

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 22nd OCTOBER 2024**

<b>COMMUNICATIONS BY THE PRESIDING OFFICER .....</b>	<b>10</b>
<b>1.1 Welcome to His Excellency the Lieutenant Governor.....</b>	<b>10</b>
<b>QUESTIONS .....</b>	<b>10</b>
<b>2. Written Questions .....</b>	<b>10</b>
<b>2.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Chief Minister,             regarding the Government Gender Pay Gap Report (<i>revised answer</i>):             (WQ.276/2024).....</b>	<b>10</b>
<b>2.2 Deputy I. Gardiner of St. Helier North of the Chief Minister regarding             calculations for the transition to the living wage (<i>revised answer</i>):             (WQ.311/2024).....</b>	<b>11</b>
<b>2.3 Deputy D.J. Warr of St. Helier South of the Minister for the Environment             regarding social housing provider licences (<i>revised answer</i>): (WQ.315/2024) ....</b>	<b>12</b>
<b>2.4 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding the             recruitment of Cabinet Office consultants: (WQ.318/2024) .....</b>	<b>13</b>
<b>2.5 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter of the Chief             Minister regarding policy officers currently employed across the Government:             (WQ.319/2024).....</b>	<b>13</b>
<b>2.6 Deputy J. Renouf of St. Brelade of the Minister for Infrastructure regarding the             former St. Saviour’s Hospital Building: (WQ.320/2024) .....</b>	<b>14</b>
<b>2.7 Deputy K.M. Wilson of St. Clement of the Minister for Infrastructure regarding             properties currently owned and rented out by the Government: (WQ.321/2024)             .....</b>	<b>15</b>
<b>2.8 Deputy I. Gardiner of St. Helier North of the Minister for Treasury and             Resources regarding the reprioritisation of previous growth funding:             (WQ.322/2024).....</b>	<b>16</b>
<b>2.9 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for             External Relations regarding supporting the finance industry in becoming a             sustainable finance centre: (WQ.323/2024) .....</b>	<b>18</b>

<b>2.10 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding the accuracy of patients’ medical records: (WQ.324/2024) .</b>	<b>20</b>
<b>2.11 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding £15 million payroll savings: (WQ.325/2024) .....</b>	<b>20</b>
<b>2.12 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding non-disclosure agreements entered into by departing employees throughout the Government: (WQ.326/2024) .....</b>	<b>21</b>
<b>2.13 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding the introduction of development levies: (WQ.328/2024) .....</b>	<b>21</b>
<b>2.14 Deputy J. Renouf of St. Brelade of the Chief Minister regarding declarations of interest for the Draft Agriculture (Loans)(Jersey) Amendment Regulations 202- debate (P.41/2024): (WQ.329/2024).....</b>	<b>22</b>
<b>2.15 Deputy J. Renouf of St. Brelade of the Minister for Infrastructure regarding the La Collette Waste Management Site: (WQ.330/2024).....</b>	<b>23</b>
<b>2.16 Deputy R.S. Kovacs of St. Saviour of the Minister for Health and Social Services regarding implementing extended genetic screening for newborns: (WQ.331/2024).....</b>	<b>23</b>
<b>2.17 Deputy R.S. Kovacs of St. Saviour of the Minister for Infrastructure regarding the recent road traffic flow changes on Green Street: (WQ.332/2024).....</b>	<b>24</b>
<b>2.18 Deputy R.S. Kovacs of St. Saviour of the Minister for Infrastructure regarding the trial road improvement scheme adjacent to Trinity Primary School: (WQ.333/2024).....</b>	<b>25</b>
<b>2.19 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding ectopic pregnancy care: (WQ.334/2024) .....</b>	<b>26</b>
<b>2.20 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding equipment to assist women experiencing pregnancy-related medical issues: (WQ.335/2024) .....</b>	<b>27</b>
<b>2.21 Deputy K.M. Wilson of St. Clement of the Minister for Infrastructure regarding upcoming construction projects: (WQ.336/2024) .....</b>	<b>27</b>
<b>2.22 Deputy K.M. Wilson of St. Clement of the Minister for Social Security regarding the Jersey minimum hourly wage: (WQ.337/2024) .....</b>	<b>29</b>
<b>2.23 Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding agricultural loans: (WQ.338/2024).....</b>	<b>30</b>
<b>2.24 Deputy I. Gardiner of St. Helier North of the Minister for Infrastructure regarding the value of Government-funded parks and public toilets: (WQ.339/2024).....</b>	<b>30</b>

<b>2.25 Deputy I. Gardiner of St. Helier North of the Minister for Infrastructure regarding an audit of the public spaces contained in the constituency of St. Helier North: (WQ.340/2024) .....</b>	<b>31</b>
<b>2.26 Deputy I. Gardiner of St. Helier North of the Minister for Education and Lifelong Learning regarding the number of registered students for each fully-funded States primary school: (WQ.341/2024) .....</b>	<b>32</b>
<b>2.27 Deputy L.K.F Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for the Environment regarding a play strategy for the Island: (WQ.342/2024) .....</b>	<b>35</b>
<b>2.28 Deputy L.K.F Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Children and Families regarding a play strategy for the Island: (WQ.343/2024) .....</b>	<b>35</b>
<b>2.29 Deputy L.K.F Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Sustainable Economic Development regarding a play strategy for the Island: (WQ.344/2024).....</b>	<b>36</b>
<b>2.30 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding the Horizon residential development: (WQ.345/2024) .....</b>	<b>36</b>
<b>2.31 Deputy M.B. Andrews of St. Helier North of the Minister for Social Security regarding help towards rental costs from the Income Support scheme: (WQ.347/2024).....</b>	<b>37</b>
<b>2.34 Deputy H.M. Miles of St. Brelade of the Minister for Education and Lifelong Learning regarding Government postgraduate funding: (WQ.350/2024) .....</b>	<b>40</b>
<b>2.36 Deputy S.M. Ahier of St. Helier North of the Minister for Infrastructure regarding the Lido at Havre des Pas: (WQ.352/2024) .....</b>	<b>55</b>
<b>2.37 Deputy J. Renouf of St. Brelade of the Minister for Education and Lifelong Learning regarding foreign language GCSEs: (WQ.353/2024).....</b>	<b>55</b>
<b>2.38 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding compliance investigations being undertaken by the Infrastructure and Environment Department regulation team: (WQ.354/2024) .....</b>	<b>57</b>
<b>2.39 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the Havre des Pas Lido lease arrangements: (WQ.355/2024).....</b>	<b>57</b>
<b>2.40 Deputy R.S. Kovacs of St. Saviour of the Minister for Infrastructure regarding the installation of three zebra crossings on La Rue de L’Etau, St. Helier: (WQ.356/2024).....</b>	<b>58</b>
<b>2.41 Deputy R.S. Kovacs of St. Saviour of the Minister for Justice and Home Affairs regarding cases brought to the Petty Debts Court: (WQ.357/2024) .....</b>	<b>59</b>
<b>2.42 Deputy R.S. Kovacs of St. Saviour of the Chief Minister regarding the progress on the implementation of a Development Levy: (WQ.358/2024).....</b>	<b>59</b>

<b>2.43 Deputy K.M. Wilson of St. Clement of the Minister for Treasury and Resources regarding Government departmental underspends: (WQ.359/2024).....</b>	<b>61</b>
<b>2.44 Deputy L.M.C. Doublet of St. Saviour of the Minister for Social Security regarding the Connect Me grant scheme: (WQ.360/2024) .....</b>	<b>62</b>
<b>2.45 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding changes to the Termination of Pregnancy (Jersey) Law 1997: (WQ.361/2024).....</b>	<b>63</b>
<b>2.46 Deputy I. Gardiner of St. Helier North of the Minister for Social Security regarding LTC (Long-Term Care) claimants being responsible for paying the difference between their benefits and the care home set fees: (WQ.362/2024) ...</b>	<b>64</b>
<b>3. Oral Questions.....</b>	<b>64</b>
<b>3.1 Deputy J. Renouf of St. Brelade of the Minister for Sustainable Economic Development regarding the £20 million living wage transitional support scheme (OQ.194/2024): .....</b>	<b>64</b>
Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development): .....	65
3.1.1 Deputy J. Renouf: .....	65
3.1.2 Deputy A.F. Curtis of St. Clement:.....	65
3.1.3 Deputy A.F. Curtis: .....	65
3.1.4 Deputy L.M.C. Doublet of St. Saviour: .....	66
3.1.5 Deputy L.M.C. Doublet: .....	66
3.1.6 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity: .....	66
3.1.7 Deputy H.L. Jeune: .....	67
3.1.8 Deputy I. Gardiner of St. Helier North: .....	67
3.1.9 Deputy I. Gardiner: .....	67
3.1.10 Deputy P.F.C. Ozouf of St. Saviour: .....	68
3.1.11 Deputy P.F.C. Ozouf: .....	68
3.1.12 Deputy J. Renouf: .....	68
<b>3.2 Deputy M.B. Andrews of St Helier North of the Chair of the States Employment Board regarding the engagement of former employees to provide consultancy services to the Government (OQ.193/2024):.....</b>	<b>69</b>
Deputy M.R. Ferey of St. Saviour (Vice-Chair, States Employment Board - rapporteur): .....	69
3.2.1 Deputy M.B. Andrews: .....	69
3.2.2 Deputy I. Gardiner: .....	69
3.2.3 Deputy I. Gardiner: .....	70
<b>3.3 Deputy H.L. Jeune of the Minister for External Relations regarding an update on the Government’s discussions with the European Commission, France and the UK in respect of the fishing industry (OQ.197/2024):.....</b>	<b>70</b>
Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for External Relations): .....	70
3.3.1 Deputy H.L. Jeune: .....	70
3.3.2 Deputy P.F.C. Ozouf:.....	70

3.3.3 Deputy P.F.C. Ozouf:.....	71
3.3.4 Deputy J. Renouf: .....	72
3.3.5 Deputy J. Renouf: .....	72
3.3.6 Deputy H.L. Jeune: .....	72
<b>3.4 Deputy L.M.C. Doublet of the Chief Minister regarding actions to address continuing increases in the cost of living (OQ.201/2024): .....</b>	<b>73</b>
Deputy L.J. Farnham (The Chief Minister):.....	73
3.4.1 Deputy L.M.C. Doublet: .....	73
3.4.2 Deputy P.F.C. Ozouf:.....	73
3.4.3 Deputy P.F.C. Ozouf:.....	74
3.4.4 Deputy T.A. Coles of St. Helier South: .....	74
3.4.5 Deputy T.A. Coles: .....	74
3.4.6 Deputy M.B. Andrews: .....	75
3.4.7 Deputy M.B. Andrews: .....	75
3.4.8 Deputy A.F. Curtis: .....	76
3.4.9 Deputy A.F. Curtis: .....	76
3.4.10 Deputy I. Gardiner:.....	76
3.4.11 Deputy I. Gardiner:.....	76
3.4.12 Deputy L.M.C. Doublet:.....	77
<b>3.5 Deputy S.M. Ahier of St. Helier North of the Minister for Infrastructure regarding the Lido at Harve Des Pas (OQ.192/2024):.....</b>	<b>77</b>
Deputy T.J.A Binet of St. Saviour (Deputy Chief Minister - rapporteur):.....	77
3.5.1 Deputy S.M. Ahier: .....	77
3.5.2 Deputy I. Gardiner: .....	78
3.5.3 Deputy I. Gardiner: .....	78
3.5.4 Deputy H.L. Jeune: .....	78
3.5.5 Deputy S.M. Ahier: .....	79
<b>3.6 Deputy K.M. Wilson of St. Clement of the Chief Minister regarding departmental plans (OQ.198/2024): .....</b>	<b>79</b>
Deputy L.J. Farnham (The Chief Minister):.....	79
3.6.1 Deputy K.M. Wilson:.....	79
3.6.2 Deputy I. Gardiner: .....	80
3.6.3 Deputy I. Gardiner: .....	80
3.6.4 Deputy P.F.C. Ozouf:.....	80
3.6.5 Deputy H.L. Jeune: .....	81
3.6.6 Deputy H.L. Jeune: .....	81
3.6.7 Deputy A.F. Curtis: .....	82
3.6.8 Deputy A.F. Curtis: .....	82
3.6.9 Deputy K.M. Wilson:.....	82
<b>3.7 Deputy M. Tadier of St. Brelade of the Minister for External Relations regarding the conduct of the Jersey Financial Services Commission (OQ.196/2024): .....</b>	<b>83</b>
Deputy I.J. Gorst (The Minister for External Relations):.....	83
3.7.1 Deputy M. Tadier:.....	83
3.7.2 Deputy J. Renouf: .....	83
3.7.3 Deputy J. Renouf: .....	84

3.7.4 Deputy P.F.C. Ozouf:.....	84
3.7.5 Deputy P.F.C. Ozouf:.....	84
3.7.6 Deputy H.L. Jeune: .....	84
3.7.7 Deputy H.L. Jeune: .....	85
3.7.8 Deputy M. Tadier:.....	85
<b>3.8 Deputy L.M.C. Doublet of the Minister for Treasury and Resources regarding the Jersey Electricity Company price increases (OQ.202/2024): .....</b>	<b>85</b>
Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources):.....	85
3.8.1 Deputy L.M.C. Doublet: .....	86
3.8.2 Deputy H.L. Jeune: .....	86
3.8.3 Deputy H.L. Jeune: .....	86
3.8.4 Deputy S.M. Ahier:.....	87
3.8.5 Deputy S.M. Ahier:.....	87
3.8.6 Deputy I. Gardiner: .....	87
3.8.7 Deputy I. Gardiner: .....	87
3.8.8 Deputy P.F.C. Ozouf:.....	87
3.8.9 Deputy P.F.C. Ozouf:.....	88
3.8.10 Deputy L.M.C. Doublet:.....	88
<b>3.9 Deputy M.B. Andrews of the Minister for Social Security regarding the views of businesses on the Draft Employment (Minimum Wage and Benefits in Kind) (Jersey) Amendment Law 202- (OQ.200/2024):.....</b>	<b>88</b>
Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):.....	88
3.9.1 Deputy M.B. Andrews: .....	88
<b>3.10 Deputy K.M. Wilson of the Chief Minister regarding public sector efficiency (OQ.199/2024): .....</b>	<b>89</b>
Deputy L.J. Farnham (The Chief Minister):.....	89
3.10.1 Deputy J. Renouf: .....	89
3.10.2 Deputy J. Renouf: .....	89
3.10.3 Deputy P.F.C. Ozouf: .....	90
3.10.4 Deputy P.F.C. Ozouf: .....	90
3.10.5 Deputy K.M. Wilson: .....	90
<b>3.11 Deputy J. Renouf of the Minister for the Environment regarding development levies (OQ.195/2024) .....</b>	<b>91</b>
Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment):.....	91
3.11.1 Deputy J. Renouf: .....	91
3.11.2 Deputy A.F. Curtis: .....	91
3.11.3 Deputy A.F. Curtis: .....	92
3.11.4 Deputy R.S. Kovacs of St. Saviour: .....	92
3.11.5 Deputy R.S. Kovacs: .....	92
3.11.6 Deputy H.L. Jeune:.....	93
3.11.7 Deputy H.L. Jeune:.....	93
3.11.8 Deputy I. Gardiner:.....	93
3.11.9 Deputy I. Gardiner:.....	94
3.11.10 Deputy P.F.C. Ozouf: .....	94
3.11.11 Deputy P.F.C. Ozouf: .....	94

3.11.12	Deputy J. Renouf:.....	95
<b>4.</b>	<b>Questions to Ministers without notice - The Minister for the Environment.....</b>	<b>95</b>
4.1	Deputy L.M.C. Doublet: .....	95
	Deputy S.G. Luce (The Minister for the Environment): .....	95
4.1.1	Deputy L.M.C. Doublet: .....	95
4.2	Deputy P.F.C. Ozouf:.....	96
4.2.1	Deputy P.F.C. Ozouf:.....	96
4.3	Connétable K.C. Lewis of St. Saviour: .....	97
4.3.1	The Connétable of St. Saviour: .....	97
4.4	Deputy J. Renouf: .....	98
4.4.1	Deputy J. Renouf: .....	98
<b>5.</b>	<b>Questions to Ministers without notice - The Minister for External Relations ....</b>	<b>99</b>
5.1	Deputy P.F.C. Ozouf:.....	99
	Deputy I.J. Gorst (The Minister for External Relations):.....	99
5.1.1	Deputy P.F.C. Ozouf:.....	99
5.2	Deputy H.L. Jeune: .....	100
5.2.1	Deputy H.L. Jeune: .....	100
5.3	Deputy J. Renouf: .....	100
5.4	Deputy M. Tadier: .....	101
5.5	Deputy M. Tadier:.....	101
5.5.1	Deputy M. Tadier:.....	101
5.6	Deputy S.M. Ahier: .....	102
5.7	Deputy P.F.C. Ozouf:.....	102
<b>6.</b>	<b>Questions to Ministers without notice - The Chief Minister.....</b>	<b>103</b>
6.1	Deputy A.F. Curtis: .....	103
	Deputy L.J. Farnham (The Chief Minister):.....	103
6.1.1	Deputy A.F. Curtis: .....	103
6.2	Deputy J. Renouf: .....	103
6.2.1	Deputy J. Renouf: .....	103
6.3	Deputy H.M. Miles of St. Brelade: .....	104
6.3.1	Deputy H.M. Miles: .....	104
6.4	Deputy I. Gardiner: .....	104
6.4.1	Deputy I. Gardiner: .....	104
6.5	Deputy R.S. Kovacs: .....	105
6.5.1	Deputy R.S. Kovacs: .....	105
6.6	Deputy L.M.C. Doublet: .....	105
6.6.1	Deputy L.M.C. Doublet: .....	105
6.7	Deputy S.M. Ahier: .....	106
6.8	Deputy P.F.C. Ozouf:.....	106
6.8.1	Deputy P.F.C. Ozouf:.....	107
	<b>PUBLIC BUSINESS .....</b>	<b>107</b>
<b>7.</b>	<b>Reduction of lodging period.....</b>	<b>107</b>
7.1	Deputy M. Tadier:.....	107
7.1.1	Deputy R.J. Ward of St. Helier Central: .....	107
7.1.2	Deputy E. Millar: .....	108

