our income tax system has taken years of effort but we are well on our way to completing these changes. In 2021 the States Assembly agreed to phased introduction of independent taxation with the first stage implemented in 2022. Since 1st January 2022 anyone marrying or arriving in Jersey as a married couple is already taxed independently.

[14:45]

Additionally, some 1,000 couples have voluntarily switched into the new regime. By adopting this draft law we will ensure that by 2026 all remaining couples and married man's taxation will be independently taxed. Each person will be given their own tax return to fill out and receive a tax assessment that is based solely on their own income. This means that a person's I.T.I.S. (Income Tax Instalment Scheme) effective rate, which affects their salary deductions or their own payments of tax will no longer be skewed by the income of their spouse. In terms of filing, however, we have listened to what the Assembly said last July, depending on the outcome of Deputy Doublet's

amendment, we are giving couples who currently fill out a married tax return the option to complete a joint return in future. This joint return will be very similar to the current married tax return. However, even when spouses choose to file jointly they will still be taxed individually and independently. Successive Governments have been very clear in previous reports to this Assembly that these changes do not come without cost. If we had switched to independent taxation overnight it would have increased tax bills for around 6,400 lower-earning couples. Since the earliest days of the project this impact has been considered the most significant obstacle to implementing independent taxation and has always been at the forefront of successive administrations' minds. However, a tailored solution specific to Jersey has been devised, a compensatory allowance. This allowance ensures that all couples who would have otherwise faced an overnight tax shock are protected. The compensatory allowance creates a transitional period during which couples married and residing in Jersey before 2022 enjoy a gradual parachute landing into independent taxation. Over time its value will gently decrease in real value. As a result, affected couples will continue to benefit from this additional allowance until the single person's allowance catches up. As the States continue to increase the single person's allowance in coming years, everyone will ultimately benefit from the same tax allowances. There will no longer be a premium rate for those who are married. This adjustment is expected to take some time and at least a decade or probably even longer, as I will come on to discuss. At current predicted rates of inflation, the allowance would still be in place beyond 2040. Any early removal of allowance would require the States to vote it out of existence. I had been hoping to keep my remarks of the compensatory allowance at that but I am aware that quite a number of Members have been lobbied by members of the public about the compensatory allowance and how it works, and I feel that I do have to address those concerns, even though it will make my speech considerably longer and slightly more complicated but I do think it is worth trying to address some of those issues. For those people who have received the spreadsheet and calculations from members of the public, the calculations are based on assumptions which Revenue Jersey does not agree with. They overstate the number of individuals affected and have applied that the majority of these individuals will be affected by the most severe outcome, which is also untrue. Firstly, the claim that independent taxation will create a tax increase for approximately 14,000 individuals in Jersey is not true. As previously stated, without the compensatory allowance about 6,400 couples would be negatively impacted under independent taxation, as their combined tax liabilities would increase. It is also incorrect to state that 12,800 individuals, being each of the 6,400 couples affected, would face a tax increase, as any increase would only apply to one member of the couple, as the other may well be exempt from income tax. It is the couple that is affected by independent taxation and not individuals. Labelling the implementation of independent taxation as a stealth tax is not accurate. The introduction of a tax system that treats everybody equally, irrespective of their marital status, gender or age, was bound to create both beneficiaries and those who are disadvantaged. The vast majority will see no difference. It has been widely recognised that an immediate transition to independent taxation would have negatively impacted the 6,400 couples with lower earnings. Therefore, it has been rolled out in phases to allow for the development of compensatory allowance. The allowance will gradually diminish over time but not having a transitional period would defeat the policy objective of introducing a tax system that treats everybody equally. The couples in question are only worse off when compared to the hypothetical scenario that has been provided to States Members where their income and the married allowance increase by 5 per cent each year. The compensatory allowance is structured to maintain combined allowances at the same level as a married allowance, which will be frozen. This means existing married couples will continue to benefit from this additional allowance until all other couples catch up, providing the parachute landing into independent taxation. Their combined allowances will not decrease, which generally means that a couple will only pay more tax if they earn more. The spreadsheet also uses the worst-case scenario where only one spouse or partner in a couple has income and, therefore, requires a full compensatory allowance, which will be £3,133 in tax using 2024 allowances. This applies to around 1,800 couples, however, the other 4,600 couples have varying incomes and, therefore, their allowance will also vary.



Without the compensatory allowance the median tax liability increase for the total affected couples would be £1,500. But I have to reiterate that the compensatory allowance will cushion those people over a period of some 20 years. While it is true to say that in real terms a couple may, ultimately, by the end of that period pay more tax, in nominal terms they will not and no one will have less money in their pocket as a result of these changes. The scenarios use a 5 per cent yearly growth in earnings and allowances, indicating that the compensatory allowance will be phased out by 2036. Based on our economic forecasts, our predictions suggest that phasing out might extend over a longer period, concluding in 2045, so some 20 years. Presenting tax liability in terms of percentages, as has been done, can be deceptive and misleading. The percentage increase in tax liability will always be higher for individuals whose income is just above the tax allowances, i.e. a large percentage increase of a small amount can still be a small amount. A more accurate representation is to compare the portion of the tax liability over the total income, which is the effective rate of tax. Lastly, it is important to emphasise that unmarried couples, newly-married couples and newly-arriving married couples are already independently taxed. They do not benefit from married allowance and are, therefore, conceivably already paying higher tax for which there is no compensatory allowance, but that is simply because we have changed the tax system for those people starting from 1st January 2022. In summary, independent taxation is a pivotal moment, a commitment to equal rights and responsibilities for all, regardless of marital status, gender or age. It also fulfils Jersey's commitment to eliminate married man's taxation as part of its adoption of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women or C.E.D.A.W., as we will no doubt discuss later in the debate. In closing, I would like to acknowledge and thank the many Deputies, current and past, who have taken an active interest in the development of legislation and helped us get to this momentous day. I would also like to thank the Scrutiny Panel who have reviewed it and who have been, I believe, broadly supportive of the introduction of independent taxation. I encourage Members to vote for this proposition.

**The Deputy Bailiff:**

Thank you, Minister. 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 kindly show. Thank you. The principles are adopted. Deputy Miles, does the Corporate Services Scrutiny Panel wish to scrutinise this matter?

**Deputy H. Miles (Chair, Corporate Services Scrutiny Panel):**

No, Sir.

**The Deputy Bailiff:**

Minister, how do you wish to propose the Articles in Second Reading? Do you wish to propose the first 2 Articles and then come on to the third in relation to which there is an amendment?

**10.2 Deputy E. Millar:**

Yes, Sir, thank you.

**The Deputy Bailiff:**

You propose the Articles 1 and 2.

**Deputy E. Millar:**

Yes, Sir.

**The Deputy Bailiff:**

Is that seconded? Does anyone want to second that? **[Seconded]** Thank you very much. Does any Member wish to speak on the first 2 Articles of the law?

**Deputy K.F. Morel:**

Sir, may I not speak on the first 2 Articles? Would you mind because I thought we should be debating the amendment?

**The Deputy Bailiff:**

Yes, well that is the amendment to Article 3. I am assuming ...

**Deputy K.F. Morel:**

Only on that Article, I thought ordinarily we would debate the amendment before getting to the Articles.

**The Deputy Bailiff:**

When we come to Article 3 we will debate the amendment to Article 3 because the amendment to Article 3 is, effectively, a removal of Article 3 from the draft law. Does any Member wish to speak on the first 2 Articles? Those in favour of adopting Articles 1 and 2 please kindly show. Thank you very much. Articles 1 and 2 are adopted. We now come to Article 3, Minister, which you propose, yes?

**10.3 Deputy E. Millar:**

Yes, please, Sir.

**The Deputy Bailiff:**

Article 3 of course deals with the joint returns for spouses and civil partners. Is Article 3 seconded?  
[Seconded]

**10.4 Draft Income Tax (Amendment - Stage 2 of Independent Taxation) (Jersey) Law 202-(P.6/2024): amendment (P.6/2024 Amd.)**

**The Deputy Bailiff:**

There is an amendment to Article 3 which you do not accept, Minister, is that right?

**Deputy E. Millar:**

Yes, Sir.

**The Deputy Bailiff:**

Yes. I ask the Greffier to read the amendment to Article 3.

**The Deputy Greffier of the States:**

Page 18, Article 3, delete Article 3 and renumber the subsequent Articles and cross-references accordingly.

**The Deputy Bailiff:**

Deputy Doublet, do you wish to speak to your amendment?

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

Yes, thank you, Sir. First of all, I would like to clarify exactly what this amendment does, as I believe there has been a lot of misinformation. The effect of the amendment, it does not impact in any way on the amount of tax paid. It will not make the tax paid by any married couple or civil partnered couple more or less. There is nothing in my amendment that does this. The debate generally on independent taxation is with the Minister for Treasury and Resources; I do not own that debate. But what my amendment does do is to give us a decision to make as to whether we are going to facilitate spouses to be able to sign over their rights to complete their own tax form to their spouse, so that

their spouse would complete a joint form. It is purely about the paperwork, not about the amount of tax paid. I would like to outline why joint tax forms are unnecessary and I will quote from the comments paper, which was published by the Council of Ministers. This comments paper stated: “It is important to note that regardless of whether this amendment is adopted, individuals retain the fundamental right to authorise a third party to prepare their tax return on their behalf. This authorisation enables someone else, such as a tax professional or a trusted individual like a delegate or attorney for a close relative, to handle tax matters. This provision is crucial for situations where taxpayers are unable to manage their tax affairs personally.” This Article in the legislation is, I believe, superfluous because anyone is able to nominate another person to complete their tax form. Businesses do this all the time when seeking assistance from accountancy firms, therefore, a woman, a man or any person who is not sure about how to complete their tax form and needs assistance can seek help from anyone without this part of the legislation. If indeed you are in a healthy and supportive relationship you will most likely ask your spouse to help you. The same effects can be achieved without this part of the legislation.

[15:00]

The difference is that inviting someone to sit alongside you and assist you in your own autonomy is very different to formally and legally signing over complete control. We do not need this part of the legislation. I will now outline why joint tax forms can be in some cases problematic. A continuation of joint tax forms for some couples where one partner has legally delegated authority and control over their spouse’s financial information will facilitate a continuation and initiation of domestic abuse on our Island. I will illustrate this point by referring to a variety of sources, including local experts. It is important that I say that, firstly, not all abuse is perpetrated by men. Sometimes men are victims of this type of abuse, however, it is overwhelmingly a crime perpetrated by men towards women. I will often refer to women when I talk about victim survivors of this type of abuse. Also, not all relationships between men and women are abusive of course. I have had conversations with many Islanders on this matter who indeed cannot fathom that such a thing could happen or indeed is happening in our Island but it is happening. The Violence Against Women and Girls Taskforce report, which of course this Government has fully endorsed, and I am grateful to them for doing so, defines economic abuse as including the following behaviours, and this is a direct quote from that report: “It includes exerting control over income, spending, bank accounts, bills and borrowing; controlling access to and use of things like transport and technology, which allow a person to work or stay connected; controlling access to property and daily essentials like food and clothing.” Economic abuse is a form of coercive and controlling behaviour. It can continue long after a victim survivor has left their partner and can have lifelong effects. Economic abuse is rarely perpetrated in isolation. It usually occurs alongside other forms of abuse. These types of abuse can include physical abuse, emotional abuse, psychological abuse and sexual abuse and 95 per cent of domestic abuse cases involve economic abuse. This is still a quote from the V.A.W.G. report: “Perpetrators of economic abuse use this type of abuse to create economic instability and make their partner economically dependent on them, which limits their freedom and, therefore, their ability to leave the relationship.” As the charity Surviving Economic Abuse explains: “Without access to money and things that money can buy it is difficult to leave an abuser and access safety. Someone experiencing this type of abuse can become trapped in a relationship with the abuser, unable to resist the abuser’s control and at risk of further harm. In this way economic safety underpins physical safety.” The word “control” features heavily in the definition of economic abuse. If we include this option for control of financial information to be signed over to a spouse, in the context of the prevalence of domestic abuse in Jersey we are putting vulnerable people at risk of this abuse. It is completely obvious to me that this will happen and I have not been presented with any evidence that it will not. How is a victim of domestic abuse going to save a sum of money to facilitate them leaving an abusive partner if that partner has full knowledge of and control of their finances? The numbers of women involved are not insignificant. Research shows that of the 44,000 women over 16 years of age in the

Island nearly 7,500 of those women will experience economic abuse in their lifetime. I will outline why it is important that Members support this amendment. Evidence that independent tax forms will help to prevent this type of abuse comes from the understanding and expertise of the local experts in domestic abuse, F.R.E.E.D.A., formerly known as the Jersey Women's Refuge. I have the greatest respect for this organisation, which was established by Soroptimist International Jersey branch and have done excellent work over the years protecting victims and preventing domestic abuse. I will read a statement from them: "F.R.E.E.D.A. considers single independent taxation forms, in addition to being a basic step to gender equality, a unique opportunity to provide greater protection to women facing domestic abuse and coercive control, including financial and economic abuse. It is a critical step in addressing systemic gender inequalities and bringing about cultural change." Women's Aid U.K. states that: "Financial and economic abuse is part of coercive control. It is a pattern of controlling, threatening and degrading behaviours relating to money and finances. The perpetrator uses money to control their partner's freedom. While independent taxation alone will not stop those who are perpetrators of coercive control and economic and financial abuse, the obligatory submission of individual taxation forms, as opposed to joint filings with a responsible spouse or continuation of the status quo, would send a strong unequivocal message. Firstly, to women survivors that they are equal, independent human beings with the absolute rights to control their own finances. Secondly, to perpetrators of coercive control, that it will no longer be quite so easy to control and manipulate your partner's finances, bank accounts, credit cards, pension and allowances and even run up debts in your partner's name. One may think domestic abuse in Jersey is more of a problem for the younger generation, yet 9 of the women who stayed with F.R.E.E.D.A. in 2023 were aged 50 and above. The V.A.W.G. and U.K. statistics show that awareness-raising is urgently required to assist people in understanding coercive control and economic and financial abuse in order to both report and prevent it. Once you understand it you can spot the behaviours of victims who will try to hide it, especially from family, friends and workmates out of shame and fear. Fully independent taxation forms can help create an obstacle to the devastating pattern of abuse. Anything less will only serve to empower the perpetrator and reinforce their control over the victim. We would respectfully suggest that it is difficult to imagine how a joint filing system with a responsible spouse will not carry the name of the perpetrator. This would strengthen their position and increase a sense of dependency in the victim." The statement ends there. I hope that Members will acknowledge the expertise of this hugely respected organisation and support this amendment. Before I sit down I have one final point in favour of independent tax forms and it is a simple one, women are capable of filling in forms.

**The Deputy Bailiff:**

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

**10.4.2 Connétable K.C. Lewis of St. Saviour:**

While I fully appreciate what Deputy Doublet is trying to do here, I have been approached and received many, many emails from people wishing to maintain the status quo that they wish to have the option of staying with a joint return on their income tax. I am all for giving people the choice. While I appreciate what the removal of this option seeks to obtain, I do not think it is a coercive relationship there, and I condemn all coercive relationships of that nature. I do not think this is going to fix it anyway. But, as I say, I have been approached by many, many people, predominantly seniors, who wish the status quo to remain and being able to submit a joint return.

**10.4.3 Deputy E. Millar:**

Deputy Doublet's amendment is proposing to remove the option for married couples and civil partners to file a joint tax return. In July of last year the States Assembly decided to implement independent taxation for all couples, while also maintaining a form of joint filing. This decision was influenced by concerns that were raised with very many of us that some married couples might

struggle with completing their individual tax returns, especially when one partner had not filed their return for decades. The current proposal permits couples who are married or in a civil partnership and who are residents of Jersey before 2022 to file joint tax returns. Despite the availability of joint filing, couples will still be independently assessed for income tax, thereby ensuring the benefits of independent taxation, and they will receive their own independent assessment. In case that is of concern to some of our older couples, the assessment may be paid with a single cheque but that is a technicality. Many couples who have been filing a single tax return for years are likely to appreciate the opportunity to continue this approach. Recent engagement suggests that around 61 per cent of eligible taxpayers would prefer joint filing. To mitigate potential concerns relating to coercive or controlling behaviour, the legislation, as Deputy Doublet has said, includes safeguards such as for joint filing the spouses must make a joint election and this election can be revoked by either party at any time. The option to file jointly will only be available to couples who currently file a married return. Regardless of whether the amendment is adopted, individuals will retain the fundamental right to authorise a third party to prepare their tax return on their behalf. This authorisation allows another individual, such as a tax professional or a trusted individual such as a delegate or attorney or a close relative, to handle tax matters for them. This provision is crucial for situations where taxpayers are unable to manage their tax affairs personally due to some form of incapacity. The Attorney General has previously confirmed that the voluntary nature of a joint filing is compatible with C.E.D.A.W. The draft law aims to strike the right balance between individual tax autonomy and the historic practice of joint filing. Importantly, it also aligns with the wishes of the Assembly. I agree with Deputy Doublet that coercive control is an odious offence and we should do all we can as a jurisdiction to try and stop it. But I have some reservation as to how far the tax system can ever do that because a genuinely abusive partner will find a way, regardless of what the tax system says. I just find it very difficult that the tax system can be used to prevent it and while even within fully independent taxation I think a coercive partner will still be taking charge of everything and telling his partner where to sign - sorry, again, using the gender stereotyping - and what to do and that is a terrible state of affairs. But I really doubt that anything we do with the tax system will be enough to deal with coercive control. Sadly, I urge Members to reject the amendment.

#### **10.4.4 Deputy M.R. Scott:**

I very much respect the concern and intent of Deputy Doublet and also of F.R.E.E.D.A. Domestic violence is an emotive issue and it happens in too many relationships and certainly should not be tolerated or encouraged. However, as has been said, economic abuse will not be counted by the filing of an individual tax form, far from it. Happily, statistics suggest coercive control does not happen in the majority of marriage relationships. I certainly hope this is very much the case. I share the beliefs expressed in Deputy Doublet's report that women should be regarded as individuals, indeed all people should be and one size does not fit all. Historically there has been more than one way of disregarding women as individuals, this includes through their spouse or certain ideologies of what women should be and what they should do and how unpaid labour should be distributed between a husband and wife. But there is something that concerns me in terms of the content of the report and that is when we are invited to guess at a figure and that figure was who would complete tax returns?

[15:15]

There is no actual data for this in the report; there is no evidence. But interestingly enough I did once ask the question of a bank manager who was responsible for managing, there for people, couples managing their tax affairs. I did ask, where you have got married couples, what sort of percentage do you find manage the affairs in terms of men and women? What might surprise many people in the Assembly was the answer that 90 per cent in her estimate were the women. You may well find that the people filling in these tax forms are not men at all. We do not know. But all I can say is while I have offered in terms of anecdotal evidence, which is the only thing I can offer in the absence of any other evidence, and I think it is important before one goes down the route that it may well be

disruptive for established married couples who have worked out a way of distributing labour between themselves before saying, right, we, the States Assembly, insist that you do things differently. We do not care if you are 70 years old. We do not care if one of you has got dyslexia or dyspraxia or the other one, which is dyscalculia. The basic thing that happens within supportive marriage relationships is often that people are distributing labour according to individual needs. It does not necessarily need to be sexist. I have got female friends who just cannot cook, their husbands do it. Things have changed and who are we to start saying, right, you must do this extra work now, completing 2 pieces of paper rather than one, particularly in a case where we are continuing the compensatory tax allowance, which I think it is rooted in a tradition of courts and legislators recognising how much unpaid work is often done in a relationship? Yes, traditionally and even now it has fallen on women. Many women will do much more unpaid labour or work in a relationship than men; it is one of those things. Part of that perhaps is just simply a biological fact that women just seem to be, not even seem but designed biologically to produce children and be associated with care and homemaking that often comes with that. While I very much respect the intent and the concern of F.R.E.E.D.A. and Deputy Doublet, while I very much condemn all forms of domestic violence, I am not prepared to support an amendment that can be disruptive for couples of a certain age. We have got to a point where in fact it helps them to manage just having this single piece of paper. I hope that explains my position.

**The Deputy Bailiff:**

Thank you, Deputy. Yes, Deputy Tadier. You have spoken already, Deputy Tadier.

**Deputy M. Tadier:**

Sometimes it feels like it, does it not, Sir? [Laughter] But I promise you I ...

**The Deputy Bailiff:**

I am sorry, I have put your name down and ticked, obviously you have not. Sorry, I apologise.

**10.4.5 Deputy M. Tadier:**

I have spoken at least once today, Sir, and that is enough for the rest of the month. I was not here at the last sitting, I was away on States business. I commented to my wife this morning that I have not been in the States for 6 weeks now and that is why I had the shakes and I said I must make a speech. I have got to be careful of what I say to my wife because I do live in fear sometimes. With this proposition the Deputy raises some very serious issues, which I think we would not disagree with, but the bottom line is here we are talking about a very specific issue and it is about tax forms. The problems it highlights are to do with domestic violence and abusive control and it is the domestic violence and the abusive and coercive control that are the problem, I would suggest, not a tax form. The issue here is that whichever way we cut it, and I think this is why we have been ... I would not say lobbied but we have been contacted and I have been contacted through various methods by couples who are still very with it but they happen to be retired and they have been married for decades. They have been hearing these potential changes that the way that they fill their tax form in is going to change. The proposition itself is very clear, it says that: "Removing Article 3 will remove the option for married couples or civil partnered couples to complete the joint tax form." Whichever way we cut this, Deputy Doublet's amendment here is taking choice away from married couples. I am not somebody who likes to take away choice from people, I do not think that empowers people in any way. When I have got constituents and people throughout the Island contacting me - and I know others have had that - saying: "I am quite happy to continue to file a joint tax return and it should be my choice. I am happy to fill it in and my husband can sign it off or we both sit down and it is one of the events of the year where we can both discuss our finances." There may be some difficulties in that when you go through the bank accounts, or there may not be I hope, and then it is usually something which couples can do together. But the crucial thing here is if they want to. It is

like in any kind of proposal or legislation, if we try and legislate for a problem which does exist but which is not necessarily ... this is not the right mechanism to address that problem, it could otherwise be called a sledgehammer to crack a nut. I think of that scenario where there is a provision in the law for somebody to nominate somebody else, and I cannot see how the coercion would stop simply by the appearance of a second tax form. The bureaucracy would definitely increase because, as party colleagues have said when we have discussed this previously, you still have to put the 2 tax forms together to decide how much tax is due from that couple, so it increases a lot of bureaucracy. I suspect if somebody is in a coercive relationship the first thing that that coercive partner would want to do to the other partner who is being coerced is: "Let me see your tax form, let me see if you have submitted it correctly." The problem is not going to be around the tax form, it may be around their phone and their banking app, which they may have control of and they may have control of all their finances. Something I would suggest to those who quite rightly ... and I think I have been a fellow combatant and a fellow feminist over the years in fighting for the rights of women and minorities in my 15 years in the Assembly, is if we want to really look at the issue here it is about women in particular but it could be men, who are in a relationship who do not have their own incomes, that is where the coercion really happens and the control. I would suggest, and I say this with a slight amount of trepidation and an element of jeopardy because I know that the current incumbent of Social Security is a Reform Jersey Minister, but that is where we need to look at the issues, I would suggest. Because if we are going to move to an independent taxation system in the longer term for everybody, we also need to look at then should we have an independent income support system? Because if you have a woman who is at home and using her time and energy to run the home and, as I said, it could be a man or it could be a couple in a same-sex relationship, they are, nonetheless, contributing to that relationship, doing an important part of the function of that couple but they are not necessarily getting an income for it. If the other partner is saying: "I am going to keep all the income" because it is very difficult for that person without their own income to get out of an abusive relationship. When we talk about taxpayers here we are talking about, okay, they are not necessarily all rich across the board but we are talking about, potentially, somebody who is being coerced in a relationship who is in a taxpaying bracket and, we are talking about the physical filling in or otherwise of a form. I think that seems for me to be quite far removed from the actual abuse that definitely we know does happen in Jersey. I think the 2 issues for me, I am sorry to say this, are quite separate. I would like to hear more about encouraging the partners who are in those abusive relationships to find out where they can get help. Because if it gets to the point where you are relying on something as esoteric as a tax form, which you may or may not be allowed to fill in in your own right, then I would suggest that the point to cry for help is a lot earlier than that and we need to be signposting much more efficiently, all of us and the agencies that already work in these areas, to pick up the phone and confidentially tell someone that you need help. What I do note from the changes that the Minister is putting forward in this is that the changes are significant because it does empower both parties and the couple to be responsible for their own tax returns and, more importantly, to be able to speak to the Tax Department about their own taxes, something which was not important before. I hope that the Deputy will take my comments in the spirit that they were made. I will happily work with her and stand shoulder to shoulder on finding ways to really empower couples who are in that financial dependence on a potentially abusive partner. But I would suggest that this is not the way to do it. What I would say is that, unfortunately, a by-product of this amendment is that it has caused so much anxiety, I think, for couples out there who have been dealing with a particular system for decades, they are quite happy with it. The threat of removing an option, which they have had as loving-married or recently civil-partnershiped couples before 2021, to continue with a system that suits them and suits the Government and the Treasury, I think is a step too far in trying to solve a problem which is not immediately related to this issue.

#### **10.4.6 Deputy I. Gardiner:**

The Connétable of St. Saviour and Deputy Tadier mentioned emails that we all received, and I received the same emails because it was sent to the States Members plus extras. What for me is clear from these emails there are 2 issues that were mixed together. I do not have an answer and I really came to this debate to listen. I would be really welcoming ... I know that the Minister spoke, I would welcome the Assistant Minister to speak. Two things that were mixed in the emails and mixed in the petition, because there is a petition as well, people took independent taxation, an amendment from Deputy Doublet, as a course for increased amounts and payments and increased inequality between married couples before 2022 and after 2022. Most of the emails speak about preserving the options through the joint taxation for all Islanders when mentioning the numbers, the amount. Somehow the 2 things mix. From my feeling, and it may be only my feeling, most of the people who opposed the amendment, they sought amendment, if amendment is not accepted they will pay less tax if they are married after 2022. There is a big difference and big inequality between married couples before 2022 and after 2022. We are talking about thousands, at least this is what was presented, and now that is why I am asking if the Assistant Minister or somebody from the Council of Ministers can give this clarification. If my understanding is correct, first of all, regardless if Deputy Doublet's amendment is adopted or not adopted, the amount of tax that would be paid will remain the same. Second question, if I understood correctly, the paper forms, it still needs to be one paper form for wife and another paper for husband and they will be joined together and it will be another paper submitted. It is not one form for 2 people; it is 2 forms that will be brought together. You still need to fill the 2 forms. If my understanding is not correct I will be happy to correct it. Again, I am asking this question because I genuinely got very lost with it. It will be looked as a joint taxation but you still need to fill the forms. If not, it will be important to be corrected. The third question is about the choice, and it may be Deputy Doublet or maybe somebody else can clarify, without Article 3, if I understood correctly from Deputy Doublet's opening speech, there is still an option and it is a choice - as Deputy Tadier used the words it is a choice - to assign your tax affairs to the third party, so we do not need Article 3 to do this. I might be wrong but these are the 3 questions that I would like to get clarification before making my decision.