7.1.3 Deputy P.F.C. Ozouf:.....	108
7.1.4 Deputy J. Renouf: .....	108
7.1.5 Deputy M. Tadier:.....	108
<b>LUNCHEON ADJOURNMENT PROPOSED .....</b>	<b>111</b>
<b>LUNCHEON ADJOURNMENT .....</b>	<b>111</b>
<b>PUBLIC BUSINESS .....</b>	<b>111</b>
<b>8. Draft Multinational Corporate Income Tax (Jersey) Law 202- (P.54/2024) - as amended (P.54/2024 Amd.) .....</b>	<b>111</b>
8.1 Deputy I.J. Gorst (Assistant Minister for Treasury and Resources - rapporteur):	111
8.1.1 Deputy P.F.C. Ozouf:.....	113
8.1.2 Deputy H.L. Jeune: .....	114
8.1.3 Deputy J. Renouf: .....	116
8.1.4 Deputy P.M. Bailhache of St. Clement:.....	119
8.1.5 Deputy E. Millar: .....	119
8.1.6 Deputy M.R. Scott of St. Brelade: .....	120
8.1.7 Deputy M. Tadier:.....	121
8.1.8 Deputy I.J. Gorst: .....	122
8.2 Deputy I.J. Gorst: .....	125
8.3 Deputy I.J. Gorst: .....	126
8.3.1 Deputy P.F.C. Ozouf:.....	126
8.3.2 Deputy I.J. Gorst: .....	126
<b>9. Draft Multinational Corporate Income Tax (Jersey) Law 202- (P.54/2024) - Acte Opérateur.....</b>	<b>128</b>
9.1 Deputy I.J. Gorst (Assistant Minister for Treasury and Resources - rapporteur):	128
<b>10. Draft Multinational Taxation (Global Anti-Base Erosion - I.I.R. Tax) (Jersey) Law 202- (P.53/2024) - as amended (P.53/2024 Amd.) .....</b>	<b>129</b>
10.1 Deputy I.J. Gorst (Assistant Minister for Treasury and Resources - rapporteur):	130
10.1.1 Deputy J. Renouf: .....	130
10.1.2 Deputy I.J. Gorst: .....	131
10.2 Deputy I.J. Gorst: .....	132
10.3 Deputy I.J. Gorst: .....	133
10.3.1 Deputy P.F.C. Ozouf: .....	133
10.3.2 Deputy I.J. Gorst: .....	134
<b>11. Draft Multinational Taxation (Global Anti-Base Erosion - I.I.R. Tax) (Jersey) Law 202- (P.53/2024) - Acte Opérateur .....</b>	<b>135</b>
11.1 Deputy I.J. Gorst (Assistant Minister for Treasury and Resources - rapporteur):	135
11.1.1 Deputy H.M. Miles:.....	135
<b>12. Marine Spatial Plan (P.44/2024).....</b>	<b>137</b>
12.1 Deputy S.G. Luce (The Minister for the Environment):.....	138
<b>12. Marine Spatial Plan (P.44/2024): amendment (P.44/2024 Amd.).....</b>	<b>141</b>
12.1 Deputy H.L. Jeune (Chair, Environment, Housing and Infrastructure Scrutiny Panel): .....	142
12.1.1 Deputy S.G. Luce: .....	145
12.1.2 Deputy A.F. Curtis: .....	148



12.1.3	Deputy T.A. Coles:.....	149
12.1.4	Connétable M.K. Jackson of St. Brelade:.....	149
12.1.5	Deputy I.J. Gorst: .....	150
12.1.6	Deputy M.R. Scott:.....	151
12.1.7	Deputy A. Howell of St. John, St. Lawrence and Trinity: .....	153
12.1.8	Deputy D.J. Warr of St. Helier South:.....	153
12.1.9	Deputy S.Y. Mézec of St. Helier South: .....	154
12.1.10	Deputy K.F. Morel: .....	154

<b>ADJOURNMENT .....</b>	<b>155</b>
--------------------------	------------

[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

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

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

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Chief Minister, regarding the Government Gender Pay Gap Report (*revised answer*): (WQ.276/2024)**

##### **Question**

Will the Minister advise –

- (a) the date when the next Government [Gender Pay Gap Report](#) will be published;
- (b) whether the Government intends to produce a gender pay gap action plan for all States departments and, if so, when and, if not, why not;
- (c) what budget, if any, has been allocated for 2025 to ensure the continued production of gender pay gap reports and the development of an action plan and, if no budget has been allocated, why not;
- (d) how many Arm's Length Organisations and Specified Organisations (as defined in the Public Finances (Jersey) Law 2019) have volunteered to publish their gender pay and income ratio information, as mentioned in [P.31/2023 as amended](#)?

##### **Answer**

- (a) The next Gender Pay Gap Report is due to be published in December. The latest Public Sector Staffing Statistics were published on 27<sup>th</sup> August and is available here: [Public Sector Staffing Statistics \(gov.je\)](#) and the next set is due to be published in November.
- (b) There will not be a separate gender pay gap action plan for each Government department, but departments are in the process of creating Workforce Plans, which will address workforce pay gaps in all diversities, including gender.
- (c) Gender pay gap reports are produced as business as usual from within existing resources.
- (d) Five of the six Specified Organisations report their gender pay and income ratio information-
  - Andium Homes Limited  
Yes – see [Andium-Homes-Annual-Report-2022](#)
  - Jersey Post International Limited  
Yes – see [Jersey Post report 2023](#)
  - JT Group Limited

Yes – see [Jersey Telecom Annual Report 2023](#)

- Ports of Jersey Ltd

Yes – see [POJ-Annual Report 2023](#)

- States of Jersey Development Company

Yes – see [Jersey development annual report 2023](#)

- Jersey Overseas Aid Commission

No - JOAS only employs 8 staff, so pay reporting would risk indicating individual salaries. In addition, JOAS does not formally record the gender of its employees.

The public Finances Manual identifies 13 Arm's Length Organisations:

- Digital Jersey
- Visit Jersey Limited
- Jersey Sport
- Jersey Arts Trust
- Jersey Arts Centre Association
- Jersey Opera House
- Jersey Heritage Trust
- Employ Jersey
- Jersey Finance Limited
- Jersey Business Limited
- Jersey Advisory and Conciliation Service
- Jersey Consumer Council
- Jersey Citizens Advice Bureau

The list does not include organisations that receive funding from the Government or States of Jersey of less than £75,000 per year.

Jersey Sport, Jersey Business and Visit Jersey have volunteered to report on their gender pay and income ratio in 2024 and, in line with our previous commitments, the Government is currently working with the other ALOs to confirm their commitment to gender pay reporting.

## **2.2 Deputy I. Gardiner of St. Helier North of the Chief Minister regarding calculations for the transition to the living wage (*revised answer*): (WQ.311/2024)**

### **Question**

Will the Chief Minister provide the calculations undertaken to identify the figure of £20 million, which has been allocated to support businesses with the transition to the living wage in 2025 and 2026 and will he further provide a full breakdown of the evidence base and any associated information used to support these calculations?

### **Answer**

The living wage policy was subject to a full peer-reviewed economic impact assessment. Work was undertaken to calculate the estimated cost of the policy to payrolls across the Island, and the figure of £20m was identified as the amount required to support businesses with the transition to the living wage.

Two economic models of the UK Government's Office for Budget Responsibility were used in the calculations, as well as inputs from Statistics Jersey, such as wage distribution by sector, gender and size of business.

The calculations included data of employees currently earning a salary that is less than the proposed living wage and also the consequential pay increases throughout the labour market as the wage for other roles increases even though they already earn above the proposed living wage but below the median wage. The calculations result in an expected static cost (cost to business without any behaviour change) and an assumed cost following behaviour change by businesses.

The calculations are a set of formula and equations that sit within spreadsheets. Even within the spreadsheets the data and equations require a level of interpretation and would be meaningless without explanation from the team that built the model. The spreadsheets are working documents used by economists and are complex to interpret. For this reason, they are not included in this answer but, as always, the Chief Economic Advisor is happy to provide a private briefing to Scrutiny and States Members, if necessary, on the calculations and the logic used to reach the impacts.

Further work is now ongoing to ensure that the support package is targeted towards increasing productivity and protecting competitiveness. More details will be published as part of the budget process.

The economic advice was that, to avoid extra inflationary pressure, the support should not be a direct subsidy to business and ideally would be less than the total cost to businesses

### **2.3 Deputy D.J. Warr of St. Helier South of the Minister for the Environment regarding social housing provider licences (*revised answer*): (WQ.315/2024)**

#### **Question**

Further to the response to a [Freedom of Information request](#) which reported that as of the 1st of August 2024, of the 8,817 rented dwelling licences that had been issued, none had been to any of the social housing providers, will the Minister confirm whether all social housing providers have now had licences issued, and if not, why not?

#### **Updated Answer (2<sup>nd</sup> October 2024)**

As of today (2<sup>nd</sup> October 2024), social housing accounts for 37% of the total issued licences. The department does not specifically hold data regarding whether the licence was issued to a social housing provider or a private landlord. As such, the department cannot confirm for the questioner whether all social housing providers have had licences issued.

It should be noted that the department is unable to divulge specific information as we do not publish details of licence holders, and that the objective of the scheme is to licence rented dwellings and improve standards of dwellings island wide, not by a specific landlord or provider. However, I am able to share that all licences that have been applied for, have been issued. The total number of licences issued, as of 30<sup>th</sup> September 2024, is 17,525.

## **2.4 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding the recruitment of Cabinet Office consultants: (WQ.318/2024)**

### **Question**

In relation to the recruitment of Cabinet Office consultants since the change of Government in January 2024 to date, will the Chief Minister advise –

- (a) the number employed during this period;
- (b) the number that have completed their projects;
- (c) the number that have had their contracts terminated early; and
- (d) the number, if any, still employed?

### **Answer**

The information for this period of 2024 is not yet available.

In line with a decision of the States to implement P.59/2019, the Government publishes reports covering each six-month period on the use of agency health care and social workers, consultants, contingent labour, fixed term contractors and local agency staff.

The current requirements for reporting in this way means the collection of data is a time-consuming process, which causes a delay in publication. Officials have been asked to explore how the collection, verification and format of the information could be improved to make it less administratively onerous, more timely and more useful.

## **2.5 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter of the Chief Minister regarding policy officers currently employed across the Government: (WQ.319/2024)**

### **Question**

Will the Chief Minister confirm the number of policy officers currently employed across the Government, broken down by department and grade; and will he further explain how their work is prioritised?

### **Answer**

Ministers are supported by policy officers to advise on how best to deliver their political priorities. The policy process includes: scoping the issue, analysis and research, advising on the most effective option, consultation and engagement, and policy implementation. In some cases, this requires legislation, but the role of a policy officer also includes advising on using other cheaper and quicker policy levers to achieve the same intent.

Where legislation is required, Ministers agree what should be prioritised and this is then coordinated through the Council of Ministers' Legislative Programme. The 2025 legislative programme will be shared with Scrutiny and the Assembly shortly.

Policy officers are part of the core team around the Minister and are employed within the departments of the Cabinet Office, Economy, External Relations, Infrastructure and Environment, Justice and Home Affairs, and Treasury and Exchequer. Within the Cabinet Office, policy officers have the same job descriptions and are subject to the same training through the Policy Profession Standards Framework. This allows the Council of Ministers to flex the policy resource to where the political priorities require their attention, such as the

Common Strategic Policy. Therefore, the size of each policy team within a Department can change according to what policy areas Ministers deem appropriate.

The below Table sets out the Full Time Equivalents within each Government Department, as of 1 October 2024:

<b>Department</b>	<b>FTE in Grades 6-9*</b>	<b>FTE in Grades 10-13</b>	<b>FTE in Grades 14, 15 &amp; Director</b>
Cabinet Office	5	28	11
Economy		17.3	12
External Relations	1		
Infrastructure & Environment		1.3	
Justice and Home Affairs		2	
Treasury & Resources		9	
<b>TOTAL</b>	<b>6</b>	<b>57.6</b>	<b>23</b>

These figures only include roles which have the professional career anchor (or primary role) of policy and they may not have ‘policy officer’ in the job title. Other professions also occasionally develop policy but their career anchors are different (for example accountants, economists).

## **2.6 Deputy J. Renouf of St. Brelade of the Minister for Infrastructure regarding the former St. Saviour’s Hospital Building: (WQ.320/2024)**

### **Question**

In relation to the former St. Saviour’s Hospital Building, will the Minister provide –

- (a) a report on the physical state of the Grade 1 Listed Building; and
- (b) an outline of the repair and remediation works planned, if any, to safeguard its future prior to any planning application being submitted?”

### **Answer**

- (a) A high level, non-intrusive condition survey of the Public estate was undertaken by Currie & Brown in 2023 and the extract data relating to Queens House is attached. In summary, the building appears to be structurally sound but there are localised areas of roof and gutter damage which were exacerbated by Storm Ciaran.
- (b) Jersey Property Holdings prioritises its resources on buildings that are in active public service use. Accordingly, there are currently no repair or remediation works planned for Queens House.

---

\* Grades 6 to 9 includes Policy Apprentices and Assistant Policy Officers. Grades 10 to 13 includes Policy Officers, Senior Policy Officers and Principal Policy Officers. Grades 14 to 15 includes Heads of Policy and Assistant Directors of Policy

## **2.7 Deputy K.M. Wilson of St. Clement of the Minister for Infrastructure regarding properties currently owned and rented out by the Government: (WQ.321/2024)**

### **Question**

In relation to properties currently owned and rented out by the Government, will the Minister advise –

- (a) the address of each property;
- (b) which properties are formally or informally rented or leased to a third party;
- (c) the number of properties that are currently for sale;
- (d) the number of properties the Government plans to sell within the next 18 months and their estimated value;
- (e) what properties, if any, have involved the Government in any legal action in the last 2 years regarding ownership or tenancy; and
- (f) which properties, if any, the Government is planning to purchase in the next 18 months and the anticipated purchase costs?

### **Answer**

- (a) Schedule attached as [Appendix A](#).
- (b) Schedule attached as Appendix A.

The schedule identifies, as requested, those properties occupied by a third party. It does not include those properties occupied by Government departments held under internal agreements.

- (c) Currently there are 2 properties for sale:
  - Aviemore, St. Martin – offered for sale by tender. Several tenders were received, and this is currently under consideration
  - Philip Le Feuvre House/Huegenot House/38 La Motte Street – development site expressions of interest have been received. Additional detail from interested parties is now being obtained.

- (d) Currently, there is 1 further property earmarked for disposal within the next 18 months – St. Saviours Hospital. Detailed work is being undertaken to assess the most appropriate method of disposal for this property, which may include internal transfer. Indications of estimated value of the property are withheld as this is commercially sensitive information. The release of anticipated sale values would prejudice future negotiations with interested parties and potentially disadvantage the Government of Jersey's ability to retain a commercial advantage in any future sale negotiations.

In the coming weeks, the Minister will continue to work with officers to further review the Jersey Property Holdings estate and identify additional properties that could be released for sale.

- (e) Jersey Property Holdings is not aware of any legal action involving the Government in the last 2 years regarding ownership or tenancy.
- (f) Several properties are currently scheduled to be purchased in the next 18 months as follows:
  - Field P765, St. Peter for Liquid Waste Capital Project Team

- Area of land at Le Jardin de Devant, St Saviour for Liquid Waste Capital Project Team
- Gas Place Site for north of town primary school
- New Town Youth Centre – site options currently under review

This information is provided as an indication only, as additional property requirements may be identified in the next 18 months.