[15:30]

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

Can I just say to Deputy Gardiner that I believe it is one form? I am just going to read everybody an email that I received just from one of my parishioners; it did not go to all the States: "Good afternoon, I hope you are keeping well. I noticed in a recent article in the *Bailiwick Jersey* that Deputy Louise Doublet is looking to remove the option for married women to file their tax jointly with their husbands. While I understand the reasoning behind taxing married couples separately, I for one do not see why a married woman cannot decide for herself whether she is taxed separately or jointly with her husband or partner. Having been married for 25 years and not too far off retirement, I do not want to change the way I am taxed and strongly disagree with taking away the option to choose for myself, and I am sure there will be many more in agreement with me. I do not want to be forced into this change. Would be grateful if you would highlight this to Deputy Doublet, the fact that some women and partners still want to have the option to make their own decision regarding their tax."

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

I will start by referring to Deputy Doublet's speech. I have great respect for F.R.E.E.D.A. and similar organisations as well, and I resonate strongly with the aspects raised in the V.A.W.G. report, but I do not think the aspect of independent versus the joint filing of tax has been fully understood by all parts. Although it might be seen as having fully independent taxation, as making someone fully financially independent, this is not entirely true. As if a partner will want to coerce you into financial dependency, this will be done at the cash and bank account levels already and partners insisting to



see their bank accounts anyway, so filing tax forms independently, it will not even this. A tax form alone does not equal economic abuse. By this point filing the form all funds are known, as they will be controlling all joint bank accounts. The income support and other benefits are still asking for household income, irrespective if taxation is filed independently or jointly. Exactly how the Minister mentioned, a perpetrator will, unfortunately, find all the other ways to go in coercive behaviour and financial dependency without relying on the joint filing of tax. In return, if we remove the option of joint taxation for so many who are already depending on it for various reasons and abilities, it would equate in delays and even more inaccuracy in filing their taxes and also being assessed with delays, as they have to wait for both to be filed to have an accurate view of any compensatory allowance. An important point to highlight is that if you do sign to agree to do joint taxation there is nothing to prevent you to then decide in the future, if needed, to sign to go back to independent filing and either spouse can unilaterally apply for that without the permission of the other. Therefore, with this being said I will not be supporting this amendment.

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

Very quickly. I know the Minister for Treasury and Resources has spoken but if I could just address a couple of points that Deputy Gardiner made, that of course the choice remains for couples prior to 2022 year assessment. The returns, while, effectively, everybody has been independently taxed for some time because taxpayers had their own tax identification numbers for some time, one form will be completed and returned, 2 assessments will be issued, joint payment can be made, but it is just for the avoidance of doubt, it is one form. In relation to numbers, I am not quite sure the numbers of those people who became partners after 2022 but what I do know is that out of approximately 19,000 taxpaying couples and civil partners, 121 couples and 282 couples, only that number elected for joint taxation for the years of assessment 2022 and 2023 respectively out of 19,000. I think we can be sure that people, generally couples, do not want ... they want to retain the choice, and this is what it is about. It is about choice, so I hope that is helpful.

#### **10.4.10 Deputy S.Y. Mézec:**

I think that Deputy Doublet would have a winning argument if Article 3 of the law was genuinely preserving the status quo of a married man's taxation, which is an absurd concept in the 21st century and quite clearly unacceptable and good riddance that it is going. But that is not what Article 3 of the law does. Article 3 of the law, in the context of the wider law, takes all couples to be assessed independently for their income tax; it simply provides an option for a single form to be submitted to achieve that result. It does so in a way which is different to the system that has existed up until this point. The joint tax return will be opt in, not opt out. It will be opted into only if both members of that relationship opt for it and it can be revoked at any point with just one member of that relationship trying to revoke it. It will be blind as to the gender of the members of that relationship. Because of that, what Article 3 of the law serves to do is nothing other than to give a version of choice for those who want it and only those who want it. It does not affect how much tax anyone will pay. It does not impose any obligations on to anyone as to how they will file their tax returns. It simply provides for choice because a number of people in our community have indicated to us that they would prefer to have that choice and that is all it is. In that wider context of even those couples still file jointly, being assessed independently for their income tax and for it to be opt in and for either spouse to be able to revoke that opting in. It does not resemble what we have had up until this point. We have received advice that it is C.E.D.A.W. compliant. It provides much greater safeguards against coercion and abuse than have existed up until this point. In being able to move forward with this legislation for independent taxation or, at least, a version of independent taxation, and there may be more to say on that later in the debate, it takes our society a substantial way forward in the name of equality, without financially harming anybody in the short term for making that decision and without causing undue worry and anxiety for those people who have been so used to filing their tax returns and arranging their household financial affairs in the way they have, potentially for decades up until

this point, not giving those people undue anxiety and worry. That strikes me as an entirely reasonable way forward on this; preserving that choice for those who want it, while taking a great step forward for independent taxation and equality. Because it is found in that context, I am sorry to say that I do not believe that Deputy Doublet has a case for it. She would have if this legislation and all of its other Articles were not being proposed, but in that context, I do not think she does, and so I will vote against his amendment.

**The Deputy Bailiff:**

Thank you, Deputy. I call upon Deputy Doublet to reply.

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

I thank Members who have contributed to the debate and my Constable from St. Saviour. I will focus on his points first and I will also refer to Deputy Gardiner, who asked for some clarification along these lines. The Constable referred to a number of emails that we received, and I have received many emails myself. Not as many as I was expecting. Many that I did engage with, I was able to find some common ground with those people and explain the differences between joint taxation and simply a joint tax form. So to reiterate, this amendment has nothing to do with the amount of tax that would be due by a couple. It is not about joint taxation or independent taxation. This amendment is purely about having 2 separate forms with 2 amounts of information or a joint form with the same volume of information, but on one form, together. Deputy Gardiner asked about whether it would be 2 forms just put together. No, not simply, but it would be the same amount of information. It does not reduce any labour in terms of the amount of information that would need to go on a joint form. It will not reduce the time taken to fill a form in. The Minister mentioned that the in-principle debate on this was passed by Members. I want to remind Members that it passed by just one vote. Since that debate, we have had the V.A.W.G. Taskforce report, and all of the evidence that I presented from it should compel Members to support this amendment. The point I made about the continuation of the spouse filling in the form, and the Minister mentioned this, I want to reiterate that as well. A spouse can still do this. A spouse can still ask their husband or wife for help with filling in their form. In their own autonomy, they can invite that help in. I do not believe that the safeguards in the law are sufficient to protect from abuse, which is why I am seeking to take this part out. I find it difficult to see how the safeguards will work and I do not want to facilitate any type of abuse. Deputy Scott mentioned that domestic abuse is emotive. It is indeed. However, my approach here has been an entirely rational one throughout, backed up by plenty of evidence. The Deputy guessed at who might complete tax returns, and she quoted an anecdote from somebody who worked in a bank that they estimated 90 per cent of tax forms were filled in by women. I have seen nothing to back this up. I would not base a decision on this. I would, however, look to experts, such as the charity named Surviving Economic Abuse, whose research has found that this type of economic abuse happens to one in 5 women. Deputy Tadier, first of all it sounds like he has a lovely relationship with his wife and one that we can all aspire to with our spouses, and I wish that all relationships were that healthy. However, indeed, they are not. It does not take away choice. Again, I must reiterate, as the Minister's comments stated, in a healthy relationship there is still the option to nominate your spouse to fill the form in. The Deputy describes behaviours that a coercive spouse would display and he spoke about them saying: "Let me see your tax form," et cetera, and that this was going to happen anyway. Why on earth, would we want to write this behaviour into our legislation? I do not understand why we would want to do that. One thing I do agree with Deputy Tadier on, we do need to look at other areas. I would like to work with him on that. There is a lot more that needs to be done in terms of preventing this type of abuse. Deputy Kovacs; no, this amendment, even if it is successful, it will not eradicate economic abuse. It will create a barrier to cases happening. I respectfully ask the Deputy if she is genuine about tackling V.A.W.G. I would ask her to break from party lines and vote to support this amendment in line with her stated principles, because it will create a barrier to economic abuse. I will repeat a line from F.R.E.E.D.A. These are not my words, these are from

F.R.E.E.D.A: “Fully independent taxation forms can help create an obstacle to the devastating pattern of abuse. Anything less will only serve to empower the perpetrator and reinforce their control over their victim.” Points raised by Deputy Mézec and the Chief Minister reinforce my point about people not accessing their veto power or the mechanisms available for whatever reason. The ability to opt out is no safeguard at all.

[15:45]

Some Members have talked about choice. Domestic abuse victims do not have choice. We must protect them. One quote from the V.A.W.G. report was from a victim survivor and it reads: “It still feels like Government and authorities want to sweep our experiences under the rug and ignore it.” Well I will not ignore it. I will not be silent. I will give voice to these victim survivors and I will continue to do everything I can to eradicate abuse of all forms. What I do need is for Members today to hear my voice amplifying the voices of the victims to see and acknowledge the many, many victims of abuse in our Island and to take action. It is a small action, but it is a positive action that will prevent some women being abused. Sometimes the right thing to do is not always the easy thing. But this is quite simply the right thing to do. I ask Members to support the amendment and I ask for the appel.

**The Deputy Bailiff:**

Thank you, Deputy. The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting in respect of this amendment. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I announce the amendment has been rejected: 8 votes pour, 36 votes contre.

| <b>POUR: 8</b>           |  | <b>CONTRE: 36</b>          |  | <b>ABSTAIN: 0</b> |
|--------------------------|--|----------------------------|--|-------------------|
| Deputy L.M.C. Doublet    |  | Connétable of St. Helier   |  |                   |
| Deputy I. Gardiner (H)   |  | Connétable of St. Lawrence |  |                   |
| Deputy K.L. Moore        |  | Connétable of St. Brelade  |  |                   |
| Deputy D.J. Warr         |  | Connétable of Trinity      |  |                   |
| Deputy H.M. Miles        |  | Connétable of St. Peter    |  |                   |
| Deputy K.M. Wilson       |  | Connétable of St. John     |  |                   |
| Deputy L.K.F. Stephenson |  | Connétable of St. Clement  |  |                   |
| Deputy M.B. Andrews      |  | Connétable of Grouville    |  |                   |
|                          |  | Connétable of St. Ouen     |  |                   |
|                          |  | Connétable of St. Saviour  |  |                   |
|                          |  | Deputy G.P. Southern       |  |                   |
|                          |  | 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 R.J. Ward           |  |                   |
|                          |  | Deputy C.S. Alves          |  |                   |
|                          |  | Deputy L.J. Farnham        |  |                   |
|                          |  | Deputy S.Y. Mézec          |  |                   |
|                          |  | Deputy Sir P.M. Bailhache  |  |                   |

|  |                             |  |  |
|--|-----------------------------|--|--|
|  | Deputy T.A. Coles           |  |  |
|  | Deputy B.B. de S.V.M. Porée |  |  |
|  | Deputy M.R. Scott           |  |  |
|  | Deputy J. Renouf            |  |  |
|  | Deputy C.D. Curtis          |  |  |
|  | Deputy L.V. Feltham         |  |  |
|  | Deputy R.E. Binet           |  |  |
|  | Deputy M.E. Millar          |  |  |
|  | Deputy A. Howell            |  |  |
|  | Deputy T.J.A. Binet         |  |  |
|  | Deputy M.R. Ferey           |  |  |
|  | Deputy R.S. Kovacs          |  |  |
|  | Deputy A.F. Curtis          |  |  |
|  | Deputy B. Ward              |  |  |

**The Deputy Greffier of the States:**

Those Members voting pour: Deputies Doublet, Gardiner, Moore, Warr, Miles, Wilson, Stephenson and Andrews.

**10.5 Draft Income Tax (Amendment - Stage 2 of Independent Taxation) (Jersey) Law 202-(P.6/2024) - resumption**

**The Deputy Bailiff:**

We now return to the debate on Article 3, which of course has not been amended. Does any Member wish to speak on Article 3? If no Member wishes to speak on Article 3, I close the debate. Is the appel called for in relation to Article 3? The appel has been called for in relation to Article 3. Members are invited to return to their seats and I ask the Greffier to open the voting on Article 3. I ask the Greffier to close the voting. Article 3 has been adopted: 43 votes pour, no votes contre and no abstentions.

| <b>POUR: 43</b>            |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|------------------|--|-------------------|
| Connétable of St. Helier   |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of Trinity      |  |                  |  |                   |
| Connétable of St. Peter    |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Connétable of Grouville    |  |                  |  |                   |
| Connétable of St. Ouen     |  |                  |  |                   |
| Connétable of St. Saviour  |  |                  |  |                   |
| Deputy G.P. Southern       |  |                  |  |                   |
| Deputy C.F. Labey          |  |                  |  |                   |
| Deputy M. Tadier           |  |                  |  |                   |

|                             |  |  |  |  |
|-----------------------------|--|--|--|--|
| Deputy S.G. Luce            |  |  |  |  |
| Deputy L.M.C. Doublet       |  |  |  |  |
| Deputy K.F. Morel           |  |  |  |  |
| Deputy M.R. Le Hegarat      |  |  |  |  |
| Deputy S.M. Ahier           |  |  |  |  |
| Deputy R.J. Ward            |  |  |  |  |
| Deputy C.S. Alves           |  |  |  |  |
| Deputy I. Gardiner (H)      |  |  |  |  |
| Deputy L.J. Farnham         |  |  |  |  |
| Deputy K.L. Moore           |  |  |  |  |
| Deputy S.Y. Mézec           |  |  |  |  |
| Deputy Sir P.M. Bailhache   |  |  |  |  |
| Deputy T.A. Coles           |  |  |  |  |
| Deputy B.B. de S.V.M. Porée |  |  |  |  |
| Deputy D.J. Warr            |  |  |  |  |
| Deputy H.M. Miles           |  |  |  |  |
| Deputy M.R. Scott           |  |  |  |  |
| Deputy J. Renouf            |  |  |  |  |
| Deputy C.D. Curtis          |  |  |  |  |
| Deputy L.V. Feltham         |  |  |  |  |
| Deputy R.E. Binet           |  |  |  |  |
| Deputy 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         |  |  |  |  |

Minister, we return to the Articles, Articles 4 to 20, including the schedules. Do you wish to propose them *en bloc*?

**10.6 Deputy E. Millar:**

Yes, please, Sir.

**The Deputy Bailiff:**

Do you wish to speak to those Articles?

**Deputy E. Millar:**

No, Sir.

**The Deputy Bailiff:**

Are the balance of the Articles seconded? **[Seconded]** Does any Member wish to speak on Articles 4 to 20 in Second Reading? Accordingly I close the debate in Second Reading and invite those in favour of adopting the law in Second Reading to kindly show. Thank you very much. The law is adopted in Second Reading. Minister, do you wish to propose the matter in Third Reading?

**10.7 Deputy E. Millar:**

Yes, please, Sir.

**The Deputy Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak on the law as adopted in the Second Reading in the Third Reading?

**10.7.1 Deputy R.J. Ward:**

I just want to say very briefly that independent taxation is something that we have needed. We need to make sure it is equitable as well and that people are not disadvantaged because of their earnings. There are some protections in place, but what I would like to see in the future is an area where there are certainly issues is around the area of social security and household claims. We would move forward as an Island if we moved those 2 individual claims to social security. That would give independence to people who are very reliant upon and do not have the economic power that perhaps those who have more money do have. Inevitably in the future, independent taxation, independent claims for social security must go hand in hand, if we are genuinely going to address abuse in relationships. As you look at the report that was produced when I was previously chair of a Scrutiny Panel, we had examples where it was in social security where ... it was often men who were leaving the household and it was the women in the household who were to pay back the overpayments. These are issues that need to be addressed in the future. I hope that in the coming years there will be a Government that will do that.

**The Deputy Bailiff:**

Does any other Member wish to speak of the laws opted in the Second Reading?

**10.7.2 Deputy S.Y. Mézec:**

With the Articles adopted as they have been, including with Article 3 preserved, we have before us a sensible way forward that will make our tax system better, simpler and provides a way forward in the short term that is acceptable. We have had iterations of this debate previously along the journey. I wanted to rise to be consistent in our principles as a party in supporting moves on this journey that we have always been very clear that we support absolutely the principles behind this and what it is seeking to achieve, but have always been very cautious of the mechanisms by which it is to be achieved and ensuring that people are not unduly made worse off by this. We have always been very clear that we would not vote for an iteration of this if it saw those particularly on lower and middle incomes asked to pay more for the sake of this change. We can be confident today in what is proposed with the compensatory allowance that this does, for the time being at least, ensure that people are not worse off. We can vote for it on that basis, as a sensible step forward. We know there are anxieties that have been expressed to us about the long-term future of that arrangement, the fairness and equity of it as well. It was right to say now at this point, being clear on record for the future, that as time

goes by and that compensatory allowance comes into force and we see it in action that there will need to be consideration in the future when that allowance reaches the end of its lifetime as to what replaces it or how the system changes after that to ensure that there is continued equity and fairness and people from those different financial distributions across earners in our society are paying what they ought to. We, as a party, have raised the prospects previously of, rather than a compensatory allowance, transferrable allowances to give households the freedom and flexibility to decide what they do with their tax allowances to best suit and optimise the situations for their households and how they choose to potentially take time off work for other endeavours, including having children. We think it is important that that as a future prospect is on the record and on the table as potentially a good way forward in the future to continue to support families and provide them with the equality that they deserve and have been denied for so long in our tax system, but with this being hopefully adopted when the vote takes place shortly as a sensible step in that direction.

**The Deputy Bailiff:**

Does any other Member wish to speak in Third Reading? I call upon the Minister to reply.

**10.7.3 Deputy E. Millar:**

I would like to thank everyone for their support so far. The married man’s taxation is an anachronism which has damaged Jersey’s reputation in some quarters. It is very good that we have found a way forward to move ourselves into the modern age and mitigate any issues that people might feel as a result. I would like to thank everyone for their support and Scrutiny into getting this here. This has had a long gestation period. It will continue to be a long process until we get to a system that is equal for everybody, but at least we are on the right track. Thank you very much.

**The Deputy Bailiff:**

Is the appel called for? The appel has been called for. I invite Members to return to their seats and the Greffier to open the voting. If all Members have had the chance of casting their votes, I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading: 44 votes pour and no votes contre or abstentions.

| <b>POUR: 44</b>            |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|------------------|--|-------------------|
| Connétable of St. Helier   |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of Trinity      |  |                  |  |                   |
| Connétable of St. Peter    |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Connétable of Grouville    |  |                  |  |                   |
| Connétable of St. Ouen     |  |                  |  |                   |
| Connétable of St. Saviour  |  |                  |  |                   |
| Deputy G.P. Southern       |  |                  |  |                   |
| Deputy C.F. Labey          |  |                  |  |                   |
| Deputy M. Tadier           |  |                  |  |                   |
| Deputy S.G. Luce           |  |                  |  |                   |
| Deputy L.M.C. Doublet      |  |                  |  |                   |

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

**11. The Comptroller and Auditor General Board of Governance: Appointment of Member (P.9/2024)**

**The Deputy Bailiff:**

The next item is the Comptroller and Auditor General Board of Governance: Appointment of Member, lodged by the Chief Minister. The main respondent is the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the proposition.



**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion - in accordance with Article 2(2) of the Comptroller and Auditor General (Board of Governance) (Jersey) Order 2015, to approve the recommendation of the Chief Minister and the chair of the Public Accounts Committee to appoint, for a term of 5 years, Mr. Peter J. Pichler as an independent member of the Board of Governance of the Office of the Comptroller and Auditor General.

**11.1 Deputy L.J. Farnham (Chief Minister):**

In September 2023, the C. and A.G. (Comptroller and Auditor General) Board of Governance requested that an additional independent member be appointed. For Members’ information, the C. and A.G. Board of Governance holds to account the C. and A.G. for the public funding allocated to the Audit Office. Accordingly a formal recruitment process was undertaken in accordance with the Employment of States of Jersey Employees Law 2005 and, following the guidance issued by the Jersey Appointments Commission, the role was widely advertised on the States of Jersey website; the Jersey Audit Office website; CONNECT on the *Bailiwick Express* job website, if I can give them a bit of free advertising; BL Global; and LinkedIn. Four candidates applied for the role. Following consideration by a panel comprising of the chair of the Jersey Appointments Commission, the chair of the Comptroller and Auditor General Board of Governance, the chair of the Public Accounts Committee, the Greffier, and on behalf of the then Chief Minister, the Assistant Minister for Social Security, Health and Social Services, 2 candidates were interviewed. The interview panel unanimously recommended the appointment of Mr. Peter Pichler as an independent member of the Board of Governance for a term of 5 years. Mr. Pichler’s credentials are high and are listed in the report of the proposition. I therefore commend this appointment to the Assembly.

**The Deputy Bailiff:**

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

**11.1.1 Deputy I. Gardiner:**

I would like to acknowledge to the Assembly that we had a very positive meeting with the Chief Minister. We discussed the matters and this proposition was brought forward with full agreement between the 2 of us. I would ask Members to support the proposition.

**The Deputy Bailiff:**

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

**11.1.2 Deputy L.J. Farnham:**

Can I thank the chair of the panel for her support and ask Members to support this and ask for the appel.

**The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the proposition has been adopted with 40 votes pour and no other votes cast.

| <b>POUR: 40</b>            |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|------------------|--|-------------------|
| Connétable of St. Helier   |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of Trinity      |  |                  |  |                   |

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| Connétable of St. Peter     |  |  |  |  |
| Connétable of St. John      |  |  |  |  |
| Connétable of St. Clement   |  |  |  |  |
| Connétable of Grouville     |  |  |  |  |
| Connétable of St. Ouen      |  |  |  |  |
| Connétable of St. Saviour   |  |  |  |  |
| Deputy G.P. Southern        |  |  |  |  |
| Deputy C.F. Labey           |  |  |  |  |
| 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 C.S. Alves           |  |  |  |  |
| Deputy I. Gardiner (H)      |  |  |  |  |
| Deputy L.J. Farnham         |  |  |  |  |
| Deputy K.L. Moore           |  |  |  |  |
| Deputy S.Y. Mézec           |  |  |  |  |
| Deputy Sir P.M. Bailhache   |  |  |  |  |
| 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 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 L.K.F. Stephenson    |  |  |  |  |
| Deputy M.B. Andrews         |  |  |  |  |

## **12. Andium Homes Limited: Articles of Association (P.11/2024)**

### **The Deputy Bailiff:**

The next item is Andium Homes Limited, P.11, lodged by the Minister for Treasury and Resources. The main respondent is the chair of the Corporate Scrutiny Panel. I ask the Greffier to read the proposition.

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

The States are asked to decide whether they are of opinion to approve the new Articles of Association of Andium Homes Limited, as set out in the attached Appendix.

[16:00]

### **12.1 Deputy E. Millar (The Minister for Treasury and Resources):**

The Articles of some of our States-owned entities date back some 18 years. Andium Homes' current articles are 10 years old. In that period, corporate governance standards have improved; the U.K.'s Corporate Governance Code was published in 2018 and our own Jersey Companies Law has been amended to reflect some of these best practice standards and modern ways of working. It was for this reason that after the implementation of the new memoranda of understanding with the wholly owned S.O.E.s (States-owned entities), work began on drafting and agreeing new Articles of Association with these same entities. The benefits are obvious in terms of ensuring consistency of approach between the S.O.E.s as well as being aligned with modern governing standards. The new articles of Jersey Post, J.T. (Jersey Telecom) and Courts of Jersey have already been adopted, but the current articles of Andium require changes to be approved by the Assembly, hence the reason for bringing this proposition. I am grateful for the Corporate Services Scrutiny Panel for their comments, which indicate their support for this proposition and their time in scrutinising the new articles. In concluding, I would draw Members' attention to the report and the fact that the articles of a company are simply effectively the internal rule book for how a company and its board operates. Policy matters, a company's objectives and strategic aims, for example, are dealt with separately and best dealt with separately in the memoranda of understanding and Ministerial policies notified to the companies. I make the proposition and encourage Members to support it.

### **The Deputy Bailiff:**

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

#### **12.1.1 Deputy S.Y. Mézec:**

Very briefly, to say that I was briefed on this when I was chair of the Corporate Services Scrutiny Panel. I asked a few questions about it at the time and was satisfied with what was proposed to us. I have seen that the current Corporate Services Scrutiny Panel have issued comments where they make reference to some of that. I am entirely in agreement with them. Now, as Minister for Housing, these changes have my full support. They are relatively minor, sensible alterations, which will modernise things a little bit, and that will be helpful for Andium and the Government. It has my full support.

### **The Deputy Bailiff:**

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

#### **12.1.2 Deputy E. Millar:**

I am grateful to Deputy Mézec for his support and I make the proposition, please.

**The Deputy Bailiff:**

Thank you. Those in favour of the proposition kindly show. Thank you very much. The proposition has been adopted.

**13. Termination of Employment: Minimum Notice Period (P.14/2024)****The Deputy Bailiff:**

The next item is Termination of Employment: Minimum Notice Periods, P.14, lodged by Deputy Andrews. The main respondent is the Minister for Social Security. I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion - to agree that the minimum period of notice required to be given by an employer to terminate the employment of an employee who is not employed under a fixed-term contract should be amended within the Employment (Jersey) Law 2003 to (a) one weeks' notice if the employee is within the probation period specified by the employer; (b) 4 weeks' notice if the employee's period of continuous employment is one week or more but less than one year, and the employee's probation period has been successfully completed; (c) 4 weeks' notice if the employee's period of continuous employment is one year or more but less than 4 years; (d) 8 weeks' notice if the employee's period of continuous employment is 4 years or more but less than 8 years; and (e) 12 weeks' notice if the employee's period of continuous employment is 8 years or more; and to request the Minister for Social Security to bring forward the necessary legislative changes to ensure implementation of these notice periods is effective by 1st June 2025.