Indications of estimated purchase prices are withheld as this is commercially sensitive information. The release of anticipated purchase prices would prejudice future negotiations with interested parties and potentially disadvantage the Government of Jersey's ability to retain commercial advantage in any future purchase negotiations.

## **2.8 Deputy I. Gardiner of St. Helier North of the Minister for Treasury and Resources regarding the reprioritisation of previous growth funding: (WQ.322/2024)**

### **Question**

Will the Minister provide a detailed explanation of the reprioritisation of previous growth funding that is referenced within the proposed Budget (Government Plan) 2025-2028, including the following –

- (a) which projects have had their funding removed or reduced, and by how much; and
- (b) how were decisions undertaken to decide which projects would be prioritised and which would receive reduced funding?

### **Answer**

The Common Strategic Policy (CSP) 2024 – 2026, set out the Council of Ministers intention to reprioritise existing budgets where appropriate to deliver our objectives. During the development of the CSP to ensure affordability the Council of Ministers agreed funding options, including the reprioritisation of revenue expenditure growth allocations from Government Plan 2024 – 2027.

Over the course of the Budget 2025 – 2028, Council of Ministers further developed funding actions and agreed to reprioritise the allocations of the below revenue growth lines, so that funding could be redirected to CSP objectives including for example, extending nursery and childcare provision, and providing a nutritious school meal for children in our States primary schools.

Through Council of Ministers workshops to discuss the Budget 2025 – 2028, it was agreed that certain growth lines should be excluded, where doing so would result in an unavoidable financial pressure, or where a previous commitment exists including;

- Deficit funding for Health and Community Services, and the Health Board.
- Insurance premiums, which continue to increase significantly.
- Fire and rescue pay, terms and conditions review agreed by the States Employment Board.
- Agriculture and fisheries – amendment by the States Assembly to Government Plan 2024 – 2027.



- Free GP visits for full time students – amendment by the States Assembly to Government Plan 2024 – 2027.
- Non-Ministerial growth – under article 10 of the Public Finances Law, non-ministerial bodies submit their budget for inclusion in the Government Plan.

The following table details the list of 2025 estimates of revenue expenditure growth items in Government Plan 2024 – 2027 and the reductions to those lines in the lodged Budget 2025-2028.

£'000		2025	2025	2025
Reference/Head of Expenditure	Description	Estimate	Reduction	Lodged
I-SPP-GP24-001	Statistics Jersey – Administrative data linkage team	436	(79)	357
I-SPP-GP24-002	Health Board	206	-	206
I-SPP-GP24-003	Continuation of Strategic Health Policy and Governance Team	387	(77)	310
I-SPP-GP24-004	Maintaining the Public Health and Health Protection Function	2,273	(455)	1,818
I-SPP-GP24-005	Major Incident Health and Wellbeing Recovery Programme	713	(80)	633
I-SPP-GP24-006	Strategic Housing and Regeneration Team	85	(17)	68
I-SPP-GP24-007	Vaccine Scheme	400	(80)	320
<b>Cabinet Office - Total</b>		<b>4,500</b>	<b>(788)</b>	<b>3,712</b>
I-CYP-GP24-001	Children's Social Care Reform - New Homes	1,700	(340)	1,360
I-CYP-GP24-002	Investment across CYPES frontline services	2,607	(518)	2,089
I-CYP-GP24-003	Investment in young people workforce participation	393	(77)	316
<b>Children, Young People, Education &amp; Skills Total</b>		<b>4,700</b>	<b>(935)</b>	<b>3,765</b>
I-CLS-GP24-001	Community Compass	377	(75)	302
I-CLS-GP24-002	Housing Advice Service	215	(32)	183
I-CLS-GP24-004	Children with Life Changing Conditions	600	(120)	480
<b>Customer and Local Services Total</b>		<b>1,192</b>	<b>(227)</b>	<b>965</b>
I-HCS-GP24-001	Ongoing Risks and Pressures in HCS	14,500	-	14,500
I-HCS-GP24-002	Free GP Visits for Full Time Students	75	-	75
<b>Health &amp; Community Services Total</b>		<b>14,575</b>	<b>-</b>	<b>14,575</b>
I-IHE-GP24-001	Ambulance Station HQ Maintenance	679	(17)	662
I-IHE-GP24-002	Fort Regent	1,142	(100)	1,042
<b>Infrastructure Total</b>		<b>1,821</b>	<b>(117)</b>	<b>1,704</b>
I-IHE-GP24-003	Natural Environment Team	300	(60)	240
<b>Environment Total</b>		<b>300</b>	<b>(60)</b>	<b>240</b>
I-JHA-GP24-001	Fire and Rescue Service Pay, Terms and Conditions Review	1,429	-	1,429
I-JHA-GP24-002	Ambulance Service - Outcome of Demand and Capacity Review	482	(40)	442
I-JHA-GP24-003	Data Management and Analyst	100	(17)	83
I-JHA-GP24-004	Fire and Rescue Service Operations	85	(15)	70
I-JHA-GP24-005	Defence Funding	88	(18)	70
<b>Justice and Home Affairs Total</b>		<b>2,184</b>	<b>(90)</b>	<b>2,094</b>
I-POL-GP24-001	Digital Forensics Unit	327	(47)	280

£'000		2025	2025	2025
Reference/Head of Expenditure	Description	Estimate	Reduction	Lodged
<b>States of Jersey Police Total</b>		<b>327</b>	<b>(47)</b>	<b>280</b>
I-MER-GP24-001	Overseas Offices	134	(27)	107
<b>External Relations Total</b>		<b>134</b>	<b>(27)</b>	<b>107</b>
I-DFE-GP24-001	Implementation of Digital, Visitor Economy and Elite Sport Strategies	650	(130)	520
I-DFE-GP24-002	Rural and Marine Economy	1,150	-	1,150
I-DFE-GP24-003	Jersey Business - Core Grant Funding	150	(30)	120
I-DFE-GP24-004	Intellectual Property Framework	300	(60)	240
I-DFE-GP24-007	New Growth for Agriculture and Fisheries	3,000	-	3,000
<b>Economic Development, Tourism, Sport and Culture Total</b>		<b>5,250</b>	<b>(220)</b>	<b>5,030</b>
I-DFE-GP24-005	Financial Intelligence Unit (FIU)	755	(137)	618
I-DFE-GP24-006	Jersey Finance - Additional Grant Funding	750	(150)	600
<b>Financial Services Total</b>		<b>1,505</b>	<b>(287)</b>	<b>1,218</b>
I-T&E-GP24-001	Insurance Premiums	4,300	-	4,300
I-T&E-GP24-002	Tax Compliance and Customer Service	2,176	(335)	1,841
<b>Treasury and Exchequer Total</b>		<b>6,476</b>	<b>(335)</b>	<b>6,141</b>
I-C&AG-GP24-001	C&AG Recruitment Costs	40	-	40
I-JG-GP24-001	JG Staff	188	-	188
I-LOD-GP24-001	LOD - Civil Division	205	-	205
I-LOD-GP24-002	LOD Criminal Courts Team	92	-	92
I-LOD-GP24-003	LOD - Moneyval	666	-	666
I-PRO-GP24-001	Independent (HMIP) inspection of the Jersey Probation Service	-	-	-
I-STA-GP24-001	Secretariat support capacity	292	-	292
I-STA-GP24-002	Legislative Drafting Office	172	-	172
I-STA-GP24-003	States Members' Constituency Work	344	-	344
I-STA-GP24-004	Creative Content Producer	26	-	26
I-VID-GP24-001	Additional Staff Resource and Refurbishment	55	-	55
<b>Non-Ministerial Total</b>		<b>2,080</b>	<b>-</b>	<b>2,080</b>
<b>Grand Total</b>		<b>45,044</b>	<b>(3,133)</b>	<b>41,911</b>

## 2.9 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for External Relations regarding supporting the finance industry in becoming a sustainable finance centre: (WQ.323/2024)

### Question

Will the Minister provide an update on the work that is currently being undertaken to support the finance industry in becoming a sustainable finance centre, and advise –

- when the [Sustainable Finance in Jersey](#) consultation report will be published;
- how actions following the report will be prioritised by the Government from 2025 and when such an action plan will be published;
- what funding has been allocated in the proposed Budget (Government Plan) 2025-2028 to implement any actions;

- (d) what Key Performance Indicators are being used to measure success in supporting the industry in its move towards Sustainable Finance;
- (e) what international processes, if any, the Government has adopted to support the global move towards Sustainable Finance; and
- (f) what involvement, if any, did Jersey have at the United Nations General Assembly Sustainable Week 2024, and if none, why not?

**Answer**

- (a) when the [Sustainable Finance in Jersey](#) consultation report will be published;

The Sustainable Finance Consultation launched on 4 March 2024 and closed on 26 April 2024. A response paper was published on 7 June 2024. Both documents can be found on the Sustainable Finance in Jersey page referenced in part (a) of this question.

- (b) how actions following the report will be prioritised by the Government from 2025 and when such an action plan will be published;

The action plan will officially be launched at the Financial Services Annual Event and published on the gov.je website on 21 November 2024. To support delivery and ensure alignment, key implementing entities (Jersey Finance and the Jersey Financial Services Commission) and key stakeholders have been engaged in advance.

The current action plan identifies 10 priority actions and includes roles, responsibilities and specific timelines for delivery between Government, Jersey Financial Services Commission and Jersey Finance.

- (c) what funding has been allocated in the proposed Budget (Government Plan) 2025-2028 to implement any actions;

The proposed Budget (Government Plan) 2025-2028 does not allocate funding specifically to implementation of actions arising from the sustainable finance action plan. It is anticipated that some of the annual budget allocation of £15m deriving from expected Pillar Two tax revenues to boost productivity, skills and digitalisation of the financial services sector and wider economy will be directed to sustainable finance priorities.

- (d) what Key Performance Indicators are being used to measure success in supporting the industry in its move towards Sustainable Finance;

Ensuring I am able to measure and report on progress during implementation of the action plan is critical.

A specific deliverable of the action plan focuses on deploying technological capabilities to monitor trends and increases in the attraction of sustainable capital to Jersey. This will be achieved through measuring, for example, the number of “sustainable” funds in Jersey and the total assets under management (“AUM”) these represent.

Additionally, the action plan includes an implementation and reporting infrastructure. A raft of “measures that matter” have been created and will be used to report on progress. This will include, for example, measures around:

- data analysis capabilities
- % of industry applying specific sustainability measures
- increase in % of financial crime preventative actions
- total AUM attracted through new or innovative financial services products

- measures around international engagement activities.
- (e) what international processes, if any, the Government has adopted to support the global move towards Sustainable Finance; and

A key strategic pillar in our Financial Services Policy Strategy is the adoption of emerging international standards and practices. In this regard, the plan includes consideration of the adoption of compulsory sustainability disclosure requirements (in a similar way to the UK or the EU), as well as the expansion of a regulatory framework on anti-greenwashing measures and sustainability risk management obligations, which are both considered international best practice. The plan also includes actions to reinforce the fight against environmental crime in light of the Financial Action Task Force (“FATF”) recommendations.

- (f) what involvement, if any, did Jersey have at the United Nations General Assembly Sustainable Week 2024, and if none, why not?

Jersey was not involved at the United Nations (“UN”) General Assembly Sustainable Week 2024. I understand that only member states (of which Jersey is not one) and observers are invited to participate in the UN General Assembly Sustainable Week.

## **2.10 Deputy M.B. Andrews of St. Helier North of the Minister for Health and Social Services regarding the accuracy of patients’ medical records: (WQ.324/2024)**

### **Question**

Will the Minister advise whether he is aware of any concerns regarding the accuracy of patients’ medical records, and if he is, what actions are being taken to address this matter?

### **Answer**

There are no concerns within HCS that patient’s records are being falsified. The use of the Maxims digital EPR ensures that any changes or adaptations of an entry are visible, and time stamped. Incorrect entries are visibly shown as having been corrected and a reason for any change must be provided by the entrant. Additions to a record at any time are shown in the same manner.

## **2.11 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding £15 million payroll savings: (WQ.325/2024)**

### **Question**

Further to the response to [Oral Question 151/2024](#), will the Chair provide details, together with a timeline, of how £15 million payroll savings will be achieved; and will he advise what measures, if any, are in place to ensure that overall payroll expenditure does not increase due to the absence of a recruitment freeze for civil service positions at Grade 10 and below?

### **Answer**

Details by Department for the payroll savings are set out on page 106 of the proposed Budget 2025-2028 under the heading of ‘roles’. The timeline is for £6 million of payroll savings in 2025 and £9 million in 2026.

The savings have been allocated to Departments based on the number of non-frontline staff at Grade 11 or above so that savings are focused on management levels and protect frontline

services. Each Chief Officer, with the agreement of their Ministers, will deliver these payroll savings through:

- Removing long-standing budgeted vacancies and redeployment of staff
- Reducing senior management levels
- Focusing on reprioritisation of activity

To support this, an external recruitment freeze has been in place since 5 August for Grade 11 and above and will run until March 2025.

These measures will assist Ministers with their commitment to curb the growth in payroll expenditure, which is why role savings are important.

There are no plans to extend the recruitment freeze to Civil Service Grade 10 and below, but a number of measures are in place to manage costs, including Chief Officer approval for essential or frontline recruitment, and Chief Officer and Chief Executive approval for all other roles.

## **2.12 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding non-disclosure agreements entered into by departing employees throughout the Government: (WQ.326/2024)**

### **Question**

Will the Chair state the total number of non-disclosure agreements entered into by departing employees throughout the Government in the last five years and provide a breakdown by department?

### **Answer**

The data below shows where confidentiality and/or non-disclosure agreements have been entered into by departing employees.

<b>Department</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Chief Operating Office	<5	<5	<5	<5	<5	8
Children, Young People, Education and Skills	<5	13	6	<5	7	<5
Customer and Local Services		<5	<5		<5	<5
Department for the Economy	<5				<5	
Health and Community Services	8	<5	<5	<5	10	
Infrastructure and Environment	9	<5		<5	<5	
Justice and Home Affairs	<5	6	<5	<5	<5	<5
Non-executives and Legislature	<5	<5		12		
Office of the Chief Executive				<5	<5	
Strategic Policy, Planning and Performance	<5	<5	<5		17	
Treasury and Exchequer	8		<5	<5	<5	
<b>Grand Total</b>	<b>40</b>	<b>34</b>	<b>22</b>	<b>27</b>	<b>45</b>	<b>14</b>

Numbers less than 5 (<5) are not disclosed to avoid potential identification of individuals.

## **2.13 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding the introduction of development levies: (WQ.328/2024)**

## Question

Further to the adoption of [P.14/2023](#), as amended, will the Minister provide an update regarding the introduction of development levies and advise whether it is her assessment that the Government will meet the deadline of 31st March 2025 for the necessary legislation to be in place?

## Answer

In approving P.14/2023, the States Assembly requested that the Council of Minister's bring forward legislation to implement "*a fair charging mechanism... 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*" by 31 March 2025.

Before bringing forward any legislation to implement a levy, work is required to be undertaken to explore the viability of some form of development levy in Jersey, to update similar work undertaken in 2017<sup>2</sup>, reflecting the changed economic landscape since then. Work is also required to be undertaken to consider the development of the most appropriate legal and policy framework for the establishment and operation of a development levy in the island.

Carrying out this work would require the engagement of consultant support.

No additional funding was allocated by the Assembly to deliver this work in the Government Plan 2024-2027 and, since then, it has not been possible to reprioritise other resources without negatively impacting other Ministerial objectives.

Work on development levies is, therefore, pending until such a time where resources can be made available and, in such circumstances, the deadline of 31 March 2025 will not be met.

### **2.14 Deputy J. Renouf of St. Brelade of the Chief Minister regarding declarations of interest for the Draft Agriculture (Loans)(Jersey) Amendment Regulations 202-debate (P.41/2024): (WQ.329/2024)**

## Question

Will the Chief Minister advise whether any declarations of interest were made when the 'Draft Agriculture (Loans)(Jersey) Amendment Regulations 202-' ([P.41/2024](#)) were discussed by the Council of Minister; and will he state what general advice, if any, was given to Ministers regarding declarations in relation to these Regulations?

## Answer

The Council of Ministers discussed the Draft Agriculture (Loans)(Jersey) Amendment Regulations 202-' ([P.41/2024](#)) as part of the "forthcoming business" item at its meeting on 23 July 2024, in preparation for the States sitting. No declarations of interest were made.

There was no general advice given in respect of the declarations in relation to the Regulations but, as has been the case in previous governments, the Council of Minister's agenda includes a statement on declaring conflicts, and there is a standing agenda item that provides the opportunity to declare any conflicts at the meeting.

The Council of Ministers publishes "Part A" minutes which includes any declarations of interest and are available at: [Council of Ministers agendas and minutes \(gov.je\)](#).