**13.1 Deputy M.B. Andrews:**

Firstly, I would like to thank officers who have been of assistance to me in drafting the report that I put together for lodging. I originally looked at the Employment Law and it is a law that I have an interest in. I was comparing notice periods in Jersey compared to other jurisdictions. What I noticed here is the current framework that we have replicates the U.K., and the notice period that exist there still. It is very much my opinion that we follow the U.K. far too often, especially with our civil service; whenever the U.K. tend to do something then we tend to then follow suit. We need to be a bit more open-minded in terms of how we approach things and we need to be looking at European countries and best international practice. That is the reason why I took this approach. I did a bit of research looking at other European countries and looking at the notice periods with those different European countries. In essence, the reason why I did this is because I do have concerns, especially for those employees who have only been serving an employer for a short stint, it may only be a couple of years, you may have passed your work probation period, you may have even turned down other job opportunities and the employer has obviously entrusted you to be an employee for them. However, what you could then see is within a year or 2 the employer is taking a good look at their business and how it is going and they then give the employee a notice period, which, again, if you look at someone who has passed their work probation period, they might be working for a period of 2 years, only then will the redundancy payment, after 2 years' worth of service, kick in and take effect. It means for quite a few people they are, in essence, caught in a trap where they could be in a position of negative savings, they may have only been given one or 2 weeks' notice and then perhaps they are out of a job. In essence, what we could be seeing is the household or the individual, their expenditure exceeds the level of income due to them, say for instance, having to go down to Social Security and then access social security through transfer payments, which again are relatively diminutive. Many people who are living on transfer payments would say so themselves that it is a bit of a struggle for them. Hence when we see, for instance, such issues as overpayments, that becomes problematic, because we are looking at people who are already impoverished again being affected and having to then incur overpayments longer-term. That is something that probably needs

to be addressed. When we look at the notice periods in Europe, in countries such as Finland, any employee who has served up to one year is given 14 days' notice. Anybody who has served between one to 4 years are given a one-month period. Essentially that is all I am seeking to do, is to amend the current notice periods by ensuring that it is not progressive based on weeks, but is based on months. It will be a one-month period for anybody who has served beyond their probation period for up to a period of 4 years; a period of 8 weeks between 4 to 8 years' service; and beyond 8 years there will be a 12-week period. Now this follows on with another country, Denmark. Again, another social democratic country who, again, have a strong social conscience. Anybody who has served less than 6 months in employment is given a one-month notice period. That is more prudent, because it gives people the opportunity to then reassess their situation and they can be retained for that period of time, where they can receive income. They can also simultaneously look for new employment as well. That is a better approach instead of saying we should have a reduced period in terms of notice periods that are going to be granted to employees and then, of course, we are then more reliant upon the social welfare state. What we should be seeing is firms taking greater responsibility and becoming more attentive and show care towards those who have been given notice that their contract is to be terminated. Another country that I was quite impressed with is the Netherlands. They, once again, have a minimum of a one-month notice period for anybody who has served less than 5 years. That is a very sensible approach. As it currently stands, the redundancy entitlement under the law probably is in need of amendment. I do not know, but the Minister for Social Security may choose to look into that during this term of office. It is certainly in need of being amended. That 2-year period of service before anybody is entitled to redundancy is a bit unfair. I would rather see a redundancy payment be entitled to a person who, for instance, has passed the work probation period up to a period of, say, 2 years' service. I have said quite a bit there, but there potentially are going to be some counterarguments about whether firms can afford to pay workers during their notice period. What has to be understood here is if the firm has agreed contractually with the employee that they are to be receiving a salary then, of course, they are paying their wages from the moment that they have been employed to the moment they have received notice that their employment is to cease. For bigger firms, yes, it is something that, again, will not really affect them. For some smaller businesses what you need to see is employers need to be more considerate about the changes that are made within Jersey's legislation if the proposition is approved. However, it is also important to highlight some of the concerns that were raised in the comments paper. I quote: "Holding an employee to a longer statutory notice period could disadvantage an employee in gaining better employment." I have to disagree with that. The person can seek a new employment opportunity. I remember it myself, giving my notice period to my employer, and it was a 4-week notice period, and I had been very successful at the interview that I attended and they said: "Fine, okay, but you have to serve the 4 weeks as that is what was contractually agreed." I served that time period. There have been concerns raised about if you are going to prolong the notice period then are people potentially going to become disincentivised and are they going to still interact and are they going to still be doing the job. In essence, they have no choice but to do the job. If somebody is to operate in a way such as where we have seen malpractice then, of course, the employer has absolute right and entitlement to then get rid of that person there and then. That, again, is more so operational under the Employment Law. I would also like to highlight a couple of other quotes as well. One quote here from an employer's perspective: "Longer notice arrangements may mean having to pay an employee for a longer period when the employee simply disengages from his or her employment." Any good employee would fulfil the required time that they are to serve for the employer. We also must remember as well, there has not been any mention of this, but the employee is also going to require a reference from their employer to say: "I served X amount of years for this firm and this is a character reference potentially for me, when I am then seeking a new job." If you happen to then operate in such a way where the employer is then going to say: "No, I do not want to give you a reference due to the way you have behaved after the period of notice" then that is going to affect the employee directly. Also, it is going to jeopardise their future opportunities then to gain future employment as well. There is a third quote:

“Extending the statutory notice period in the way the Deputy envisages for new employees may mean that employers compensate for that by extending probationary periods.” I have to say, that is something I tried to address earlier this term with a proposition to set a maximum work probation period, but it was the will of the Assembly to reject that. I do not believe that would be the case, and that happens to be a bit of a supposition. The comments paper I alluded to, the proposition itself that I lodged, lacking evidence, but I also have to say some of the claims that have been made to counter my arguments happen to be suppositions. I do not see there being much in terms of evidence to reinforce those points that have been made. I have made the points that I need to. I would like to move the proposition and would like to hear Members contribute to this debate. .

### **The Deputy Bailiff:**

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

[16:15]

#### **13.1.1 Deputy L.V. Feltham of St. Helier Central:**

I do not intend to speak for long as I have issued comments on this proposition, and I hope that Members have had the opportunity to consider them. As Minister for Social Security, I cannot support this proposition, as there is little evidence that the changes proposed would enhance the rights of employees or not to place an unnecessary burden on employers. Also the discussions that I have had with both employer and employee representative groups suggest that key stakeholders have not raised this as a priority or something that needs change. As I said in my speech, when I was appointed to this position, I am keen to make improvements to the Employment Law where they are required. Shortly after becoming appointed as Minister, I requested officers to provide a comparison between our Employment Law and other jurisdictions so that I can assess where we may have gaps in our legislation and where our current law may be outdated and falling behind best practice. I believe that when we make changes to our Employment Law we need to view the legislation more holistically and not take a piecemeal approach. I have started work to look at what our priorities should be, and I intend to consult with the relevant stakeholders as I continue this work and work on legislative change to bring to this Assembly. I would like to address a comment that was made on social media by the proposer of this proposition, which suggested that rejecting this proposition would not support workers’ rights. I refute that suggestion. Tinkering with legislation in this way would carry the risk of negative consequences for workers and may impact on a workers’ employment or earnings prospects, as well as carrying the greater risk of employer/employee relationships. I stand here as a trade unionist. I am wholeheartedly pro workers’ rights. To that aim, I have already commenced one-to-one meetings with trade union representatives. None of the trade unions have identified notice periods as a change in legislation that needs to be prioritised. I have also met with employer representatives and will continue to work with them as key stakeholders to ensure that any changes in legislation we make are effective and do not add to unnecessary red tape or burden for employers. Should the Assembly pass this proposition, I would need to redirect staff from working in the way that I have proposed and instead ask them to work on an ad hoc change to legislation that appears to have no sound reasoning. I hope that the Assembly will reject this proposition and support me to take the more objective and evidenced approach that I have started.

#### **13.1.2 Deputy E. Millar:**

I am not going to say a great deal, but I have direct experience of over 25 years of being an employer and manager of people. I am going to comment with some observations from that experience and also as somebody who has a reasonable grasp of employment law. Lengthy employment periods can be prejudicial to people, including some relatively junior people. I can give an example of that. In a previous role, I had a member of staff who was in a relatively junior role, but because she had worked with the organisation for a long period of time had a notice period of 3 months. I knew she

was looking for a new job, she told me that. I am not the type of employer to stand in someone's way. If someone wants to leave then you should facilitate it for them, because there is no point in having an unhappy employee, in my view. What she had been told by the agencies when trying to find replacement employment was that a 3-month notice period was not in her favour because at the level of job that she was looking for, employers expected people to be on 4 weeks and wanted people starting within 4 weeks. As a relatively positive employer and in all the circumstances, I agreed that she could have, if she found a job she wanted and the 3-month notice period was a problem, we would let her go after 4 weeks, which would have created us a problem, but it would have enabled her to find a job she wanted. Many employers will take that view. As I say, the last thing most employers or departments want is someone who is not happy, who is disengaged, and who wants to leave. Contrary to the Deputy's view, many employees do disengage. When they are unhappy, they will disengage with the work and they will often disengage during notice. That is not a generalisation. Some people do continue to perform very well, because that is the nature of their relationship. However, sometimes people do definitely slow down during the notice periods. Lastly, the point on references, it is very rare for any employer now, I believe, to write a reference that says anything other than this person worked here between this date and that date, because references have become such controversial area under data protection and so on that employers very rarely commit themselves to saying a great deal about personal qualities. Those are my observations, which I hope are helpful.

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

As the Member of the States who introduced redundancy payments in the first place, I feel that what we have here is a piece of research that is a little research and needs far more depth and consultation between the unions and employers to arrive at something that is little more than a set of random timescales. I do not think this is the piece of work that is required at this stage if we are to examine properly and in a consultative manner the redundancy periods we do have. The reason why it is modelled on the U.K. is because most of our employers, the big employers certainly, are aware and cognisant of U.K. systems themselves, so understand what is going on. I cannot bring myself, despite being a unionist, to support this proposition.

### **The Deputy Bailiff:**

Does any other Member wish to speak on this proposition? Deputy Andrews.

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

I must thank all Members who contributed to this debate. During the period when I lodged the proposition, I did speak to about 4 or 5 different stakeholders. One included a food bank, because I thought it would be interesting to get their perspective on things. I also spoke to one union and I spoke to Citizens Advice. One individual who I engaged with who has quite an extensive background in international H.R. (human resources) was very supportive of the proposition, because they could see what I was seeking to do. They were saying as well that it is important that if somebody has served a length of time in their role then surely they should be given a minimum of 4 weeks' notice if they have passed their work probation period. That is something that I happened to be in agreement with. They read my proposition and they thought it was worthwhile having the debate. Even when I spoke to the unions, they did say that there are probably more priorities at the top of their list, such as looking at the tribunal and the way a tribunal functions and employees' rights, et cetera. That was interesting. They kind of expressed some views where they thought if people were to be serving for less than one year and they are to be given a 4-week notice period that was something that they maybe did not agree with. However, anybody who has served over one year then they were of the belief that, yes, a 4-week notice period was probably fair and something that they did happen to agree with. I will not go on. Members have listened to the debate and have seen my proposition and they have also taken note of what was mentioned in the comments. It is probably time I asked for the appel to be called for, Sir.

**The Deputy Bailiff:**

The appel has been called for. I invite Members to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I announce the proposition has been rejected: 4 votes pour, 39 votes contre.

| <b>POUR: 4</b>         |  | <b>CONTRE: 39</b>           |  | <b>ABSTAIN: 0</b> |
|------------------------|--|-----------------------------|--|-------------------|
| Deputy L.M.C. Doublet  |  | Connétable of St. Lawrence  |  |                   |
| Deputy I. Gardiner (H) |  | Connétable of St. Brelade   |  |                   |
| Deputy D.J. Warr       |  | Connétable of Trinity       |  |                   |
| Deputy M.B. Andrews    |  | Connétable of St. Peter     |  |                   |
|                        |  | Connétable of St. John      |  |                   |
|                        |  | Connétable of St. Clement   |  |                   |
|                        |  | Connétable of Grouville     |  |                   |
|                        |  | Connétable of St. Ouen      |  |                   |
|                        |  | Connétable of St. Saviour   |  |                   |
|                        |  | Deputy G.P. Southern        |  |                   |
|                        |  | 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 R.J. Ward            |  |                   |
|                        |  | Deputy C.S. Alves           |  |                   |
|                        |  | Deputy L.J. Farnham         |  |                   |
|                        |  | Deputy K.L. Moore           |  |                   |
|                        |  | Deputy S.Y. Mézec           |  |                   |
|                        |  | Deputy Sir P.M. Bailhache   |  |                   |
|                        |  | Deputy T.A. Coles           |  |                   |
|                        |  | Deputy B.B. de S.V.M. Porée |  |                   |
|                        |  | Deputy H.M. Miles           |  |                   |
|                        |  | Deputy M.R. Scott           |  |                   |
|                        |  | Deputy J. Renouf            |  |                   |
|                        |  | Deputy C.D. Curtis          |  |                   |
|                        |  | Deputy L.V. Feltham         |  |                   |
|                        |  | Deputy R.E. Binet           |  |                   |
|                        |  | Deputy M.E. Millar          |  |                   |
|                        |  | Deputy A. Howell            |  |                   |
|                        |  | Deputy T.J.A. Binet         |  |                   |
|                        |  | Deputy M.R. Ferey           |  |                   |
|                        |  | Deputy R.S. Kovacs          |  |                   |
|                        |  | Deputy A.F. Curtis          |  |                   |
|                        |  | Deputy B. Ward              |  |                   |
|                        |  | Deputy K.M. Wilson          |  |                   |



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|--|--|--------------------------|--|--|
|  |  | Deputy L.K.F. Stephenson |  |  |
|--|--|--------------------------|--|--|

**The Deputy Greffier of the States:**

Those Members voting pour: Deputies Doublet, Gardiner, Warr and Andrews. Those Members voting contre: the Connétable of St. Lawrence, St. Brelade, Trinity, St. Peter, St. John, St. Clement, Grouville, St. Ouen and St. Saviour, and Deputies Southern, Labey, Tadier, Luce, Morel, Le Hegarat, Ahier, Rob Ward, Alves, Farnham, Moore, Mézec, Bailhache, Coles, Porée, Miles, Scott, Renouf, Catherine Curtis, Feltham, Rose Binet, Millar, Howell, Tom Binet, Ferey, Kovacs, Alex Curtis, Barbara Ward, Wilson, and Stephenson.