---

<sup>2</sup> <https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=2932>

## **2.15 Deputy J. Renouf of St. Brelade of the Minister for Infrastructure regarding the La Collette Waste Management Site: (WQ.330/2024)**

### **Question**

With reference to La Collette Waste Management Site, will the Minister advise when it is estimated each of the inert and hazardous waste operations on the site will reach full capacity; and will he detail what plans, if any, are in place for when full capacity in either has been reached?

### **Answer**

#### Inert Waste

Based on the rate at which inert waste has been received over the last 12 months, the Inert Waste Reception will be at capacity in 8 months. This is based on the immediately available capacity of the 'West mound' as proposed under planning application P/2023/1070. Inert waste could be temporarily stockpiled in the West Mound up to a maximum height of 20m as permitted under approved planning application P/2104/1706. This would provide capacity for a further 23 months, if required.

Additional capacity is achieved in other areas of the site and super-fill landforms under the proposals made in planning application P/2023/1070. However, changes to the site layout and infrastructure are required in order for this to be available. It must be noted that approval of planning application P/2023/1070 is awaiting finalisation of planning conditions.

The Infrastructure and Environment Department has recently completed a procurement process for future inert waste management at La Collette. The chosen solution will aim to recycle 100% of waste received with waste 'disposed' of at the site only as a last resort. This will significantly extend the life of the Inert Waste Reception at La Collette. The contract for this solution will be in place by December 2024.

#### Hazardous Waste

Based on the rate at which hazardous waste has been received over the last 10 years, and assuming current practices continue, the Hazardous Waste Reception will be at capacity in 10 years. This is based on the additional capacity achieved by increasing the height of the 'East Headland' as proposed under planning application P/2023/1070. Currently, ash and residues from the Energy Recovery Facility are exported for recovery. Ash and residues from the Animal Carcass Incinerator and Clinical Waste Incinerator, asbestos containing materials, and contaminated soils are disposed of at La Collette.

In the short term, in order to extend the life of the Hazardous Waste Reception, the Department will work with Regulation to drive minimisation of contaminated soils by design and remediation through the planning process. The Department will also explore future solutions for hazardous waste management, including export for recovery and development of other areas of La Collette or other sites, in order to identify a long-term solution. If this solution involves other areas of La Collette or other sites, the Department will seek to establish these in future Island Plans.

## **2.16 Deputy R.S. Kovacs of St. Saviour of the Minister for Health and Social Services regarding implementing extended genetic screening for newborns: (WQ.331/2024)**

### **Question**

Will the Minister advise whether any plans are under consideration to implement extended genetic screening for newborns, similar to the [NHS Genomic Medicine Service](#), with the aim of detecting curable disorders early in childhood; and if there are no such plans, will he agree to explore this option and advise what would be required in order to initiate this testing in Jersey?

**Answer**

The NHS are not currently offering a genetic screening service for newborn babies. Genomics England, in partnership with 13 participating NHS hospitals, is currently undertaking a research study in which parents of newborn babies are asked if they wish their babies genome to be sequenced in order to identify rare genetic conditions. The study, which is called the Generation Study, is designed to develop evidence as to whether, in future, it is feasible and acceptable to offer genomic screening to all children, taking account of the possible risks and benefits of doing so. In the event the study concludes that genomic screening should be offered by the NHS to all children, we would consider whether it should also be introduced in Jersey.

**2.17 Deputy R.S. Kovacs of St. Saviour of the Minister for Infrastructure regarding the recent road traffic flow changes on Green Street: (WQ.332/2024)**

**Question**

In relation to the recent road traffic flow changes on Green Street, St. Helier, will the Minister provide –

- (a) details of the information collected leading to the changes, including –
  - (i) the results of any traffic monitoring carried out, indicating the speed and volume of traffic;
  - (ii) information of any consultation with residents in the area and any concerns raised;
  - (iii) the number of accidents reported in the area in the five years prior to the changes;
- (b) a breakdown of the costs associated to the road changes and associated signage; and
- (c) any information collected on the potential consequences of traffic volumes on adjacent roads between Route du Fort and Havre des Pas, and if no data was collected, advise why not?

**Answer**

- (a)
  - (i) A Parish of St Helier led initiative to study ways of reducing the volume of traffic passing through Havre des Pas and Green Street showed that the road network could accommodate Green Street operating one-way northbound during normal conditions. However, it was also shown that this arrangement would have a significant impact on the bus service and users of that service residing on Green Street. As a result, the current one-way point closer at the junction of Green Street and Green Street Roundabout was implemented. The arrangement is in the spirit of the proposition ‘P.50/2019: Green Street Proposal to make one way’ (brought by former Deputy Russell Labey), but allows for southbound buses and emergency vehicles to pass through the restriction.



The traffic data gathered in support of the Havre des Pas village area study formed the evidence base for the Minister's decision to support the changes on Green Street. The results of this traffic assessment are contained in the Parish of St Helier report 'Havre Des Pas Village Improvement Scheme Volume 1: Main Report – January 2020' and the 2018 '[Havre de Pas Village Study – Transport Study](#)'<sup>1</sup>. The January 2020 report will be made available to the Deputy, and can be sent to other Members on request.

- (ii) Consultation activity and feedback in relation to potential options for improvements to the Havre des Pas village area are contained in the report 'Havre des Pas Village Improvement Scheme Volume 1: Main Report – January 2020' and the '[Havre des Pas Key Stakeholder Consultation Workshop 2018](#)'<sup>2</sup>.
  - (iii) Accident data was not used within the assessment of the village improvement scheme.
- (b) This information is held in legacy databases and will take some time to search and retrieve if required. At the time, the total costs were anticipated not to exceed £10,000. The costs associated with this would mainly have been internal and associated with officer time to design and implement the scheme, along with legislative drafting time to incorporate within the Road Traffic (St Helier) (Jersey) Order 1996. Additionally, a small amount of additional signage, road markings, and bollards were used to establish the traffic arrangements on Green Street. The road narrowing and give and take arrangements for traffic calming were pre-existing. The traffic studies on which the changes were based were from the Havre des Pas Master Plan development commissioned by the Parish of St Helier, thus the costs of those are not reported in this response.
- (c) Traffic modelling assessments were carried out in relation to potential options for improvements to the Havre des Pas village area and are contained in the report 'Havre Des Pas Village improvement Scheme Volume 1: Main Report – January 2020'.

## **2.18 Deputy R.S. Kovacs of St. Saviour of the Minister for Infrastructure regarding the trial road improvement scheme adjacent to Trinity Primary School: (WQ.333/2024)**

### **Question**

In relation to the trial road improvement scheme adjacent to Trinity Primary School, will the Minister advise –

- (a) what surveys, if any, were undertaken prior to the implementation, and what were the associated costs and outcomes of any such surveys;
- (b) whether residents were consulted and whether they raised any concerns;
- (c) who is responsible for monitoring and publishing the results of the scheme;
- (d) how much the scheme will cost;
- (e) what criteria will be used to evaluate its effectiveness; and
- (f) how many residential properties are within 100 metres of the road improvement scheme?"

### **Answer**

- (a) Prior to construction of the trial scheme the following surveys were undertaken –

- Desktop utilities search
- Topographical survey
- Review of existing traffic surveys
- Review of surveys undertaken as part of the Trinity School Travel Issues & Options Report
- Review of bus patronage data

(b) The Parish of Trinity, Trinity School, Trinity Manor, and Liberty Bus were consulted during design development of the trial scheme. A notice was issued to residents of La Route de La Trinite between Les Ruelles and the RJAHS Showground.

The current scheme is a 1-year trial. The consultation is running in parallel with the trial. No specific concerns have been raised on record by residents stating they live in the houses nearby on La Route de la Trinite.

(c) Infrastructure & Environment Transport & Operations

(d) Construction of the trial scheme was £30,962.74.

Development Costs to date are £36,071,12. This includes surveys, stakeholder meetings, briefings, a high-level pre-feasibility report, a detailed feasibility study, Stage 1 (feasibility)/Stage 2 (detailed design)/Stage 3 (post construction) Road Safety Audit, and production of design options drawings and trial scheme construction drawings.

A review of information received from the consultation is expected to cost approximately £5,000. Any future costs are dependent on the outcome of the consultation.

(e) The trial and any potential permanent scheme will be evaluated using Government Policy and Highway Engineering design standards based on the scheme objectives which are:

- Provide a safe pedestrian access and Egress to Trinity School, via Les Ruelles
- Provide a safe waiting area for children waiting for the inbound bus service or to cross La Route de la Trinity from Les Ruelles
- Provide a safe crossing facility between the western footway of La Route de la Trinite and Les Ruelles
- Ensure the scheme is delivered as quickly as possible.

The evaluation criteria for the trial and permanent scheme will assess; operational benefits, engineering feasibility, environmental impact, scheme programme, costs & risk, scheme delivery objectives.

(f) There are 7 residential properties within 100 metres of the scheme.

## **2.19 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding ectopic pregnancy care: (WQ.334/2024)**

### **Question**

Will the Minister explain whether Health and Community Services staff, including maternity unit staff, treat women experiencing pregnancy-related issues in the early stages of pregnancy with ectopic pregnancy care; and if not, will the Minister detail what guidance staff follow to provide treatment?

### **Answer**

Yes, we have a dedicated Early Pregnancy Assessment Unit (EPAU) service with a named Consultant Lead which includes ectopic pregnancy care, and the correct equipment to manage these patients. This team uses EPAU local guidelines that have been recently reviewed and updated with a multi-disciplinary team approach, and these are in line with the National Institute for Health and Clinical Excellence (NICE) and the Royal College of Obstetricians and Gynaecologists (RCOG) recommendations. If there is a specific condition the Deputy seeks information about, I would be happy to seek this information for him.

**2.20 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding equipment to assist women experiencing pregnancy-related medical issues: (WQ.335/2024)**

**Question**

Will the Minister state whether Health Community Services staff, excluding Maternity Unit staff, have access to (and training on) the necessary equipment to assist women experiencing pregnancy-related medical issues; and if not, will the Minister state when this equipment and training will be made available?

**Answer**

Prenatal care is provided by General Practitioners in the community and by HCS clinicians in the maternity unit in the General Hospital. Depending on the personal circumstances, medical complications can be very different and require different interventions from a wide variety of clinical specialists. If there is a specific condition the Deputy seeks information about, I would be happy to seek this information for him.

**2.21 Deputy K.M. Wilson of St. Clement of the Minister for Infrastructure regarding upcoming construction projects: (WQ.336/2024)**

**Question**

Further to the meeting held in September 2024 between the Jersey Construction Council, wider construction industry representatives, and the Government regarding the Island Construction and Engineering Programme, will the Minister state –

- (a) the total number of construction projects that are planned for the next 5 years;
- (b) of these projects, how many are related to the New Healthcare Facilities Programme, and how many relate to the development of the wider Public Realm;
- (c) which specific projects will need external specialist contractors;
- (d) the total number of construction firms who are currently trading in the Island, and the total number of firms who have ceased trading in the last 5 years; and
- (e) the area of construction expertise of each of the firms currently trading?

**Answer**

- (a) On 16<sup>th</sup> September 2024, Infrastructure held a joint industry briefing with the Jersey Construction Council which gave us the opportunity to introduce the concept of the Island Construction and Engineering Programme (“ICE Programme”) to the local construction industry. We also used the opportunity to present the latest progress on the New Healthcare Facilities, the Liquid Waste programme and developments with the

management of solid waste at La Collette. The briefing was well received by the industry, and the Department is planning follow up briefings in the new year to build on this.

The ICE Programme as presented during the briefing provided an overview of the anticipated construction and engineering sector spend by central Government, Andium Homes, the States of Jersey Development Company and Ports of Jersey, profiled across a period of time. It did not list individual projects.

At present, the ICE Programme shows that we anticipate a combined spend across all entities of approximately £880m over the next 5 years (2025 to 2029 inclusive). This figure represents approximately 100 separate engagements with companies operating in all areas of the construction and engineering sectors, through planning, design, management and delivery. This does not include the New Healthcare Facilities programme anticipated spend.

As should be expected with any complex programme involving multiple organisations, each with their own pressures as well as internal and external factors which will no doubt impact the collective ability to deliver, there is a need for a degree of caution. Therefore, I need to be clear that the figure provided represents the best available information at present. Levels of confidence across the programme inevitably vary at present. This is something we will look to address as this work is developed further.

The ICE programme is iterative and will change as our collective plans develop and evolve, and as Government and the Assembly agree and commit to delivering capital investment within defined time periods.

This is nevertheless an important conversation to commence with the industry. We have, accordingly, decided to share some aspects of the ICE Programme with the industry for our mutual benefit which we feel is especially important during these challenging times. We will look to publish revised information from the ICE Programme early in Q1 2025 once Government Plan budgets have been approved and delivery plans are more visible.

- (b) We are currently developing a clearer view of this within the ICE programme and will be better able to answer this early in Q1 2025 following the debate on the Government Plan and any re-programming required as a result.
- (c) It is not possible to identify specific projects that will require external specialist contractors with total certainty or accuracy at present, but it is highly likely that there will be some contracts awarded to off-Island companies during this period (2025 – 2029 inclusive). Importantly, there will also be many opportunities for local contractors within this period.

Central Government contract awards will be made in accordance with the requirements of the Public Finances Manual which does not discriminate positively in favour of local companies. Instead, it requires us to consider a range of criteria to identify the company that is best placed to meet the requirements of the project and that represents best value overall to taxpayers. Contribution to wider social value locally is a feature of this decision-making process.

As we develop the ICE Programme, it will provide us with the opportunity to engage earlier with supply chains to establish where skills or resource gaps may exist and to start to work better with local industry to address these in order to ensure companies are best placed to meet and deliver our capital investment requirements of the future.

We must also consider that there will be some areas of our programme that local companies may not be able to deliver due to specialism, complexity or scale. In these cases, there is significant opportunity that the local supply chain will either directly or indirectly benefit from this through subcontracting and the sourcing of local materials or expertise.

When considering the programme in its entirety, there may also be times where it would be advantageous for us as an Island to rely upon off-Island resource to alleviate pressure if and when the trading environment requires.

- (d) This is not information which is held by the Minister for Infrastructure or by Government.
- (e) This is not information which is held by the Minister for Infrastructure or by Government.

## **2.22 Deputy K.M. Wilson of St. Clement of the Minister for Social Security regarding the Jersey minimum hourly wage: (WQ.337/2024)**

### **Question**

Regarding the Jersey minimum hourly wage, will the Minister state –

- (a) the number of employed people who are paid less than the minimum wage, and the reasons for this;
- (b) in which sectors of the economy is the minimum wage not paid and why;
- (c) what steps, if any, the Minister is taking to ensure compliance with the law regarding the payment of the minimum wage; and
- (d) the number of actions, if any, taken in the last 12 months against employers who fail to meet the legal requirements regarding paying the minimum wage?

### **Answer**

- (a) The Employment Law requires all workers aged above school leaving age to be paid at least the minimum wage, which is currently set at £11.64 per hour. There are no exemptions. Employers have the ability to offset accommodation costs or food and accommodation costs up to fixed weekly limits where these services are provided by the employer. Any offsets should be documented on the employee's payslip. Children below school leaving age are not subject to the Employment Law or the minimum wage requirements; they are allowed to work part time, subject to a range of restrictions on hours and type of work. There is no minimum wage applied to this age group and data on employment of this age group is not maintained by the Government. If the Deputy is aware of any circumstances where the minimum wage is not being paid, this should be reported to Revenue Jersey.
- (b) As (a), all workers above school leaving age are required to be paid at least the minimum wage. Accommodation offsets as provided for under the Employment Law are mainly used in the agricultural and hospitality sectors.
- (c) Responsibility for minimum wage compliance now rests with the Comptroller of Revenue (acting as agent for the Minister for Social Security). Revenue Jersey's employer compliance team administer employer responsibilities relating to ITIS, minimum wage, Class 1 Social Security Contributions and manpower return

information. The Comptroller is routinely represented in Ministerial meetings and the Minister takes a keen interest in Revenue Jersey's work, including resourcing and processes.

- (d) Revenue Jersey considers the application of the minimum wage as part of its compliance work, and particularly all its visits to employers.

The numbers for recent years (post COVID) are as follows:

**2022** – 103 visits and 1522 interventions. 989 previously non-compliant employers brought up to date and 0 minimum wage issues

**2023** – 180 visits and 1804 interventions. 713 previously non-compliant employers brought up to date and 0 minimum wage issues

It is Revenue Jersey's policy to investigate all complaints about non-payment of the minimum wage from Islanders, but no complaints have been received in the last 12 months.

### **2.23 Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding agricultural loans: (WQ.338/2024)**

#### **Question**

Regarding agricultural loans provided by the Government, will the Minister state –

- (a) the total number provided within each of the last 5 years;
- (b) the purpose of each loan;
- (c) the name of the businesses or individuals who received each loan;
- (d) the amount awarded from each Government loan scheme in each year; and
- (e) what evaluation of the outcomes, if any, has been completed in order to demonstrate the benefits to the economy of providing these loans?