**The Deputy Bailiff:**

The only item of public business remaining is the Offshore Wind debate. So we either start that or adjourn. Would any Member like to make a proposition?

**Deputy L.J. Farnham:**

I would like to propose we start the debate, Sir.

**The Deputy Bailiff:**

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

**14. Offshore Wind (P.82/2023)**

**The Deputy Bailiff:**

In that case, if Members are content, we will start the debate. Before that, there is an amendment lodged by Deputy Warr. You do not accept the amendment, do you?

**Deputy S.G. Luce:**

I am not accepting it, no, Sir.

**The Deputy Bailiff:**

The proposition will be read as unamended.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion - (a) to agree that Jersey should pursue the opportunities arising from the development of an offshore wind farm in the south west of its territorial waters; (b) to agree that development of up to around 1000MW in provision should be encouraged in order to meet the needs of Islanders, to power the Island's future economy and to create energy for export; and (c) to request the Council of Ministers to bring forward appropriate policy and legislation before the end of 2024 to set in place a process to lease, provide consent for, regulate and safely decommission a wind farm.

**14.1 Deputy S.G. Luce (The Minister for the Environment):**

I always like to be positive and I am going to start the debate on the upside by saying to Members that I do not intend to repeat at length the contents of the report to this proposition or either the comments I have published recently. However, on the downside, I fear that I am going to disappoint some Members as I do not have all the answers to all the questions that many of us will be having at this stage. What I do want to do though is focus on what the proposition is asking Members to support and to address some of the very reasonable issues and concerns that I know some Islanders and some States Members may have. To start, I want to take a moment to explain what this proposition is seeking support for and what it is not asking for. The proposition seeks Assembly support to locate a wind farm in a suitable part of our territorial waters. It seeks support to agree the size of that wind

farm at around a 1000MW or 1GW. It may be smaller, it may be slightly larger, but if the proposition is supported, we will know the rough size and location that we are talking about today. Based on this information, the proposition seeks support for me and the Minister for Sustainable Economic Development and our teams to go and do the work to answer the other big questions that we are all asking each other. Questions like: who might buy this power should we produce it? Will we bring power directly to Jersey? If we do, what will this mean for our current energy system and the price of electricity? What infrastructure would it require and where might that go? What environment impacts might we see and, where those could be harmful, how might they be mitigated. I am sure that we would all agree that these and many other questions need fully informed and evidence-based decisions.

[16:30]

For that, we need more time and more detailed study. This proposition does not commit us to building a wind farm. It does not commit us to excessive expenditure. It does not bind us into any relationships with third parties. Other than agreeing the location and the approximate cap on the size of the development, we can agree the proposition today and keep all the other doors open. It may well be that once we have done the work and analysis, we say: “We have looked at this thoroughly. We have carried out the economic and technical viability assessment. We have tested the market. However, this project does not work for Jersey or it does not work for investors and we need to be open to all outcomes.” Or it may be that we do the work and it shows that there is interest, a real opportunity and a chance to make a major, positive contribution to addressing the serious economic and demographic challenges that lie ahead. Either way, we will know the answer to that question or we will not know the answer to that question until we have done the work to find out more. This project is about planning for the future of our Island and the need to base decisions on proper evidence. We must try hard to not allow any narrow interests or to restrict or constrain the options for future generations. We need to base our decisions on that evidence, not emotions or gut feelings. We need to consider and scrutinise that evidence in public. With that commitment in mind, I have written to the chairs of the Environment and Economic Affairs Scrutiny Panels to welcome comments that they have made and their intention to establish a new Scrutiny review panel, focused on offshore wind and to set out how we intend to provide the further information they have requested in line with their suggested timescales. As Members know, this proposition was lodged by the previous Council of Ministers. Members will also be aware that when I became Minister for the Environment I was undecided about this proposition and I needed time and information before I was able to reach a view on the proposition. I wondered why it was being made so early in the process and when the project had not been officially proposed. However, since taking up my role, I have spent a lot of time reading and listening to the evidence. I, like all States Members, have had the opportunity to read verbatim feedback from over 1,000 respondents to our recent Island-wide consultation; 70 per cent of these were positive about the concept and the need for further work to understand whether a wind farm is right for Jersey. However, clearly many Islanders are not positive and I have heard those views as well. I want to be clear that I am not taking forward the interests of all Islanders in this work. I am taking forward the Islanders that are in favour and those that are against. I do want to take a moment to pick up on the consultation process. There has been a lot of noise and chatter in the media and some unfair criticism of the process. I want to take this opportunity to put the record straight. Firstly, let us be very clear, the consultation is not a statistical survey or an opinion poll and the findings have never been presented as such. The purpose of the consultation was to ensure that when we arrived at today’s debate we had a reservoir of information to draw on about what Islanders are currently thinking. I have heard some people say that those in favour would be more likely to take part and others have said that those more opposed had more reason to take part themselves. Everyone had an equal chance to give their views and we have the information that is available to us as a result. The findings of the consultation were presented in a report in a transparent way to enable readers to see the range of views expressed by those who chose to respond. Including the unusual step of publishing

every verbatim comment received. Members were briefed and have had time to digest the information. Members also received an email from me yesterday that hopefully cleared up any misunderstanding as about why regrettably some additional information was published after the main report. As I have explained, all comments were analysed and used to inform the consultation report. All the figures in that report are comment. I am comfortable that it stands as entirely valid. If Members support the proposition, we will also see further opportunities for Islanders to be involved, both in the development of the legal and regulatory framework and in the development of specific scheme proposal. I want to talk a little, if I may, about international liaison. Members have received the translated copy of the response to our consultation from the French Government. I would like to put on record my sincere thanks for that submission and for the helpful suggestion that we establish a joint working group to explore the many issues that we will both want to consider, which builds on the early discussions with French regional officials in both Normandy and Brittany. We will take advantage of the opportunity to respond also to the ongoing consultation on marine planning that is currently underway in France. The French Government has an ambitious wind programme, to install around 40GW of power around the French coastline by 2050. As part of that programme they have identified the need to upgrade their grid infrastructure. The suggestion that we might benefit from a connection opportunity in 2035 might seem a long way off to us, but it should come as no surprise, and in terms of offshore wind farm development, it is not that far away. I would also like to record my thanks and those of my officers for the helpful input and advice received from many neighbouring governments, particularly in France, but also officials from the U.K., Scottish and Welsh, Isle of Man, and Guernsey Governments, as well as representatives from many other European nations. The important thing is for us to maintain our ongoing discussions and relations with our neighbouring jurisdictions, so that we continue to keep all our connection options open. What are some of the key issues for Islanders? Our work to date has identified some real and very reasonable concerns, particularly issues around visual impact, around environmental impact and, of course, around the cost. Any offshore wind farm clearly will have both visual and environmental impacts, and I hear those concerns loud and clear. We are able to see the St. Brieuc development from our coast and we are aware of the extensive monitoring and reporting that the French carry out as part of the site development and operation. We will require any developer to fund the studies necessary to explore these issues in detail, to propose mitigations and to subject their work to rigorous, independent inspection. I can assure Members that the new legislative framework that will be developed if we adopt this proposition will require landscape and visual impact assessments as well as environmental impact assessments, in line with international standards and requirements, as we would expect for any major development. As an island community, we will need to be realistic about both positive and negative impacts and make decisions about our tolerance for change. We, in this Assembly, are in charge of that process. We will set the standards and agree the associated processes. If, once we have done all the analysis, the decision is to proceed, then we need to enter that stage with our eyes open, with a full understanding of the impacts our actions will have. The question of cost and financing has come up a number of times and, let me be quite clear, we are not making a decision here today to spend huge amounts of money on a wind farm. The work we are asking permission to carry out has been resourced and can continue to be met from within existing budgets. Any fixed views on financing and construction costs, potential ownership models, et cetera, are, to me, premature. Once again, I can assure Members that we are keeping an open mind on all options until we have looked at the issues more closely. Ultimately, only those investors that have the experience and risk management capacity to raise the necessary capital at affordable rates will be able to come to the table. Having dealt with some of the overarching points, I just want to briefly remind Members of the 3 parts of the proposition. The proposition only seeks support for 2 policy intentions. Firstly, the location of the development; this is outlined in the report. The bridging Island Plan already supports the principle of development in this area in response to the initial feasibility work, which confirmed the suitability of the location in terms of seabed, wind speed, avoidance of shipping lanes and sensitive habitats. The location, as Members will know, is adjacent to the St. Brieuc wind farm,

which we are all now familiar with seeing on the horizon. We can learn a lot from our neighbours about the process and lessons from their project and have been pleased to have early conversations with the regional government on these topics. Secondly, the capping of the scale of the development. This proposition states: “A size of up to around one GW.” It may be smaller as I said, it may be slightly larger, and the development may progress in phases. But ultimately, if the proposition is supported, we will know roughly the maximum size and the location we are talking about. All other questions remain to be fully explored and debated in subsequent phases. The third part of the proposition seeks permission to do this work and, accordingly, part (c) seeks support for Ministers to bring forward appropriate policy and legislation to set in place a process to lease, to consent, to regulate and, importantly, to safely decommission a wind farm. There is an amendment and we will shortly debate that. Ministers have urged Members to reject it and I will not rehearse my detailed points here, but I would like to give an early assurance that we are working closely with Jersey Electricity and have done, as appropriate, at all stages of the work. What might be the next steps? This debate provides us with an early opportunity to reflect and to air Members’ opinions. As outlined in my published comments, if the proposition is adopted, the focus for the next stage of work will be addressing the following areas to start to address the questions that we all have about a possible offshore wind farm in our waters. First, designing a fit-for-purpose legislative and regulatory framework. Law drafting would be expected to progress over the summer in order that a draft law could be lodged in autumn of this year. Secondly, developing a commercial leasing process to maximise strategic benefits for the Island. This would include sharing the additional information that Scrutiny have requested by the end of the year. Third, continuing to engage with our local community, our neighbouring jurisdictions and the U.K. Finally, I have also committed to preparing a project update to share with Scrutiny by the end of May, should this proposition be passed today. In rounding up, I want to start by saying thank you to Islanders for engaging with this issue. I do not just mean those that have supported the idea. A scheme of this substantial nature is never simply a good or bad thing, which is why it is important that we continue to debate and weigh up the positive and negative impacts. A scheme of this substantial nature is not about my view or the joint view of me and the Minister for Sustainable Economic Development, or of the Council of Ministers, or of Scrutiny, or of this Assembly. It is important that we continue to debate and weigh up the positive and negative impacts with all Islanders. The consultation that they took part in does, though, demonstrate a strong positive sentiment about a possible wind farm, and I welcome that. I believe there are very strong and compelling reasons for us to look seriously at this opportunity.

[16:45]

A wind farm could add a substantial economic boost and bring important strategic diversification. It would certainly contribute to achieving the global carbon reductions targets we are committed to, whether that is within our own energy system or in other countries, and it could give us an important and long-term strategic hedge against an uncertain and volatile future energy landscape. How and to what extent we secure these benefits and what the trade-offs are that need to be made along the way, we do not yet know. I am content, however, that this is the right time to be asking the States Assembly to commit to us carrying on with the work and analysis required to ascertain whether an offshore wind farm is right, is feasible and is appropriate for Jersey. I would like to thank, if I may, the previous Ministerial team for the work they did to get the project up and running and to take the consultation to the Island. To close the door at this stage leaves many questions unanswered and could mean - could mean - we miss a significant opportunity for the Island. In supporting the proposition, States Members will be sending a strong signal to our partners in neighbouring jurisdictions and to potential investors and developers that they can have confidence in Jersey, and that we recognise the potential for development and that we are taking the significance of the project seriously and with long-term interests and objectives at heart. I hope very much that the Hansard and recording of this debate will stand us as testament to our shared political will and commitment, and I sincerely hope that support for this proposition will be found on a broad basis across the Assembly.

This will provide an important and firm foundation for discussions, questions and answers in the next stage of this work. I commit the proposition to the Assembly. Thank you. **[Approbation]**

**The Deputy Bailiff:**

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

**14.2 Offshore Wind (P.82/2023) – amendment (P.82/2023 Amd.)**

**The Deputy Bailiff:**

There is an amendment lodged by Deputy Warr. Can I ask the Greffier to read the amendment?