#### **Answer**

No loans have been made under the Agriculture (Loans) (Jersey) Regulations 1974 ('the Regulations') in the last five years.

As set out in R.137/2024, the Agricultural Loans and Advisory Board has not been in existence since 2002. The recent amendments to the Regulations and appointment of a new Board will enable the recapitalised scheme to operate once more.

### **2.24 Deputy I. Gardiner of St. Helier North of the Minister for Infrastructure regarding the value of Government-funded parks and public toilets: (WQ.339/2024)**

#### **Question**

Further to his response to [Written Question 300/2024](#), will the Minister provide a breakdown of the value of each facility shown in the list of Government-funded parks and public toilets, along with the maintenance and capital costs for each; and will he advise whether there are any formal agreements in place setting out the allocation of costs between the department and each of the Parishes?

#### **Answer**

In my response to WQ.300/2024, I provided total maintenance and operating costs where these could be separately identified, and capital works in the 2024 programme for parks improvements including play equipment, security, irrigation and capital maintenance.

Whilst content to provide these overall figures, a full breakdown by facility is considered to be commercially sensitive.

There are no formal agreements in place allocating costs between the department and Parishes in respect of the areas shown. The Millennium Town Park grounds maintenance is undertaken by the Parish of St Helier under commercial contract to the department's Parks and Gardens section.

## **2.25 Deputy I. Gardiner of St. Helier North of the Minister for Infrastructure regarding an audit of the public spaces contained in the constituency of St. Helier North: (WQ.340/2024)**

### **Question**

Will the Minister advise whether his department has undertaken an audit of the public spaces contained in the constituency of St. Helier North, and if not, why not; and if such a review has been undertaken, will he advise, for each of the vingtaines which the constituency comprises, the findings in relation to –

- (a) public or community open spaces;
- (b) green spaces with a lawn;
- (c) public areas containing plants and open public spaces without plants, identified separately; and
- (d) play areas for children of all age groups, including playing fields for sports, with plants and without plants?

### **Answer**

Infrastructure and Environment has not undertaken an audit of the public spaces contained in the constituency of St Helier North. It would usually be a responsibility of the Minister for the Environment to assess and report on land use in Jersey.

The department maintains a register of all leasehold and freehold property where the Public of the Island has an interest, which includes public spaces. This covers the whole of the island and is available on the government website: [Public land and property \(arcgis.com\)](https://arcgis.com)<sup>1</sup>.

The register specifies different types of land use and categorises public space according to its main function e.g. Springfield Sports Facility is classified as recreational; and the Millennium Town Park is classified as public open space.

The register does not provide details about the nature and type of any vegetation in each space, but the department prepares and maintains appropriate maintenance schedules for each area, dependent upon the nature and type of any green infrastructure present.

As part of the preparation of the evidence base for the bridging Island Plan, the Minister for the Environment prepared and published the [St. Helier Open Space Audit \(gov.je\)](https://gov.je)<sup>2</sup>. Undertaken in 2018, this report presents an analysis of existing public spaces in and around the Town of St Helier (as defined in the island plan). It classifies open space on the basis of the typologies set out below.

- Play space
- Civic Space
- Amenity green space
- Cemeteries and Churchyards
- Parks
- Natural green space
- Outdoor sports facilities

**2.26 Deputy I. Gardiner of St. Helier North of the Minister for Education and Lifelong Learning regarding the number of registered students for each fully-funded States primary school: (WQ.341/2024)**

**Question**

Will the Minister provide the number of registered students for each fully-funded States primary school and, for each of these primary schools, state the total area of –

- outside space suitable for free play, and whether such areas contain any plants or turfed areas;
- indoor play areas;
- sports pitches and courts; and
- forest school grounds?

**Answer**

The figures provided below represent pupil numbers in the autumn term 2024/25 and may be subject to minor changes on completion of the autumn term census data quality checks.

<b>School</b>	<b>Total Students</b>
Bel Royal	189
First Tower	324
Grands Vaux	132
Grouville	379
Janvrin	317
La Moye	353
Les Landes	163
Mont Nicolle	202
Plat Douet	365
Rouge Bouillon	349
Samarès	310
Springfield	199
St Clement's	205
St John's	183
St Lawrence	193
St Luke's	185
St Martin's	205
St Mary's	154



St Peter's	196
St Saviour's	182
Trinity	207
d'Auvergne	440

The figures below represent outside spaces suitable for free play in each of the fully funded States primary schools (part a), as well as the available sports pitches and courts (part c) and forest school grounds (part d). All figures below are taken from Jersey Property Holdings Concerto system.

The system does not hold data on outside spaces for all schools. There are also no internal room areas available on the system, therefore an answer to part (b) has not been provided.

School	Indoor area	Playing Field	Playing Field Sqm*	Play Ground	Playground Sqm*	Astro area	3G Sports Pitch	Forest School	Trim Trail
Bel Royal Primary School	Sports Hall	x	3302	x				x	x
d'Auvergne Primary School	Sports Hall	x		x			x	x	x
First Tower Primary School	Sports Hall			x					x
Grands Vaux Primary School	Sports Hall			x		x		x	x
Grouville Primary School	Sports Hall	x	7051	x	2648	x	x		x
Janvrin Primary School	Sports Hall			x		x		x	
Jersey College Prep	Sports Hall	x		x				x	x
La Moye Primary School	Sports Hall		6210	x		x	x	x	x
Les Landes Primary School	Sports Hall	x		x					x
Mont Nicolle Primary School	Sports Hall	x		x				x	x
Plat Douet Primary School	Sports Hall	x		x			x	x	x
Rouge Bouillon Primary School	Sports Hall			x					x
Samarès Primary School	Sports Hall			x			x	x	x
Springfield Primary School	Sports Hall	x		x					x
St Clement's Primary School	Sports Hall			x			x	x	
St John's Primary School	Sports Hall			x			x		x
St Lawrence Primary School	Sports Hall	x	3063	x					x
St Luke's Primary School	Sports Hall			x			x		x
St Martin's Primary School	Sports Hall	x		x					x
St Mary's Primary School	Sports Hall	x	6565	x					x
St Peter's Primary School	Sports Hall	x		x					x
St Saviour's Primary School	Sports Hall	x	4400	x					x
Trinity Primary School	Sports Hall	x		x				x	x
Victoria College Prep	Sports Hall			x					x
La Sente	Soft Play area					x			
Mont à l'Abbé	Sports Hall			x					x

**2.27 Deputy L.K.F Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for the Environment regarding a play strategy for the Island: (WQ.342/2024)**

**Question**

Will the Minister detail what actions he and his department have undertaken since he took office in January 2024 to develop a play strategy for the Island, with a specific focus on play area provision in St. Helier, as set out in the Bridging Island Plan, and will he further advise what progress, if any, he has made to develop and publish supplementary planning guidance for developers in relation to the provision of play space?

**Answer**

Following the change of Government earlier in 2024, this workstream was taken on by the Department for Children, Young People, Education and Skills. All departments have undergone a prioritisation exercise, and it is understood that this work has subsequently been delayed due to resourcing constraints within CYPES.

Similarly, other competing priorities within my own portfolio has meant that the development of supplementary planning guidance for the provision of play space remains to be developed.

What is important to recognise, however, is that the Bridging Island Plan Policy CI8 – Space for children and play, establishes the policy requirement for specific provision of children’s play space to be made as part of the development of schemes involving ten or more homes. This policy has been in effect since March 2022; and it continues to be implemented where development schemes meet this threshold. In this respect, it is useful to note that play space is being created in the approval of new development schemes, where this threshold is met<sup>3</sup>.

In support of the Government’s strategic priority to improve the island’s planning service, I have announced my intention to explore potential changes to the rules which govern the need for planning permission. Work is underway to progress this where consideration will be given to the provision of play facilities, subject to conditions, to be exempt from planning control. This work will continue to be progressed, but has the potential to enable the more efficient delivery of new play facilities.

**2.28 Deputy L.K.F Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Children and Families regarding a play strategy for the Island: (WQ.343/2024)**

**Question**

Will the Minister detail what actions he and his department have undertaken since he took office in January 2024 to develop a play strategy for the Island, with a specific focus on play area provision in St. Helier, as set out in the Bridging Island Plan?

**Answer**

Play remains an important area of policy that I am continuing to support in my role as Minister for Children and Families. I am fully aware of the impact that play opportunities have on the physical, emotional, and social wellbeing of children of all ages. Indeed, this subject has been highlighted via the Children, Young People and Families’ Plan 2024-2027.

I have consistently heard from children and young people asking for more spaces and opportunities to play. On Children’s Day this year the feedback we received included more parks in town, as

---

<sup>3</sup> e.g. [P/2023/1037: Randalls Limited, Clare Street, St. Helier](#); and [P/2024/0050: Field J1109, St. John](#)

Millennium Park gets very busy and more activities in the East of the Island as the recent play spaces such as the Skate Park and Les Quennevais & Le Creux are all to the west of the Island.

In response to these insights from young people, I am pleased to advise that Children and young people will have an active opportunity to review the plans as part of the next School Council Network meeting. Views from this forum will inform the designs for the upgrade of the Millennium Town Park, the planning application for which is now live. This is an excellent example of a child-led design approach in action, and I hope that we can continue this approach in the future.

Following the change of Government earlier in 2024, this workstream was taken on by the Department for Children, Young People, Education and Skills. All Departments have since undergone a prioritisation exercise and unfortunately this work has subsequently been delayed due to resourcing constraints within CYPES.

A specific play strategy has therefore not been progressed as it was felt that the additional resource to coordinate a play strategy were not consistent with the government and departmental commitment to reduce the growth of the public sector at this time and fell outside those areas of additional spend as set out in the Common Strategic Policy 2024-6.

**2.29 Deputy L.K.F Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Sustainable Economic Development regarding a play strategy for the Island: (WQ.344/2024)**

**Question**

Will the Minister detail what actions he and his department have undertaken, since he took office in January 2024, to develop a play strategy for the Island, with a specific focus on play area provision in St. Helier, as set out in the Bridging Island Plan?

**Answer**

Following the change of Government earlier in 2024 this workstream was taken on by the Department for Children, Young People, Education and Skills. All Departments have undergone a prioritisation exercise and I understand that this work has subsequently been delayed due to resourcing constraints within CYPES.

The Department for the Economy's involvement has been limited to supporting CYPES in drafting the Play Policy and working with Infrastructure and Environment on playground redevelopment at Les Quennevais.

**2.30 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding the Horizon residential development: (WQ.345/2024)**

**Question**

Following completion of the Horizon residential development, and further to the response to [Written Question 98/2024](#), will the Minister state the number of apartments –

- (a) that have been sold;
- (b) that remain unsold;
- (c) that were sold to first-time buyers; and
- (d) that were sold as second homes?

**Answer**

- (a) As at 17 October 2024, 275 of 280 apartments have been sold.
- (b) 5 of 280 apartments are unsold.
- (c) At the initial point of sale, 88 apartments were purchased by first-time buyers.
- (d) At the initial point of sale, 129 apartments were sold to buy to let investors. Records for re-sales are not maintained.

**2.31 Deputy M.B. Andrews of St. Helier North of the Minister for Social Security regarding help towards rental costs from the Income Support scheme: (WQ.347/2024)**

**Question**

Will the Minister advise how many households are receiving help towards rental costs from the Income Support scheme, and how much has been paid to both private and social housing landlords through the provision of such support, broken down for each of the last five years?

**Answer**

Number of households receiving Income Support in rented accommodation at year end:

No of claims at year end	Andium Homes	Housing trusts	Private sector
2019	2730	630	1670
2020	2840	670	1920
2021	2810	660	1570
2022	2830	610	1290
2023	2900	610	1210

Numbers have been rounded to nearest 10.

Allocation of Income Support benefit to rental accommodation costs:

	Andium Homes	Housing Trusts	Private sector
	(£'000s)	(£'000s)	(£'000s)
2019	17,088	3,807	9,215
2020	18,701	4,339	11,281
2021	19,066	4,086	9,470
2022	19,203	3,948	7,372
2023	20,473	4,125	7,652

This data is available on the [opendata.gov.je](https://opendata.gov.je) site.

The site also includes an explanation of the way in which Income Support costs are consistently allocated to different types of expenditure. The note is reproduced below:

“The value of Income Support paid to a particular household depends not only on the mix of components that it is entitled to, but also on the other income received by the household. It is therefore not straightforward to report on the value of each component in the total expenditure for Income Support. However, to enable an analysis of the estimated total costs by component, a method of allocating costs within the various components has been developed. This method divides the actual Income Support benefit received by a household in proportion to the gross value of each of the

components that the household is eligible for, to allocate a specific net value to each of the components. The mix of Income Support claims changes over time and the values of some components can change during the year. This analysis includes data taken from each month of the year to ensure that trends in the take-up of Income Support and rate changes during the year are represented, and provides approximate net values for the cost of each component group.”

**2.32 Deputy L.K.F Stephenson of St. Mary, St. Ouen and St. Peter of the Chief Minister regarding policy officers working within the Cabinet Office: (WQ.348/2024)**

**Question**

Further to the response to [Written Question 319/2024](#), will the Chief Minister advise –

- (a) what areas of work each of the policy officers working within the Cabinet Office are currently assigned to,
- (b) how many of these policy officers, broken down by grade, are specifically working on health policy; and
- (c) the total annual cost of all policy officers across Government?

**Answer**

The below table sets out the Cabinet Office policy officers by policy areas and FTE (Full Time Equivalent) in each Grade band, in response to questions (a) and (b).

Cabinet Office Policy area	FTE in Grades 6 – 9	FTE in Grades 10 – 13	FTE in Grades 14, 15 & Director
Children, education and skills policy		4	5
Criminal justice and diversity, equity & inclusion policy		3.2	
Governance and communities policy		3.4	
Social security and population policy	2	5.8	
Strategic health policy		3.6	2
Public health policy		1	4
Energy and sustainability policy			
Environment and climate policy	1	5	
Strategic housing policy	2	2	
<b>TOTAL</b>	5	28	11

The response to Written Question 319/2024 sets out the number of policy officers by FTE in Grade across all the Government departments, which amounted to 86.6 FTE.

The annual cost of employing these policy officers is approximately £8.95m.

**2.33 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter of the Minister for Infrastructure regarding the delivery of the School Street Scheme for Safer Travel to school: (WQ.349/2024)**

**Question**

Will the Minister provide an update on the delivery of the [School Street Scheme for Safer Travel to school](#); and regarding the [School Travel Issues and Opportunities Reports](#), will the Minister advise

which of the identified solutions have been completed and which remain outstanding and, for schools where no report exists, when these will be produced?

### **Answer**

As of now, two schools – St Luke’s Primary School and Trinity Primary School – have successfully implemented School Streets. I was delighted to visit St Luke’s on 10<sup>th</sup> October to see the School Street in action. A Ministerial Decision has been made to make the St Luke’s School Street permanent, following the conclusion of a successful trial period. In addition, First Tower Primary School and Grouville Primary School have approached the Department regarding the potential for School Streets, and discussions are ongoing with the relevant Parishes and school communities.

The School Street Scheme is part of the wider Safer School Zones initiative, which was developed from the outcomes of the Safer Routes to School Programme. These Safer School Zones identify roads around schools where improvements can be made to enhance safety and encourage more sustainable modes of travel for pupils, parents, and staff. The zones that have been identified will inform future infrastructure projects, including the development of cycling and walking routes.

The results from Phases 1 to 3 of this programme are currently being mapped and will feed into future infrastructure plans. The next phase, Phase 4, is scheduled to begin in the spring term of 2025, and the following schools will be included:

- Grand Vaux
- La Moye
- Mont Nicolle
- St Lawrence
- St Mary’s
- St Peter’s
- FCJ Primary
- Grainville

Each school will be considered on a case-by-case basis for the implementation of either School Streets or School Safety Zones, depending on funding and collaboration between the schools, Parishes, and the Government. For example, in the case of Les Landes Primary School, the Issues and Opportunities Report recommends the establishment of a School Safety Zone rather than a School Street.

For schools that do not yet have a report, it is anticipated that a final phase of this work will begin once Phase 4 has been completed, ensuring that the remaining schools will have their travel issues and opportunities assessed, with recommendations for safer and more sustainable travel options being implemented as appropriate. Our ambition is to get this work completed as quickly as possible, although we can only go as fast as our resource levels allow.

The Department continues to work to ensure the safety of school routes and in partnership with school communities and parishes to deliver meaningful and long-lasting improvements. Some of the notable achievements from Phases 1-3 include new bicycle shelters, racks and scooterpods at schools, zebra crossings, footway improvements, wayfinding upgrades and support for the WOW (Walk to School) challenge.

**2.34 Deputy H.M. Miles of St. Brelade of the Minister for Education and Lifelong Learning regarding Government postgraduate funding: (WQ.350/2024)**

**Question**

In respect of Government postgraduate funding, will the Minister –

- (a) provide the criteria used for postgraduate funding for professional qualifications;
- (b) explain why the postgraduate bursary is not available to support part-time study;
- (c) advise what funding options, if any, are available to students whose applications for the postgraduate bursary are unsuccessful; and
- (d) explain why the bursary has not been increased to reflect rises in the cost of living since its creation in 2000?

**Answer**

- (a) The criteria used for postgraduate funding for professional examinations at a higher level is defined in Article 9 of the [Education \(Grants and Allowances\) \(Jersey\) Order 2018](#) with further reference to Schedule 2 of the [Education \(Jersey\) Law 1999](#).

In the past two years an average of 45 students per year received funding for postgraduate study with an average total annual cost for fees and maintenance circa £560,000.

- (b) Since the establishment of the bursary, the requirement for students to study full-time has been a longstanding feature. This criterion is also included in the Education (Grants and Allowances) Order, first introduced in 2018, for postgraduate grants leading to a professional qualification.

The Minister is considering broadening the eligibility criteria for the bursary. This includes a review of the current requirements for candidates to obtain a minimum second-class honours degree (2:1) as well as the requirement to undertake study on a full-time basis.

- (c) There are a number of educational trusts, bursaries and gift funds, some of which may include financial support for postgraduate level study. For a full list please visit the [Educational trusts, bursaries and gift funds](#) section of the Student Finance webpage.

Outside of Jersey, students can apply for scholarships or bursaries offered by external providers, educational institutions, research bodies, or industry. However, the eligibility criteria and available funding will vary based on the conditions set by each provider.

- (d) Since appointment to the role earlier this year, the Minister's focus has been given to fulfilling the obligations outlined in P.12/2024 as amended and adopted. Those considering pursuit of

postgraduate studies have already benefited from undergraduate education. In the Proposed Budget 2025-2028, the Minister has prioritised improving access to undergraduate education.

No additional budget has been proposed for changes that would increase the cost of the bursary scheme however, the Minister is considering the feasibility of an inflation-linked increase in 2025 in addition to wider changes outlined in P.12/2024.



**2.35 Deputy H.M. Miles of St. Brelade of the Minister for Children and Families regarding overnight short-break or respite services available to children who have complex additional needs: (WQ.351/2024)**

**Question**

In respect to overnight short-break or respite services available to children who have complex additional needs, will the Minister –

- (a) detail the criteria used to determine access to these services;
- (b) provide a list of States of Jersey service providers, including the number of places available in each; and
- (c) outline what steps he is taking, if any, to ensure that there is sufficient future capacity to provide support to children with complex additional needs?

**Answer**

(a) Access to overnight Short Breaks is via social work assessment by our Complex Needs Team. Families can self-refer for an assessment or can be referred by an involved professional. The social worker will consider factors such as the complexity of a child's needs (particularly their need for intervention overnight), the capacity and needs of the child's family (including siblings), and the resources otherwise available to the family (including within their extended family network).

The assessment is supervised, quality-assured and signed-off by a Team Manager, and where a need for overnight Short Breaks is indicated, the child's case is presented at a multidisciplinary Resource Panel, which sits weekly. This panel considers the assessed needs, the resources required to meet those needs and the equitable allocation of such resources across the cohort.

The Matrix of Need and the Threshold Document for the Complex Needs team are attached.

(b) CYPES runs two Short Breaks Children's Homes:

Eden House specialises in the care of ambulant children with learning disabilities and complex behavioural needs. It currently operates from a temporary site while its permanent building is being refurbished. It can accommodate up to three children per night. Six children currently attend, with three more on a waiting list who are being introduced in the coming few weeks.

Oakwell cares for children with complex health needs and life-limiting conditions. It can accommodate up to four children per night. Thirteen children currently attend, with two on a waiting list.

Neither home currently has any places available.

(c) CYPES is undertaking a needs analysis and review of Short Breaks provision (daytime and overnight) in Jersey. This recognises that overnight Short Breaks should be part of a menu of support, should be offered only to those with the highest needs, and should not be used as a substitute for daytime provision. We are keen therefore to ensure that children with the most complex needs are able to access schemes such as those run by the Youth Service and Mont a L'abbe school, and that we commission sufficient high-quality outreach services.

We are working with Mencap's Les Amis service, which currently provides overnight breaks to disabled adults but is developing a transitions offer for children over sixteen.

The redevelopment of Eden House will increase its capacity from three to four bedrooms and will enable us to safely care for a mix of older and younger children on the same night. It is due to open by December 2024.



## Jersey Children's Social Care Service

### CHILDREN WITH DISABILITIES NEEDS ASSESSMENT MATRIX

IN RESPECT OF .....DOB...../...../.....  
COMPLETED BY .....ON ...../...../.....

Severity  Outcomes	LOW LEVEL OF NEED	MODERATE LEVEL  OF NEED	HIGH LEVEL OF NEED
<b>BE HEALTHY:</b> <ul style="list-style-type: none"> <li>• Nature of disability</li> <li>• Dependency</li> </ul>	<input type="checkbox"/>  Child needs routine medical checks only and requires no or minimal nursing care/support/treatment	<input type="checkbox"/>  Child has unstable health and needs regular nursing care and support and/or complex medical care	<input type="checkbox"/>  Child has life limiting condition and requires daily nursing care and support and/or regular admissions to hospital

<ul style="list-style-type: none"> <li><b>Demand on Carer</b></li> </ul>					
	Child uses specialist equipment that does not require operational assistance		Child uses specialist equipment that needs operational assistance		Daily use of specialist equipment by child that needs operational assistance
	Child has minimal therapy needs		Child has a planned programme of therapy		Child requires intense therapy programme
	Child requires minimal help with personal care		Child needs daily support with basic self-care functions e.g. eating, toileting, washing, dressing		Child is totally dependent on others for all basic self-care functions e.g. eating, toileting, washing, dressing
	Child is independently mobile		Child requires help with mobility and lifting		Child requires specialist aids for mobility
	Child has some awareness of dangers and is able to function independently in the environment		Child has limited awareness of dangers and needs help to function in the environment		Child has no awareness of dangers and is dependent on others to function in the environment
	Carer has no physical/mental health problems		Carer has some physical/mental health problems affecting ability to care		Carer has severe physical/mental health problems which have major implications for caring role
	Low level of risk to health/safety of carer		Moderate level of risk to health/safety of carer		High level of risk to health/safety of carer
<b>Severity</b> <b>Outcomes</b>	<b>LOW LEVEL OF NEED</b>		<b>MODERATE LEVEL OF NEED</b>		<b>HIGH LEVEL OF NEED</b>

	☐	☐	☐
<ul style="list-style-type: none"> <li>• Behaviour</li> <li>• Family dynamics</li> <li>• Support Networks</li> <li>• Environment</li> </ul>	Child requires supervision in some circumstances	Child requires continual supervision throughout the day and occasionally at night	Child requires constant monitoring/supervision both during the day and at night
	Behaviour is not a risk to self or others (including self-harm) and requires minimal management	Behaviour is a moderate risk to self or others (including self-harm) and requires some input to manage	Behaviour is a serious risk to self or others (including self-harm) and requires structured behaviour management programme
	There are no difficulties in relationships with peers or siblings	There are stressful family relationships and /or some difficulties in relationships with peers	There is potentially harmful conflict with siblings and significant difficulties in relationships with peers
	No child protection issues	Child has been subject or currently subject to Article 42 enquiries – child protection/ Child in Need Plan/Past CP Plan	Child has been placed on a Child Protection Register and has a Child Protection plan or is or ever has been a LAC
	Child is only person in household with disabilities	One other person with disabilities who needs some support in household	More than one other person in household with disabilities who needs some support
	More than one carer	Sole carer but has a support network	Sole carer with no support network
	There are no pressures in the family other than caring for child	There are some other pressures in the family	There are complex family problems e

	Where the child lives is a safe environment		There is sometimes risk for the child because of the physical environment		Where the child lives is not safe because of the physical environment	
--	---	--	---	--	---	--

Severity Outcomes	LOW LEVEL OF NEED		MODERATE LEVEL OF NEED		HIGH LEVEL OF NEED	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
	There is no risk of the child's placement breaking down		There is some risk of the child's placement breaking down		There is a high risk of the child's placement breaking down	
<b>Enjoy and Achieve:</b> <ul style="list-style-type: none"> <li>• <b>School</b></li> <li>• <b>Hobbies</b></li> </ul>	Child attends a unit in mainstream school or college		Child attends a special school with additional support		Child attends a complex needs out of jurisdiction placement with specialised package of support	
	Child needs support to pursue interests and activities or is not subject to a RON		Child needs 1:1 support to pursue inclusive interests and activities or requires specialised activities including a RON		Child can only pursue specialised activities with support	
	There is no report at school for social behavioural or emotional development issues		School have had some or past concerns about social behavioural and emotional development issues and has had some or past concerns including 1 or 2 suspensions in the last 12 months		School have significant concerns about child's behaviour or emotional or social development issues including more than 2 suspensions in the last 12 months	

<b>Make a Positive Contribution:</b> <ul style="list-style-type: none"> <li>• <b>Risky Behaviour</b></li> <li>• <b>Friendships</b></li> <li>• <b>Communication</b></li> </ul>	In line with their chronological age, the child is confident and shows some understanding of risk situations		In line with their chronological age, the child lacks confidence and is vulnerable to exploitation and bullying		In line with their chronological age, the child has very limited understanding of risk situations and is extremely vulnerable	
	In line with their chronological age, the child requires minimal support with communication including EAL (English as an additional language)		In line with their chronological age, the child has significant communication difficulties		In line with their chronological age, the child needs a skilled person to interpret communication	
.....cont	In line with their chronological age, there are no difficulties in relationships with peers or siblings		In line with their chronological age, there are stressful family relationships and/or some difficulties in relationships with peers		In line with their chronological age, there is potential harmful conflict with siblings and/or significant difficulties in relationships with peers	
	In line with their chronological age, the child can adapt to different situations with support		In line with their chronological age, the child needs to be prepared in advance for a change in routine		In line with their chronological age, the child becomes extremely distressed following any small change to daily routine	
	In line with their chronological age, the child is able to express their views with support		In line with their chronological age, the child needs specialist support in order to express their views		In line with their chronological age, the child has extremely limited ability to express views even with support	

Severity Outcomes	LOW LEVEL OF NEED		MODERATE LEVEL OF NEED		HIGH LEVEL OF NEED	
	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
<b>Economic Wellbeing:</b> <ul style="list-style-type: none"> <li>• Finance</li> <li>• Housing</li> <li>• Transport</li> </ul>	The family are receiving all financial entitlements		The family needs to budget carefully to meet financial commitments		The family is on a low income and has financial problems	
	The family's accommodation is suitable and needs no adaption		The family's accommodation is not totally suitable but does not need adaption		The family's accommodation needs adaption to meet the needs of the child	
	The child will need minimal support to continue in education, employment or training		The child will need significant support to continue in education, employment or training		The child will need a specialist adult care package in the next 3 years	

**SUMMARY – PLEASE GIVE AN OVERALL VIEW OF CATEGORIES IN LINE WITH ATTACHED GUIDANCE**

Overall Assessment of Need	Description
<b>LOW</b>	Need can be met by community based universal and/or preventive services

<b>MODERATE</b>	Child would not have a reasonable standard of health and welfare due to a significant disability without the provision of specialist services
<b>HIGH</b>	Child has complex care needs requiring the input of specialist services

#### ALLOCATION OF RESOURCES

Level of Need	Criteria, including risk factors	Desired outcomes of service	Examples of services that might appropriately be provided at this level
<b>Low</b>	<ol style="list-style-type: none"> <li>1. Child needs routine medical checks only and requires no or minimal nursing care/support/treatment</li> <li>2. Child uses specialist equipment that does not require operational assistance</li> <li>3. Child has minimal therapy needs</li> <li>4. Child requires minimal help with personal care</li> <li>5. Child is independently mobile</li> <li>6. Child has some awareness of dangers and is able to function independently in the environment</li> <li>7. Carer has no physical/mental health problems</li> <li>8. Low level of risk to health/safety of carer</li> <li>9. Child requires supervision in some circumstances</li> <li>10. Behaviour is not a risk to self or others (including self-harm) and requires minimal management</li> </ol>	<p>Promotion of child's health</p> <p>Maintain a satisfactory level of personal care</p>	<ol style="list-style-type: none"> <li>1. Information about community facilities</li> <li>2. Supported access to community facilities</li> <li>3. referral to community organisations for support in the home</li> </ol>



	<ul style="list-style-type: none"> <li>11. There are no difficulties in relationships with peers or siblings</li> <li>12. No child protection issues</li> <li>13. Child is the only person in the household with disabilities</li> <li>14. More than one carer</li> <li>15. There are no pressures in the family other than caring for the child</li> <li>16. Where the child lives is a safe environment</li> <li>17. There is no risk of the child's placement breaking down</li> <li>18. Child attends a unit in mainstream school, special school in the jurisdiction or college</li> <li>19. Child needs support to pursue interests and activities</li> <li>20. Child is confident and shows some understanding of risk situations</li> <li>21. Child requires minimal support with communication</li> <li>22. There are no difficulties in relationships with peers or siblings</li> <li>23. Child can adapt to different situations <b>with support</b></li> <li>24. Child is able to express their views with support</li> <li>25. The family are receiving all financial entitlements</li> <li>26. The family's accommodation is suitable and needs no adaption</li> <li>27. The child will need support to continue in education, employment or training</li> </ul>	<p>Safeguarding the child against abuse or neglect</p> <p>Prevent breakdown of family or social networks</p> <p>Live in a safe home environment</p> <p>Promotion of social inclusion</p>	<ul style="list-style-type: none"> <li>4. Referral for occasional day and evening support within the community</li> <li>5. Short term social work input on specific issues e.g. newly diagnosed, transition</li> <li>6. Signposting to other agencies for advice regarding issues such as allowances, housing and carer support groups</li> </ul>
<p><b>Moderate</b></p>	<ul style="list-style-type: none"> <li>1. Child has unstable health and needs regular nursing care and support and/or complex medical care</li> <li>2. Child uses specialist equipment that needs operational assistance</li> <li>3. Child has a planned programme of therapy</li> <li>4. Child needs daily support with basic self-care functions e.g. eating, toileting, washing, dressing</li> <li>5. Child requires help with mobility and lifting</li> <li>6. Child has limited awareness of dangers and needs help to function in the environment</li> <li>7. Carer has some physical/mental health problems affecting ability to care</li> </ul>	<p>Promotion of child's health</p> <p>Maintain a satisfactory level of personal care</p>	<ul style="list-style-type: none"> <li>1. Information about community facilities</li> <li>2. Supported access to community facilities</li> </ul>

	<p><b>8.</b> Moderate level of risk to health/safety of carer</p> <p><b>9.</b> Child requires continual supervision throughout the day and occasionally at night</p> <p><b>10.</b> Behaviour is a moderate risk to self or others (including self-harm) and requires some input to manage</p> <p><b>11.</b> There are stressful family relationships and/or some difficulties in relationships with peers</p> <p><b>12.</b> Child has been subject to Article 42 enquiries/Child In Need Plan</p> <p><b>13.</b> One other person with disabilities who needs some support in household</p> <p><b>14.</b> Sole carer but has a support network</p> <p><b>15.</b> There are some pressures in the family</p> <p><b>16.</b> There is sometimes risk for the child because of the physical environment</p> <p><b>17.</b> There is some risk of the child's placement breaking down</p> <p><b>18.</b> Child attends a special school in the jurisdiction with additional support or a specialised out of the jurisdiction placement</p> <p><b>19.</b> Child needs 1:1 support to pursue inclusive interests and activities</p> <p><b>20.</b> Child lacks confidence and is vulnerable to exploitation and bullying</p> <p><b>21.</b> Child has significant communication difficulties</p> <p><b>22.</b> There are stressful family relationships and/or some difficulties in relationships with peers</p> <p><b>23.</b> Child needs to be prepared in advance for a change in routine</p> <p><b>24.</b> Child needs specialist support in order to express their views</p> <p><b>25.</b> The family needs to budget carefully to meet financial commitments</p> <p><b>26.</b> The family's accommodation is not totally suitable but does not need adaption</p>	<p>Safeguarding the child against abuse or neglect</p> <p>Support parents/carers in looking after child</p> <p>Prevent family breakdown or breakdown of social networks</p> <p>Live in a safe home environment</p> <p>Promotion of child's interests and social networks</p> <p>Promotion of social inclusion</p>	<p><b>3.</b> Regular day and evening support within the community</p> <p><b>4.</b> Short term social work input on specific issues e.g. newly diagnosed; transition</p> <p><b>5.</b> Outreach support from community support workers</p> <p><b>6.</b> Basic level</p> <p><b>7.</b> Occasional overnight stays up to 43 nights a year</p>
--	--	---	--