**The Deputy Greffier of the States:**

Page 2. After paragraph (b) insert a new paragraph (c) as follows and redesignate the subsequent paragraph accordingly - “to request the Council of Ministers to work in partnership with Jersey Electricity P.L.C. (public limited company) during all stages of the development of an offshore wind farm, including (but not limited to) the establishment of processes for engaging third-party developers and the utilisation of the company’s sector knowledge, expertise and French contractual relationships to ensure that risks are managed appropriately in the provision of any offshore wind energy solution and that benefits are realised.”

**14.2.1 Deputy D.J. Warr:**

I thank the Minister for his introduction and also I would just point out to Assembly Members, I am not speaking against the proposition. This is simply to add a paragraph in and I would urge you to have a look at that, because I think it is really important that Jersey Electricity are in at the very beginning. I was reminded the other day in an interview I read with the chief officer of the States of Jersey Police about the Haut du Mont incident, that utility companies really are different. He was talking about where the investigation had got to nearly 1½ years after this terrible event. It also reminded me of the major gas outage that took place last year that affected so many Islanders and local businesses and how poorly they have been subsequently treated. When things go wrong in the utility business they can, as we know first-hand, be catastrophic. It goes, therefore, without saying that working closely with these businesses on major infrastructure projects is vital for the long-term security and well-being of our Island and Islanders. Turning then to the wind farm proposal. I am agnostic when it comes to whether building a wind farm is the right thing to do, and I appreciate that the purpose of this proposition is simply to get the Assembly's permission to keep doing the research. I absolutely agree with this approach; the bit I disagree with is going to the starting gate without our leading energy supplier, Jersey Electricity, sitting at the top table. I will now explain why I believe this to be the case. It is important that we remind ourselves as to the purpose behind building a wind farm that will cost billions to construct. Are we doing it for environmental reasons, security reasons or for economic reasons? The environmental argument has already been well-rehearsed. We must not forget, though, that we currently import energy from both nuclear and hydro sources. It is already pretty much as green as you can get. Thus the environmental argument, while important, is not a key driver here. The biggest environmental impact would be the building of a huge substation, should we choose to land the cable from the wind farm in Jersey. That does not appear very high in the discussions I have been party to, but that is an argument for another day. Next, let us look at energy security; something, due to the current geopolitical situation, that is now high on everyone’s agenda. A wind farm gives a greater diversity of energy source, but due to its inconsistency of supply, we will always need other energy sources to ensure we keep the lights on in this Island. I would recommend Members check out the energy dashboard for the U.K. to see diversity of energy sources used and how much is imported. Gone are the days when you needed an energy source on your doorstep; today it is about being integrated into the energy network. It has even been suggested to me that Jersey Electricity could choose not to purchase the wind farm energy, should it be deemed to be too expensive. That is how little proximity matters. One of the biggest security issues, as I

understand, is undersea hybrid warfare. Vice-Admiral Didier Malettre, N.A.T.O. (North Atlantic Treaty Organization) Commander, has spoken about Russian attempts to target the extensive vulnerabilities of underwater infrastructure, including wind farms, pipelines and power cables. So there are some of the security issues. That leaves us with the real driver for a wind farm: the economic case. In his weekend interview in the *Jersey Evening Post*, the Minister for Sustainable Economic Development was clear where he sees the opportunity. He recognises that the potential revenue stream could be a massive boost to our economy for a myriad of reasons. So how do we get the biggest bang for our buck? I do not know, but I know a business that we own that does. The one business in this Island that really understands energy markets and is owned by us is Jersey Electricity. Why would you not start this journey without them? One of the biggest arguments being made to me against my amendment is conflict of interest. How can Jersey Electricity be part of setting the rules, while at the same time potentially being the beneficiary of those rules, effectively marking their own homework? The argument runs that this would scare off potential investors. In other words, not just refereeing the game, but also being part of the team competing. In reality, we are all conflicted. We all buy power from Jersey Electricity who, by the way, saved the community £200 million because of their market activities from which we all benefited. In any other scenario, I would have sympathy for this argument. However, when it comes to something as strategic as energy provision to Islanders, particularly our most vulnerable, we need those embedded in our community to be helping us make the big calls. We need to ensure that the dice are loaded in our favour. This is not about being fair. This is about working together in the interests of our community, not communities halfway around the world. The importance of having skin in the game cannot be underestimated. We only have to look over the water to see what happens when outside interests overtake local ones. As an aside, I would highly recommend reading *Soil and Soul* by Alastair McIntosh if you want to delve further into the subject matter. The privatisation of government-owned utility companies under the Thatcher Government is a classic example where conflicts of interest have run amok. Solid, publicly-owned utility companies who started out with zero debt today find themselves overwhelmed with in excess of £60 billion worth of debt. In some cases, more than a quarter of the utility bill is going towards servicing this huge debt, rather than being reinvested in upgrading infrastructure. These privatised utility companies are completely conflicted. Whose interests are they really working for? Their investors, who have benefited from massive dividend payouts? The water sector, for example, has paid over £50 billion in dividends over the past 3 decades. Or those who use their services? Given that Southern Water was recently fined £90 million for dumping billions of litres of raw sewage into coastal waters off Kent and Hampshire, I would suggest it is investors who have the upper hand. Investors who live thousands of miles away from the affected communities. There are many such stories. Just last month, Southern Water was fined £330,000 after raw sewage escaped into a stream in Hampshire, killing 2,000 fish. But the point I want to make is that Jersey Electricity are not they or them; they are us. They are mostly owned by us and are invested in our community. That is really important to acknowledge. The employees of Jersey Electricity, in turn, are our neighbours, our friends, our relatives. They spend money in our shops and restaurants. It is inherent that they want to protect the community in which they are invested. Conflicts of interest in this Island are not unusual, as we know in this Assembly. The most important thing is we surface them and move forward in a constructive way. There are millions, if not billions, of pounds at stake here. The international sharks are already circling and they do not really care much about our infrastructure, how much we pay for our electricity, the impact they might have on the cost of living in this Island, their impact on the most vulnerable households. That is for local governments to deal with; we will clear up their mess. But we, as a community, have our own trump card in the form of Jersey Electricity. Let us not be frightened to use it. Not tomorrow, but today. I urge Members to support the amendment.

### **The Deputy Bailiff:**

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

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

Members will have seen that the Council of Ministers has lodged comments on this amendment and I want to be clear that we have given this serious consideration, as we do not lightly ask Members to reject an amendment that may, at face value, seem appealing. In our consideration of this amendment we have also reflected on its origin. I want to draw Members' attention to the fact that this amendment does not arise from the Ministers leading on this work, Ministers who are already working with Jersey Electricity and are in discussion about how we could shape our work with them going forward. It does not come from the Minister for Treasury and Resources in her capacity as a 62 per cent shareholder in Jersey Electricity. Nor does it arise from either of the 2 Scrutiny Panels, which have made comments on the proposition. Even though Deputy Warr sits on the Environment, Housing and Infrastructure Panel, their comments make it clear that the amendment is his personally, and does not reflect their views. Finally, the amendment is presumably unsolicited from Jersey Electricity itself and the 38 per cent remaining minority investors in that company. It is of significance that all 5 of the entities most closely involved in this matter did not raise it - about Jersey Electricity now - presuming that they recognised that it is a future decision to be taken after much more research.

[17:00]

On this basis, Members should be aware that I approached the Deputy to raise these concerns, with the request that he might withdraw his amendment. He declined to do so and I am disappointed that we now have a situation where we have to spend time on the amendment and have a sensitive debate that we might be forced to have in the open. Turning to the amendment, though, there are some significant blind spots that give me concern. I will elaborate, but before I do, I want to be very clear that Jersey Electricity will undoubtedly bring many skills should we proceed to the next phase of this project, and I fully intend to define how these will be deployed should the Assembly support the proposition. Indeed, I have a long experience of working and engaging constructively with Jersey Electricity; previously as Minister for the Environment, in my role on Scrutiny and since taking up the role of Minister most recently. I have just met with the chief executive and the chair of the Jersey Electricity Board to discuss the many positive aspects of Jersey Electricity's current involvement in helping to deliver our net zero policies on heating and transport. I know the previous Minister for the Environment worked with Jersey Electricity as part of this project, and I welcome continuing to do so in an appropriate way at the appropriate time. However, this amendment, as worded, cannot be accepted and the Council of Ministers urge Members to reject it. The crux of the challenge is that the amendment proposes to tie us very tightly into a specific partnership at the very early stage of this project. As we know, the P.82 proposition seeks this Assembly's in-principle support for further investigation into developing an offshore wind farm. We know there are many unanswered questions and much evidence to gather and consider before we make significant decisions, yet this amendment tries to tie us to a particular partner at all stages of the decision process. The challenge in defining Jersey Electricity so tightly as an integral partner at this early stage is not just that it constrains us too early, it is we have not yet had the opportunity to consider and resolve 2 critical and important areas of risk that need to be overcome before tightly defining Jersey Electricity's role in any project. Firstly, Jersey Electricity have advised Ministers and made clear in the media that they would be interested to seek a commercial interest in the potential future projects; a matter that I am open-minded on currently. Despite seeking a potential future commercial interest in the wind farm, the Deputy's report proposes that Jersey Electricity representatives would sit, and I quote: "Alongside government officers in all aspects of policy making." It would clearly be wrong for Jersey Electricity to be central to developing and setting the policy and parameters for a commercial process that they

wish to benefit from. This simply does not meet any type or any kind of impartiality test and because the company has private investors, this is very clearly a conflict of interest. This would be apparent to potential developers and investors and would likely have implications for the commercial leasing phase. I just want to turn now to the matter of Jersey Electricity working in the Island's interest. As we know, J.E. (Jersey Electricity) is a public limited company and Government is not the full shareholder, owning just 62 per cent of the ordinary share capital, albeit with 84 per cent of the voting rights. The proposition creates significant risk by opening up Government and this Assembly's policy making environment to commercial investors who have no obligation to act in the Island's interests. I am unsighted as whether the minority shareholders have had any chance to consider these issues but given that Jersey Electricity did not originate this proposition, I can only assume they have not. Resolving these 2 serious considerations and deciding the fundamentals of any project, like the route to market, are my priority before we can formalise and commit to the details of any working relationship with Jersey Electricity or any other organisation for that matter. Agreeing a formal policy development partnership, as set out in the report to the amendment, would place unhelpful restrictions on Jersey Electricity's potential future participation in any commercial aspects of the onshore wind project and also potentially other aspects of energy policy development and delivery. This would compromise our capacity and ability to achieve the targets that we have set on behalf of Islanders. It would be damaging reputationally and to our working relationship with Jersey Electricity. It could unnecessarily restrict future policy choices. There needs to be time for Government, as the majority shareholder in Jersey Electricity, to come to its position on behalf of Islanders about how it wishes the company to be involved in the project. The recent public consultation showed significant interest from Islanders to explore both public, private and community ownership models. Again, this work should be done before any formal agreement about joint working. Members, should P.82 receive the support of this Assembly, Ministers are committed to working with Jersey Electricity in all appropriate ways and fully recognise the value they will bring to the project. However, this amendment is premature; it is not thought through and does not recognise the potentially serious consequences and conflicts of interest that it would cause and the risks that that raises. The Council of Ministers cannot accept this amendment and urge Members to reject it. The time to formally define Jersey Electricity's role in any project is at a future point when full consideration has been given to all the issues raised today.

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

It was not about speaking in relation to this proposition; it was about whether Members should at this stage declare an interest as to whether they have shares in the Jersey Electricity Company.

**The Deputy Bailiff:**

Thank you for raising that. Thank you for raising that, Deputy, but a shareholding in the J.E.C. (Jersey Electricity Company) is too remote to amount to a direct financial interest, or indeed a relevant interest for the purpose of Standing Order 106.

**14.2.3 Deputy M. Tadier:**

I am mindful of the fact we are only speaking to the amendment. First of all, I was hopeful coming into this part of the debate that the Deputy does raise a worthwhile debate and whether or not now is the time to have it is another matter. The Minister thinks that there is another time that we will need to decide about what the involvement of the Jersey Electricity Company, as it has been clarified that we do not own it outright, we are 62 per cent shareholder. What I would say is that I agreed with a lot of the speech from the Deputy of St. Helier South when he just spoke and it is a speech that I am sure a lot of the Labour left would have also agreed with and the Green Party would have agreed with in the U.K. It seemed to be more about States ownership of assets rather than necessarily what the involvement of a partially-owned electricity supplier in Jersey should be in the development of a potential new wind farm at this point. There is a disparity between the speech that we heard and the



amendment that is being tabled because the amendment talks about working in partnership with the J.E.C. and the development of the offshore wind farm, including but not limited to the establishment of processes for engaging third-party developers. It goes on, of course, and none of that is really providing any real clarity about what the relationship should be between the J.E.C. and then the eventual project. If there was a proposition on the table which says (a) we should consider entirely owning the J.E.C. and the J.E.C. should be the company that drives the project on behalf of either the Government or the States of Jersey - I think the Government of Jersey - that would be giving very good clarity and it would then be a question whether at this stage it was the right time to set ourselves on that course. It may well be, of course, that we do go down that road and we then decide what the involvement should be. If I can speak partly now, for this moment, with my Scrutiny hat on, I do refer Members to the comments that we make as a panel. I will refer to them later, but one of the things we did mention is that the panel would highlight that clarity on the position of the role of the Jersey Electricity Company needs to be given, and that we also noted the letter of support from the Jersey Electricity Company about the ultimate development of the wind farm, certainly this phase of it. That does need to be given, the question is of course at what point does that need to be given? I can see, if we are going to talk about conflicts of interest, I do side with the Minister on this one because how on Earth, if you are going to look at all the possible options for developing a wind farm or somebody is going to develop a wind farm, how would they view it if they were to come in, potentially as an entirely private investor or a partnership with Government, and they find out that there is already this strange privileged position that is being given to a partially-owned government entity, which is still not going to be clearly defined. They would look at that and think: "We want to invest in a wind farm in Jersey. We potentially want to lease the seabed off you. We will discuss what the rates are that you will get in return for that lease and maybe some tax and maybe some discounted energy and the way that is divided up. But what is all this about the J.E.C. being involved in it and how does that work? What is your involvement with the J.E.C. again? Do you own them? Do you envisage that they will be breathing down our necks? Do you envisage that they are going to be telling us what we can and cannot do?" It may well be, as I have said, I am completely open to all of the ultimate ways that we might do this, and where I agree with Deputy Warr is that I am concerned ultimately that if we do get to the point of a wind farm being developed, either directly or indirectly by us, that the people who benefit from it should be the people of Jersey, not some distant shareholder or some distant multinational. In fact we see that electricity prices have not gone down, they might be exactly the same, or they might be going up, and that the user of that electricity ultimately does not find there is any benefit. Okay, it might have a green label on it, it might say: "Made in Jersey", but if it is twice the price of the currently "Made in France" greenish electricity that they get, people are not going to be happy. So I do not want to use that patronising phrase that has been used in the past, because this is a correct debate to be had, very much about who owns ultimately this currently imaginary wind farm, which we have not built yet, but I do not think this is the right amendment or right proposition to forward that in any meaningful way. It is perhaps a useful way to flag it as an early argument, but I do not think it is the right amendment.