	<p>27. The child will need individual support to continue in education, employment or training</p>		
<p><b>High</b></p>	<ol style="list-style-type: none"> <li>1. Child has life limiting condition and requires daily nursing care and support and/or regular admissions to hospital</li> <li>2. Daily use of specialist equipment by child that needs operational assistance</li> <li>3. Child requires intense therapy programme</li> <li>4. Child is dependent on others for all basic self-care functions e.g. eating, toileting, washing, dressing</li> <li>5. Child requires specialist aids for mobility</li> <li>6. Child has no awareness of dangers and is dependent on others to function in the environment</li> <li>7. carer has severe physical/mental health problems which have major implications for caring role</li> <li>8. High level of risk to health/safety of carer</li> <li>9. Child requires constant monitoring/supervision both during the day and at night</li> <li>10. Behaviour is a serious risk to self or others (including self-harm) and requires structured behaviour management programme</li> <li>11. There is potentially harmful conflict with siblings and significant difficulties in relationships with peers</li> <li>12. Child has been placed on Child Protection Register and has a Child Protection Plan</li> <li>13. More than one other person in household with disabilities who needs some support</li> <li>14. Sole carer with no support network</li> <li>15. There are complex family problems e.g. domestic violence, frequent changes in household, substance misuse</li> <li>16. Where the child lives is not safe because of the physical environment</li> <li>17. There is a high risk of the child's placement breaking down</li> </ol>	<p>Promotion of child's health</p> <p>Maintain a satisfactory level of personal care</p> <p>Safeguarding the child against abuse or neglect</p> <p>Support parents/carers in looking after child</p> <p>Prevent family breakdown or breakdown of social networks</p> <p>Live in a safe home environment</p> <p>Promotion of child's interests and social networks</p> <p>Promotion of social inclusion</p>	<ol style="list-style-type: none"> <li>1. Information about community facilities</li> <li>2. Frequent day and evening support within the community</li> <li>3. Intensive individual social work support</li> <li>4. Outreach support from community support workers</li> <li>5. Enhanced level</li> <li>6. Regular overnight stays up to 120 nights a year</li> </ol> <p><b>In Exceptional Circumstances:</b></p> <ol style="list-style-type: none"> <li>1. Foster placement</li> <li>2. Residential placement</li> </ol>

	<p>18. Child attends a complex needs out of jurisdiction placement with specialised package of support</p> <p>19. Child can only pursue specialised activities with support</p> <p>20. Child has very limited understanding of risk situations and is extremely vulnerable</p> <p>21. Child needs a skilled or familiar person to interpret communication</p> <p>22. There is potentially harmful conflict with siblings and/or significant difficulties in relationships with peers</p> <p>23. Child becomes extremely distressed following any small change to daily routine</p> <p>24. Child has extremely limited ability to express their views even with support</p> <p>25. The family is on a low income and has financial problems</p> <p>26. The family's accommodation needs adaption to meet the needs of the child</p> <p>28. The child will need a specialist adult care package</p>		
--	---	--	--

**SERVICE TO BE PROVIDED**


**Assessment completed by:**

**Date:**

**Service Provision Agreed by:**

**Date:**

## Complex Needs Team

### Threshold for Involvement

*The primary need for support arises as a direct result of the child's disability. Children supported by the Complex Needs Team, are those likely to need the continued support from Adult Social Care.*

#### **Children who are eligible to receive an assessment from the Complex Needs Team:**

- Children who have chronic, permanent and substantial disability. This might include for example profound cerebral palsy.
- Children who have a life-threatening illness.
- Children on the autistic spectrum whose functioning within wider society is severely affected as per the matrix of need.
- Children with disabilities where their care needs cannot be met because their carers have a disability themselves.
- Children who have a substantial disability as a result of an accident. This might include severe head injuries following a road traffic accident.
- Children who have a substantial sensory impairment. This might include being blind or deaf, who also have an additional disability.
- Children who require an assessment for specialist short breaks (tier 3)

#### **Children who are not eligible for an assessment from the Complex Needs Team:**

- Children with Attention Deficit Disorder or children with Attention Deficit Hyperactivity Disorder in the absence of additional disabilities.
- Children with a mental health need in the absence of additional disabilities.
- Children with emotional and behavioural difficulties in the absence of additional disabilities.
- Children with Mild Permanent Learning Disability whose diagnosis does not significantly impact upon their or their families' life
- Children on the autistic spectrum whose condition does not impact upon their or their families' life

If the child is not eligible for an assessment from the Complex Needs Team, they might still be eligible for an assessment from another social work team within Children's Services or allied health professional.

In situations where the level of disability is not clear, the Senior Practitioner and Team Manager will make the final decision about eligibility for access to assessment, using the criteria set out below. In these circumstances, it is likely that there will be a need for further clarification of the disability or presenting issue from an allied health or education professional involved with the child and further consideration with regard to how the disability affects social functioning.

In all cases reference will be made to the continuum of need, the matrix of need and the specialist short break scheme in determining whether a case meets the threshold for the complex needs team.

Document agreed with Team Manager, Laura Stark, Head of Service for Safeguarding and Care, Natalie Spooner and Director for Safeguarding and Care on 12th October 2020. Document to be reviewed by 30th October 2025

## **1. SERIOUS**

**Services required to prevent immediate risk of significant impairment or further impairment of child's health or development. Child is in need of care / accommodation related to disability and/or child protection or welfare issues**

Disability severely impacts on:

- Imminent risk of family breakdown
- Child's basic needs being met
- Sibling's basic needs being met
- Parents /carers mental and physical health
- Child's mental and physical health

## **2. MODERATE**

**Child is very vulnerable to risk of impairment of health or development.**

Child is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision of services. Services may be required from a range of agencies, including the Complex Needs Team

Disability significantly impacts on:

- Child's basic needs being met
- Sibling's basic needs being met
- Parents/ carers can only meet the child/ siblings basic needs at significant cost to their own physical and/or mental health.

## **3. MILD**

**Child requires services to prevent impairment of health and development and/ or alleviate stress in the family which may lead to risk in levels 1 and 2.** Action may be required where a number of mild concerns are expressed over a range of dimensions for a child with a disability.

Support for Mild concerns may be addresses by families taking up support offered universally from Health and/or Education services, with no or little input from the Disabled Children's Team of the Special Needs Service.

Disability impacts on:

- Restriction on child's access to social and community activities leading to impairment in social or emotional development.
- Restriction in siblings personal or social lives
- Restriction in parents / carers personal or social lives.

The Complex Needs Social Work Team will continue to work under Child Protection policy and procedures with children open to the team and who have an assessed need related to their disability. On new child protection referrals we will offer consultation and co work with the Family Safeguarding Service Team where the child has a disability and the threshold falls within the Mild to Moderate Concern.

With Disabled Children, where there is a serious concern regarding child protection or welfare issues, these cases will be managed by the Complex Needs Team, due to the disability component having a significant impact.

Document agreed with Team Manager, Laura Stark, Head of Service for Safeguarding and Care, Natalie Spooner and Director for Safeguarding and Care on 12th October 2020.

Document to be reviewed by 30th October 2025

**2.36 Deputy S.M. Ahier of St. Helier North of the Minister for Infrastructure regarding the Lido at Havre des Pas: (WQ.352/2024)**

**Question**

Will the Minister advise, in respect of the Lido at Havre des Pas –

- (a) whether there are any outstanding rental payments from the past five years;
- (b) whether any monies are owed to Jersey Property Holdings (JHP) for utilities from the past five years;
- (c) what costs, if any, JPH will face once the current lease has ended; and
- (d) whether the Minister has previously sought to recover any monies through the Courts, or intends to do so in relation to any outstanding amounts that may be owed?

**Answer**

- (a) As there has been no lease since 1<sup>st</sup> September 2021, no rent has been collected since that date. Prior to the lease break, analysis showed the average arrears were some 180 days with a number of payments exceeding 300 days.
- (b) As above, as there is no lease the landlord has no method of collecting payments for utilities.
- (c) There is an ongoing maintenance cost for a facility that is surrounded by the sea twice daily and exposed to the brunt of winter storms. However, this is variable, and our focus is on meeting statutory landlord obligations. In addition, the previous government provided a sum of £500,000 in the Government Plan for periodic maintenance and redecoration which is planned for completion in 2024.
- (d) Recourse to the courts has not yet been considered in this respect.

**2.37 Deputy J. Renouf of St. Brelade of the Minister for Education and Lifelong Learning regarding foreign language GCSEs: (WQ.353/2024)**

**Question**

Will the Minister state the number of children taking GCSEs in the five most popular foreign language subjects for each of the last five years, together with details of the pass rates achieved for each language in those years?

**Answer**

The data provided below summarises GCSE results for pupils in Government provided schools. 2024 results are provisional, pending the outcome of any appeals. The tables represent the results for all pupils completing Year 11 in each year, and may include results for exams that were completed by those pupils in earlier years. If a pupil obtains multiple results in a subject, only their best result is included below.

Comparisons between academic years should be avoided as there have been significant changes in assessment methodology due to Covid-19, which included Centre Assessed Grades, Teacher Assessed Grades and transition arrangements.

In the table below, the pass rate indicates a result of 4 and above. Statistical disclosure controls have been applied to the pass rate where those calculations would contain identifiable information (where the number of pupils who did not pass was fewer than 5). These are represented as a ~.

2020		
Language	Pupils	Pass Rate %
French	291	96
Spanish	174	86
Portuguese	79	86
Italian	17	~
German	7	~

2021		
Language	Pupils	Pass Rate %
French	327	91
Spanish	190	88
Portuguese	65	~
Italian	21	100
Polish	7	100

2022		
Language	Pupils	Pass Rate %
French	308	91
Spanish	172	87
Portuguese	54	~
Polish	10	~
Italian	6	100

2023		
Language	Pupils	Pass Rate %
French	258	86
Spanish	189	77
Portuguese	66	~
Polish	15	100
Italian	11	100

2024 (provisional)		
Language	Pupils	Pass Rate %
French	271	92
Spanish	169	85
Portuguese	76	92
Polish	17	~
Italian	16	100

Some pupils take GCSEs in more than one subject. For completeness, the total cohort size for Government schools, number and % of pupils taking any language (including those that aren't in the "top 5" tables above) are shown below:

Year	Cohort size (spring census)	Number taking a language GCSE	%
2020	834	467	56
2021	819	483	59
2022	817	477	58
2023	820	454	55
2024	877	451	51



**2.38 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding compliance investigations being undertaken by the Infrastructure and Environment Department regulation team: (WQ.354/2024)**

**Question**

Will the Minister state the number of compliance investigations currently being undertaken by the Infrastructure and Environment Department regulation team, broken down by category (such as planning breaches, food safety, safety of rented dwellings)?

**Answer**

The Regulation Directorate has a compliance strategy built around the four E's: **Engage, Explain, Encourage and Enforce**. These pillars guide the approach to ensuring compliance and fostering a culture of safety and responsibility.

- **Engage** involves building strong relationships with stakeholders and ensuring open lines of communication.
- **Explain** focuses on providing the necessary information and resources to help stakeholders understand and meet their obligations.
- **Encourage** compliance with the laws through negotiation, persuasion and alternative dispute resolution.
- **Enforce** is about taking appropriate action as a last resort where all other pillars have been exhausted or the harm is significant.

Many of the Regulation teams do not distinguish between routine inspections and formal compliance investigations, treating both as integral parts of their daily operations. By embedding persuasive compliance into day-to-day activities, we address potential issues proactively before they escalate.

This approach streamlines processes and fosters a cooperative environment where compliance is seen as a shared responsibility. Voluntary compliance is encouraged through consistent engagement and education, reserving enforcement actions for more severe or persistent non-compliance issues. Officers adhere to the [Jersey Regulators' Code](#).

Where compliance cases are separated and recorded, the following numbers apply:

Compliance, Habitat and Land = **335**

Trading Standards = **35**

Food and Plant Security = **0**

Building Standards, Food and Public Health, Pollution, and Housing and Nuisance = Compliance is embedded in end-to-end processes, and no separated data is retained. The Food and Public Health team currently has two cases and Housing and Nuisance one case in which formal enforcement is being pursued.

**2.39 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the Havre des Pas Lido lease arrangements: (WQ.355/2024)**

**Question**

In relation to the Havre des Pas Lido lease arrangements, and further to reports that the previous Minister for Infrastructure had intended new arrangements to be in place by the end of January 2024, will the Minister explain whether, upon taking office, he pursued the immediate agreement of such

arrangements and, if not, why not; and will he further explain what consideration, if any, he has given to the report commissioned by his predecessor on this matter?

### **Answer**

Upon my appointment as Minister, I was informed in early course of the challenges regarding the Havre des Pas Lido. In particular, I was made aware that my immediate predecessor had wrestled with this case (as indeed had his predecessor) and ultimately signed a Ministerial Decision to break the lease for a number of reasons, rental arrears being the key.

My predecessor was unable to gain agreement to the terms of a lease despite setting the rent at a very low level, effectively £2 per square foot. I understand that my predecessor gave the current occupier until the end of January 2024 to sign a new lease. This wasn't done.

In my direction to the property team for the Heads of Terms I was proposing, two issues shaped my approach. Firstly, the obligation for prudent financial management and, secondly, the value of wider public access to our facilities. I set the rent at an equivalent of £5.62 per square foot, which was still a considerable discount when compared to similar facilities. The Heads of Terms was rejected despite meetings and correspondence, and this precipitated my notification that we would seek vacant possession of the site in order to find an alternative solution.

In discussion with the Assistant Minister for Infrastructure, who had visited Guernsey in the first part of the year, we wanted to be able to provide a fresh start for any interested parties. Members will of course be aware that in deference to the bookings that we were told had been taken, notwithstanding that there was no right of occupation and impending notices of eviction, we allowed occupation until the end of October to permit an orderly and professional draw down of business. I am therefore somewhat surprised to learn that, allegedly, bookings have been taken into 2025. This is a matter between any individuals/organisations and the company they have paid the deposit to.

Finally, I have given a great deal of consideration to the report undertaken for my predecessor and am aware that following a £1.2 million refurbishment of the site completed in August 1999 the operator, Modern Hotels Holdings, withdrew from the site in April 2000. This was due to further works being required following storm damage. I believe that this emphasises that this is not an all-season private events space, it is a marine pool for the benefit of the wider community.

In order to get the Pool into a position where we can offer it to a new operator, and if we are to mirror the success of Guernsey for wellbeing, youth activities, and family access, we need to undertake a wide range of works to enable the fresh start that is needed for the Lido so it can be rejuvenated as a venue that can be used all-year round by the whole community.

## **2.40 Deputy R.S. Kovacs of St. Saviour of the Minister for Infrastructure regarding the installation of three zebra crossings on La Rue de L'Etau, St. Helier: (WQ.356/2024)**

### **Question**

With reference to the Ministerial Decision [MD-INF-2024-738](#), concerning the installation of three zebra crossings on La Rue de l'Etau, St. Helier, will the Minister advise –

- (a) how their location was agreed, including what consideration was given to their relative proximity to each other;
- (b) the approved cost for their installation; and

(c) who is responsible for the costs of installation and of any ongoing maintenance?

**Answer**

The Road Traffic (Pedestrian Crossings) (Jersey) Order 1982 requires that all pedestrian crossings are approved by the Minister for Infrastructure. The Minister's role is to ensure that crossings are constructed to the correct standards as set out in the Order, and that they have been thoroughly assessed through best practice safety assurance processes.

The Parish of St Helier Roads Committee is the legal authority for La Rue de l'Étau. As the By-Roads Authority, the Parish of Helier has commissioned designs for the crossings by competent traffic engineers from a reputable UK based design consultancy.

The designs submitted by the Parish of St Helier have been assessed by I&E officers on my behalf for compliance with the required standards and best safety assurance practice. The designs were found to be of a satisfactory standard, present no clear safety risks, and to be in line with the technical specifications for both Road Humps and Pedestrian Crossings in Jersey.

Therefore, in accordance with the powers laid out in the Road Traffic (Pedestrian Crossings) (Jersey) Order 1982, I signed MD-INF-2024-738 to formally grant permission for the Parish of St Helier to construct these crossings (as applied for).

In respect of the particular questions raised by the Deputy, and noting the context above –

- (a) It would be inappropriate to comment on the considerations that may have been deliberated upon by the Parish during that process
- (b) This information would be a matter for the Parish of St Helier as the administering authority
- (c) As La Rue de L'Étau is a road administered by the Parish of St Helier, it will be their responsibility to install, operate and maintain the three zebra crossings applied for.

**2.41 Deputy R.S. Kovacs of St. Saviour of the Minister for Justice and Home Affairs regarding cases brought to the Petty Debts Court: (WQ.357/2024)**

**Question**

For each year since 2021, will the Minister provide the three most common causes for cases being brought to the Petty Debts Court, the number of cases for each of these categories, and the total number of cases per year?

**Answer**

In 2021, the Petty Debts Court dealt with 2037 cases. 1,373 of these were new cases.

In 2022, the Petty Debts Court dealt with 2334 cases. Of these, 1,583 were new cases.