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

I agree with Deputy Tadier and with Deputy Warr that, if this project is to go forward, we must make sure that it goes forward in a way which is in Jersey's interest and not in the interests of others. Of course, it is easy to say that, but we are not going to be putting in £3 billion or £4 billion, and that perhaps is the problem. I thought that Deputy Warr sunk his own argument, really, by conceding that the energy market is such that distance is no longer a problem. As Deputy Warr said, it is possible that the J.E.C. might choose to buy its electricity from France instead of from a wind farm at the Miquiers.

[17:15]

But that underlines surely the conflict of interest which exists if the J.E.C. is sitting at the very table at which investors are going to be coming as supplicants. The J.E.C. cannot be both the seller and the buyer. Of course, they will be closely involved, and I was very much reassured by what the Minister said in that respect, they need to be involved because we want this to be developed in a way which is in Jersey's interest. But that does not mean that the J.E.C. should sit around the table. The other reason why it seems to me it is unnecessary is that this is Jersey. We are a small place. It is completely unthinkable that policy could be developed by the Government in such a way that it was inimical to the interests of the J.E.C. and the J.E.C. did not hear about it. We, each of us, has access to the chief executive of the Jersey Electricity Company. Any of us can go and talk to him and find out exactly what the J.E.C. feels about the course of developments. If the policy was developing in a way that the J.E.C. did not like, I think we can be assured that we would hear about it. I thought that the paper put forward by the Council of Ministers said everything that had to be said and I am not going to support this amendment.

#### **14.2.5 Deputy M.R. Scott:**

Deputy Bailhache has covered a lot of the ground that I perhaps would have covered. Basically, what we do need to consider is Jersey's interests. A consultation invites contributors across the board, including Jersey Electricity, and it is good to have it confirmed that the Government is committed to work with J.E.C. in all appropriate ways. But the simple fact of a consultation enables J.E.C. to volunteer views. My concern was this use in the amendment of the word "partnership", which can produce all manner of expectation and problems, I believe. J.E.C. is an energy supplier. It purchases power and, as we progress towards 2050, 2060, 2035, all these different milestones where we need to purchase more and more and potentially in a way renewable energy, it needs to look at what would be the best deal for the Island, and it has done quite well I believe in the past. So my concern is how a partnership, how being involved in design effectively, could affect its own independence and its ability to get the best deal that it could end up in some sort of commitment to purchase what may prove to be a more expensive source, because it is almost assigning one of the sources. So I would not support this amendment for that reason.

#### **14.2.6 Deputy E. Millar:**

I would like to begin first by reiterating the comments as regards the many skills and experience that Jersey Electricity clearly has and the value they can potentially bring to this project, assuming it progresses. I similarly met recently with the chair and C.E.O. of J.E.C. and, as Deputy Ward notes in his amendment, we should be thankful for the hedging and policies of Jersey Electricity during the energy crisis. These efforts have sheltered each and every Islander from the worst of the exorbitant increases that the U.K. has experienced in the last few years, and the increases we have been seeing here have been very much lower. So anything I say in this speech should not be taken as a reflection of any ingratitude for J.E.C. or questioning its potential future value in this project. Far from it. However, I have set out in the course of these comments, I do have concerns about locking Government and a commercial enterprise into such a prescribed relationship at such an early stage, and it seems to me that we are at a very early stage. It is particularly concerning when the proposal is a commercial enterprise that has a seat at the policy development table when a number of commercial options remain on that table. So the Deputy dismisses the conflict of interest point on the basis that J.E.C. will always have the best interests around at heart. While the directors of J.E.C. will no doubt be mindful of how their decisions will impact the Island and Islanders, they primarily have a duty to act in the best commercial interests of the company. Article 74(1)(a) of the Companies (Jersey) Law 1991 provides that: "A director, in exercising the director's powers and discharging the director's duties, shall act honestly and in good faith with a view to the best interests of the company." Now, it is true that the best interests of the company may be aligned with its shareholders, but that may not always be the case, particularly in a situation like this where we have Government as majority shareholder and a number of other minority shareholders. Both the directors and we, as

majority shareholder, have to be cognisant of the rights and interests of the minority. The Council of Ministers comments expand on the commercial conflict of interest point. I therefore will not go into that any further. I do not believe that there is any intention to exclude Jersey Electricity from the offshore wind farm project. Rather that they will be involved when it is appropriate to do so, when the time is right, or where they have the skills and when they have the skills we need. I have confirmed this to the C.E.O. in the last week. For these reasons, I urge Members to reject the amendment.

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

First of all, I would like to start by thanking the Minister and indeed the Chief Minister for the non-partisan way in which they have approached the bringing forward of this proposition, which I appreciate as the person who was originally, I suppose, involved at the beginning. In this case, I am very happy to also reiterate some of the comments that have been made by the Council of Ministers, by Ministers speaking, which I would sum up as saying that indeed this amendment is premature. It does not, I think, recognise the complexities and trade-offs that a project of this magnitude will involve, which need to be sorted out, many of which need to be sorted out before we define a role for Jersey Electricity. One reason for that is that the amendment is predicated on a flawed assumption, which the Minister for Treasury and Resources just touched on, which is that the interests of Jersey Electricity and the interests of the Government are always going to go inside right from the beginning of a project. The justification written into the amendment for dictating the central role of J.E.C. is to ensure that “risks are managed and benefits realised”. The problem here is that those risks and benefits are potentially different for J.E.C. compared to the Government. As has been pointed out, J.E.C. is 38 per cent privately owned, and that has significant implications. It is a fact that, in discussions with J.E.C., they do point out, as they are entitled, in fact obliged to do, that under stock market rules they are not allowed to favour the majority shareholder. That may sound like a bit of esoteric regulation, but it is not. It means that, at least theoretically, when the Government asks for something from J.E.C., the company can respond with: “We cannot do that because it would favour you as the majority shareholder and we do not think it is in the interests of the minority shareholder.” Now, I want to qualify this by saying that in my experience of working with J.E.C. I had, I hope they would agree, a very good relationship with them. I enjoyed working with them. I think they bring a huge amount to the table. Their expertise is unparalleled in areas such as the development of cabling, load management, contracting for future prices of electricity, and so on. It is inconceivable, as many people have said, that they will not be involved at some point. But it is still the case that their interests do not automatically and in all cases align with the Government’s, and I will come to why that is important in a moment. Therefore, that needs to be sorted out before we enter into a relationship of the type suggested in this amendment. Fundamentally, the thing I feel about this amendment is that ultimately it is for the Government to represent Jersey’s interest in this endeavour, should it go ahead, and for this Assembly to hold the Government to account in delivering our interests, the people of Jersey’s interests. It does not need J.E.C. as a sort of prerequisite for the Government to fulfil that role or for the Assembly to fulfil that role. A key part of the stage we are in, in this process, is that we need, or will need if the main proposition passes, to look like a reliable, credible, and serious partner to the businesses that are going to be asked to stump up billions of pounds to invest in a wind farm. They do not have to invest in Jersey and they will have many alternative options. What they will be looking for is evidence that Jersey understands the complexities and risks of a wind farm project and is doing what it can to reduce those risks. If this amendment is passed, it will raise far more questions in investors’ minds than provide answers. So my main point I think is to say that fundamentally it must be Government that is the guarantor of the public interest and inserting J.E.C. by compulsion into all stages of the process confuses the issue. So, in short, this feels like an unnecessary amendment at this stage that will inadvertently complicate the development of the wind farm project should it be going ahead.

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

I am really pleased to follow Deputy Renouf there. I will state at the outset that I will not be supporting this amendment at all for many of the reasons that have been incredibly eloquently said before I took to my feet there. I would take issue with one element at the very end of Deputy Renouf's speech there; he said it should be the Government which is the guarantor. To some extent, I agree, but it is the Assembly which is the guarantor. It is the Government which acts on behalf of the Assembly and if the Government gets it wrong there is no question the Assembly will let the Government know. But, yes, the States Assembly is the guarantor, through the Government, of the public interest. While, 20 years ago or so, I do not know the year that the J.E.C. was incorporated and floated on the Stock Exchange, I do not know exactly when it happened, I was not, as an Islander, paying that much attention at the time. But there is no question in my mind, and I am really pleased Deputy Renouf brought this up, that incorporating is one thing, and we have seen that with many - States of Jersey Development Company, Ports of Jersey - we have seen that incorporation in many places, even Jersey Water, which is incorporated and has shareholders other than the Government but is not floated on the Stock Exchange. The decision to float the shares and the publicly-listed shares in Jersey Electricity Company on the Stock Exchange did, in my opinion, drive a bigger wedge between the Jersey Electricity Company and the people of Jersey. The reason being is the regulatory reason, exactly as Deputy Renouf just said. There are rules about having shares listed on the Stock Exchange, which mean that a majority shareholder cannot be preferred over minority shareholders. That immediately enlarges the gap between the people of Jersey and the company itself, through no fault of the company; they have to work by those rules. But it would be amiss of this Assembly not to be aware of that significant difference, which to my knowledge I do not know of any other publicly-owned kind of States-owned company which has that public listing as well. I cannot think of any. If I am wrong, please let me know. But that is one reason, among many, why I believe this amendment is in no way the right amendment. There is also, as we have heard, the issue of the Jersey Electricity Company being the generator and the seller where it would want the highest price; you want to sell at the highest possible price. But then the retailer into Jersey, where in theory it should be retailing at the lowest possible price because it wants to provide as low a price to consumers as possible. So how do you bridge that gap between wanting to charge the highest price and wanting to sell at the lowest price? That would be one company trying to do both of those jobs; that is not an easy place for it to be. My assumption is, in reading the proposition and the report to the proposition, that the J.E.C. did not request this amendment.

[17:30]

Because, as you read the report, it seems too muddled in its thinking to have been from the perspective of the Jersey Electricity Company, who, if they did want this amendment, would surely want it for one particular good reason. The main reason that I can find in this amendment is that Deputy Warr prefer a good night's sleep and that is the reason for bringing this amendment at the end of the report where he states that he will sleep easier if this amendment is passed. That is not a reason for the Assembly to tie the hands of the Minister or the Government at this stage. Jersey Electricity will undoubtedly play a role. Jersey Electricity are in a position where they could choose almost to play many different roles. They may choose to be part of a consortium bidding to be the generator. They may choose to be an advisor to Government. They may choose to stay as the J.E.C. and just purchase electricity from this and just enhance their role in that way. The J.E.C. themselves have decisions to make about the type of role that they would like. If this amendment, as I suspect, has not been brought at the behest of the J.E.C., then I would say why would we want to tie the hands of the Jersey Electricity Company as well, because they may wish for a completely different role to the one that is being suggested in this amendment. So, I fully support the Minister in his opposition to this amendment, it is not the right one. We are at a very early stage and there is a long way to go. I really hope that the Assembly rejects this amendment and supports the Minister's work going forward.

**The Deputy Bailiff:**

Thank you, Deputy. Is the adjournment now proposed? Members are content to adjourn. I am going to mention what you are about to mention, Deputy Ward, which is to remind Members that the A.G.M. (annual general meeting) of the Jersey branch of the C.P.A. (Commonwealth Parliamentary Association) is in the Chamber in about 10 minutes' time. Members are content to adjourn now?

**Deputy R.J. Ward:**

Yes. Thank you, sir. There will be a small reception presentation afterwards as well, if Members can stay on.

**The Deputy Bailiff:**

Yes, that is absolutely right. Thank you for reminding me of that. I remind Members formally that, after the A.G.M., there are refreshments and presentations by Members on various C.P.A. events during the course of the last year in the old library. Are Members content to adjourn now? Adjourned until 9.30 a.m. tomorrow.

**ADJOURNMENT**

[17:32]