In 2023, the Petty Debts Court dealt with 2533 cases. 1,675 of these were new cases.

The Petty Debts Court do not keep statistics on the causes of cases, and it is therefore not possible to provide the other information the Deputy requests.

**2.42 Deputy R.S. Kovacs of St. Saviour of the Chief Minister regarding the progress on the implementation of a Development Levy: (WQ.358/2024)**

## Question

Further to his responses to [Written Question 120/2024](#) and my [Question without notice of 16th April 2024](#), regarding the progress on the Development Levy implementation, will the Chief Minister advise –

- (a) what discussions have been held since April with the Minister for the Environment and his department concerning this project;
- (b) whether any work has commenced on implementation, including the related consultation process, and if not, why not; and
- (c) what is the current timeline for the implementation of Proposition [P.14/2023](#)?

## Answer

- A) Discussions have taken place, including the below mentioned points, and Ministers remain cognisant of the in-principle support of the States Assembly for the introduction of some form of development levy or tax in the island, whilst noting there is a concern to ensure that work to explore the introduction of any such measure does not cause undue harm to the island's economy; and whether it represents the best use of public money.
- B) It is perhaps important to acknowledge that introducing and maintaining a successful and viable regime to levy a charge on the uplift of land value arising from the grant of planning permission is, judging by the experience of other jurisdictions, a difficult outcome to achieve (see appendix 1: [p.14-2023 amd.pdf \(gov.je\)](#)).

The last work to assess the viability of the introduction of a potential charge in Jersey was undertaken in 2017. The economic landscape has changed considerably since then and it is evident that there are now challenging economic circumstances for the island's development industry and the associated property market.

Evaluating and designing an appropriate policy option, and its associated legal mechanism, requires careful evaluation and assessment. It also requires considerable stakeholder engagement and consultation to make sure that any chosen approach is proportionate and minimises the risk of unintended consequences in the island's economy, and specifically, its property market.

A considerable amount of work is, therefore, required to be undertaken to:

- test the viability of introducing a charging mechanism to Jersey, and to explore the potential parameters of any such charge
- develop the appropriate legal instruments, and supporting guidance, to enable its effective operation; and
- to consider the interaction this charging mechanism would have with existing policies.

It is considered that a Viability and Charging Mechanism Assessment would need to be commissioned to undertake all aspects of this work to ensure that any proposal is first of all viable; and it is soundly based to ensure that Jersey can learn from the experiences of other places in developing policy options that are appropriate for the island.

The Minister for the Environment does not currently have the resources to be able to progress this work and it has not been possible to reprioritise other resources without negatively impacting other Ministerial objectives.

- C) In light of the answers to part a) and b) work on development levies is not currently being progressed and a definitive programme for implementation cannot be given at this time.

As stated at the outset, however, ministers remain cognisant of the in principle support of the States Assembly for the introduction of some form of development levy or tax in the island and will ensure that the matter remains the subject of active review and consideration, having regard to the island's economic circumstances and the availability of resources.

## 2.43 Deputy K.M. Wilson of St. Clement of the Minister for Treasury and Resources regarding Government departmental underspends: (WQ.359/2024)

### Question

In relation to Government departmental underspends, will the Minister advise –

- which departments, if any, are currently underspending and what the current level of any such underspends are, expressed both as an amount within the departmental budget and as a percentage of that budget;
- the reasons, if known, for any such underspends;
- the projected underspend for each department as of 31st December 2024; and
- where underspends are anticipated, whether these funds have been re-allocated in advance, and if so, to which departments, the reasons for any such increases and the anticipated improvement and efficiency gain arising from any such allocations?

### Answer

- The Council of Ministers receive financial information quarterly with the latest provided being that as at 30 June 2024 (with underspends highlighted):

£'000	Year To 30 June				Full Year			
	Budget	Actual	Under / (Over) Spends	Forecast % to Budget	Budget	Forecast	Under / (Over) Spends	Forecast % to Budget
Cabinet Office	57,258	54,759	2,499	4.4%	90,909	92,129	(1,220)	(1.3%)
Jersey Overseas Aid	8,953	6,707	2,246	25.1%	20,041	20,041	-	0.0%
Customer and Local Services	53,968	52,177	1,791	3.3%	108,085	104,374	3,711	3.4%
Treasury and Exchequer	82,772	81,414	1,358	1.6%	161,449	160,064	1,385	0.9%
Non Ministerial States Bodies	22,139	20,829	1,310	5.9%	45,631	46,389	(758)	(1.7%)
Justice and Home Affairs	21,537	20,632	905	4.2%	43,008	41,789	1,219	2.8%
Financial Services	5,675	5,064	611	10.8%	11,546	10,827	719	6.2%
Ministry of External Relations	1,638	1,455	183	11.2%	3,558	3,428	130	3.7%
States of Jersey Police	14,871	15,062	(191)	-1.3%	29,875	30,112	(237)	(0.8%)
Environment	5,822	6,481	(659)	-11.3%	12,033	11,686	347	2.9%
EDTSC	19,044	20,243	(1,199)	-6.3%	37,523	38,934	(1,411)	(3.8%)
Children, Young People, Education and Skills	111,720	112,899	(1,179)	-1.1%	223,254	225,756	(2,502)	(1.1%)
Infrastructure	24,369	25,977	(1,608)	-6.6%	59,501	60,346	(845)	(1.4%)
Health and Community Services	151,826	165,650	(13,824)	-9.1%	304,551	328,789	(24,238)	(8.0%)

- Below we have included the key drivers to the underspends to 30 June.

Department	Reasons for year to 30 June variance
Cabinet Office	The forecasted underspend in the SPPP is attributed to staff vacancies across services and efforts to meet the 20% growth cut target. Additionally, the department is preparing for the role reduction target set for 2025. However, this is expected to be offset by year-end, potentially leading to an overspend.
Jersey Overseas Aid	This variance is due to a timing difference; the budget is expected to be fully utilized by the end of the year.
Customer and Local Services	CLS is forecasting an underspend in Income Support Weekly Benefits. This is primarily due to lower-than-expected earned income volumes and the timing of various ad hoc benefit payments.

Treasury and Exchequer	The underspend is primarily due to staff vacancies.
Non Ministerial States Bodies	The underspend is largely due to staff vacancies and a minor overachievement of income. However, this is expected to be offset by year-end, potentially leading to an overspend.
Justice and Home Affairs	The underspend is primarily due to staff vacancies.
Financial Services	The underspend is mainly driven by staff vacancies and a reduction in business administration costs.
Ministry of External Relations	The underspend is primarily due to staff vacancies.

(C) This has been included within the answer to part a).

(d) Following the proposal in Budget 2025 to reduce certain previous growth allocated for 2024 by 20%, the Principal Accountable Officer has instructed all Accountable Officers to spend within the reduced levels of growth in 2024 to ensure successful delivery of the savings in 2025. It is anticipated that these amounts will be removed from departments and moved into the Central Reserve. No formal decisions for onward allocation of the amount from the reserve have been made, although the table in part a) shows where there are pressures in departments, in particular in Health, that will need to be addressed.

#### **2.44 Deputy L.M.C. Doublet of St. Saviour of the Minister for Social Security regarding the Connect Me grant scheme: (WQ.360/2024)**

##### **Question**

In relation to the [Connect Me](#) grant scheme, will the Minister state –

- (a) how many Islanders have benefited from projects funded by the scheme;
- (b) what plans, if any, exist to continue this scheme;
- (c) how, if at all, the scheme links with social prescribing;
- (d) what social, emotional, physical and mental health benefits, if any, it is considered could be furthered by this scheme; and
- (e) what plans she has to ensure that as many Islanders as possible benefit from the projects funded by the Connect Me grants?

##### **Answer**

- (a) Since 2022, an estimated 25,000 Islanders have benefited from the 150 projects funded by the Connect Me scheme.
- (b) The scheme has continuous funding until 2028, as per the Government Plan 2024-2027, and will build on the foundations that have been made, including the grant scheme, the link workers, the connector network and the social prescribing platform.
- (c) The scheme is intrinsic to the development of social prescribing on the Island, by using both an internationally recognised social prescribing platform as well as the community connector and link worker network and providing small grants to community organisations to empower social mobility and increased participation in physical activity, arts, heritage, and culture.

The platform will allow Islanders to self-refer into activities, or be referred by professionals, including GPs, to access activities with support from link workers.

- (d) Social prescribing is a means of enabling GPs, nurses and other health and care professionals to refer people to a range of local non-clinical services.

Recognising that people's health is determined primarily by a range of social, economic and environmental factors, social prescribing seeks to address their needs in a holistic way. It also aims to support individuals to take greater control of their own health.

Social prescribing can involve a range of activities which are typically provided by voluntary and community sector organisations. Examples include volunteering, arts activities, group learning, gardening, befriending, cookery, healthy eating advice and a range of sports.

Community-centred ways of working can be more effective than more traditional services in improving the health and wellbeing of marginalised groups and vulnerable individuals. For this reason, they are an essential way of reducing health inequalities within a local area or community.

- (e) It is my intention to build on the wide range of projects that have been supported so far across our community, which will intrinsically link with the development of wider health and social care services for Islanders.

I am committed to empowering individuals and the community to make positive changes, and the strength of the Jersey community provides the bedrock to build upon. Allowing all parts of our community to access grants reflects the rich tapestry of island life, from pétanque to celebrations of our Island diversity, we have seen the Connect Me grants have a significant impact across all demographics.

#### **2.45 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding changes to the Termination of Pregnancy (Jersey) Law 1997: (WQ.361/2024)**

##### **Question**

Will the Minister advise what changes, if any, he plans to make to the [Termination of Pregnancy \(Jersey\) Law 1997](#), including any areas that will be removed, amended or added?

##### **Answer**

The law currently states that a woman must be ordinarily resident in Jersey, or resident for at least 90 days to have termination in Jersey. Law drafting instructions have been issued to remove the 90-day qualify period so that any woman who is in Jersey may have termination in Jersey (for example, women who are in Jersey for the purposes of working or caring for a resident family member).

Several other changes are also being considered; these are detailed below. Policy Officers are preparing proposals which will be subject to public and professional consultation before final decision making.

- Grounds for a termination, including whether termination should be available on request (without justification of need) or whether specific grounds should remain
- Gestational limits, including whether:
  - termination on the grounds of foetal abnormality should be available beyond the current 24-week gestational limit (risk to life / grave injury to physical or mental health is currently available at any gestational limit)
  - termination on other grounds should be available beyond the current 12-week limit
- Pre-procedure consultation requirements (including for early medical terminations):
  - number of consultations and category of health and care professionals consulted with
  - whether consultation should be in person or remote

- whether women should be able to self-refer into the service
- Whether termination can be provided by non-HCS professionals in locations other than the hospital
- Access to counselling (pre and post procedure)
- Criminal offences where termination not in accordance with the law, in relation to both the woman and the health and care professional
- Whether safe access zones should be introduced
- Clarify matters related to right to conscientious objection / right to refuse to participate
- Charges associated with termination

**2.46 Deputy I. Gardiner of St. Helier North of the Minister for Social Security regarding LTC (Long-Term Care) claimants being responsible for paying the difference between their benefits and the care home set fees: (WQ.362/2024)**

**Question**

Further to the statement in the [Laing Buisson Domiciliary care market review ministerial action plan](#) that LTC (Long-Term Care) claimants will be responsible for paying the difference between their benefits and the care home set fees, will the Minister advise –

- what happens when, following means testing, a claimant is unable to pay the difference between the benefit rate and the cost of care, and is there a mechanism for ‘top up’ payments to be made;
- for current LTC claimants who are in receipt of ‘top up’ payments to fund the difference between benefits and care costs, how are these additional payments monitored and what criteria are applied to their provision; and
- how, if at all, are such criteria aligned with care home standards emanating from the Jersey Care Commission in respect of staffing levels and a need for compliance?”

**Answer**

- Individuals who qualify for fully means tested support under the LTC scheme will be provided with a care placement or a care package based on the standard rates. They will not be required to make a top up payment. This is already standard practice in the residential care sector and some domiciliary agencies, and the ministerial action plan aims to embed the same practice across all domiciliary care providers.
- Individuals who can afford to, can choose a residential or domiciliary care package where the fee exceeds the benefit level available through LTC. The individual is responsible for these additional costs, and these are not monitored by the Government.
- LTC benefits are only available when care is provided through a provider fully approved by the Jersey Care Commission.

**3. Oral Questions**

**3.1 Deputy J. Renouf of St. Brelade of the Minister for Sustainable Economic Development regarding the £20 million living wage transitional support scheme (OQ.194/2024):**



Further to the announcement in August 2024, will the Minister provide an update on the £20 million living wage transitional support scheme, including details of the various components to be offered?

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

I thank the Deputy for his question. The Cost-of-Living Ministerial Group met last week to discuss the proposed package of measures, which over 2025 and 2026 will be as follows: a productivity boost worth £6 million by the productivity grant; a £7 million investment in the visitor economy and hospitality industry; £3 million in support of training investment; more than £2 million in additional support for the rural and marine economy. Further support packages are also being considered. Those numbers that I have given are all over that full 2-year period, so for each year it should be divided in 2; so £6 million is £3 million a year, £7 million is £3.5 million, et cetera. The Minister will be meeting again shortly to sign off on the package and will be making further announcements in the coming weeks.

**3.1.1 Deputy J. Renouf:**

The Minister for Social Security said on 8th October in a Scrutiny hearing that care homes would be covered with this package. I questioned her and said: “Which of course will be productivity related” and the Minister for Social Security said: “Not all of it.” Could the Minister confirm whether all elements of the package will be productivity related, as he said to me in the Assembly on 18th September.

**Deputy K.F. Morel:**

The vast majority of this is productivity related. From the care industry’s perspective, in particular, they will be eligible for the productivity grant but they will also be eligible for training grants. In the sense that training is not directly necessarily productivity, but in my view it is related to productivity, that could be seen as slightly aside. There are also other smaller amounts to help with work permits. I think that is £400,000, which would be for work permits. In itself, that £400,000 is ... sorry, it is not £400,000 for work permits; £400,000 temporary support for employees during the transition. That is for employees who are still below the thresholds and eligible for income support or not eligible for income support because they have not been here for 5 years. That £400,000 is not directly productivity related but it is the vast, vast minority of this money. In that sense to the letter, there are small, small parts of this package which are not directly productivity related but they are absolutely very small parts.

**The Bailiff:**

Mr. Deputy Viscount, before you leave, could you switch off the Solicitor General’s microphone button? Thank you very much indeed. No, that is the Attorney General’s now on. Perfect, thank you very much indeed.

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

Will the Minister advise what specific changes have been made during 2024 to the design of the productivity support scheme to give them assurance that it will be deliverable at such a large scale?

**Deputy K.F. Morel:**

I do not quite understand which changes the Deputy might be thinking of, but the overall package of the scheme is very similar to where it has been for a few months. We are working with Jersey Business to ensure that they are able to deliver this scheme at scale, as the Deputy’s suggestion.

**3.1.3 Deputy A.F. Curtis:**

I believe the last time the productivity support scheme ran was in 2023, and I read to the Minister the statistics from Jersey Business’s report which detailed approximately 90 expressions of interest, 81

applications and 4 successful applicants. Does the Minister think that this ratio of applicant to success is what he expects in this scheme? If not, what does the Minister plan to do to ensure the scheme is deliverable?

**Deputy K.F. Morel:**

I thank the Deputy for that question and I do believe this is likely to be more successful. I believe the criteria will have changed to the extent that makes it more interesting for businesses to be attracted to it. The grant is likely, though not confirmed, and this is one of the details we have to confirm, is to cover a maximum of 75 per cent of project costs with 25 per cent being paid by the business. That at the moment in 2023 was a 50:50 split. Also we will have minor grants and major grants to make it easier.

[9:45]

Minor grants will still have important governance from a Public Finances Manual perspective, but they will be easier to pass through the system quickly. Obviously the larger grants, which are likely to be above £5,000 up to a maximum of £75,000, are going to require a greater amount of funding. By having a 2-tier system we intend to help grants flow more quickly. I just want to caveat that at the moment that is what we are looking at, is £5,000 to £75,000 for the larger grants. In case that changes, I just want Members to be aware that it could change, but I doubt it.

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

In a previous answer to an oral question, the Minister committed to share the full breakdown of how this £20 million will be allocated by the end of September or the beginning of October. Could the Minister advise whether this has happened or not, and if not, why not, and when this will be shared with Members, please?

**Deputy K.F. Morel:**

I must apologise for not having done so, and the reason is because it has not been signed off yet by the Council of Ministers. There is no other reason. But as soon as it is, we will be able to share that certainly with Scrutiny, but elsewhere. I am not hiding anything from anyone. This is just a matter of the formality of the way it has gone through the Council of Ministers.

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

Could the Minister advise when this will be available to Members and also, following the dissemination of that information, would Members also be able to have information about how the effectiveness of this funding is going to be measured so that the public can also see whether this money is being used effectively?

**Deputy K.F. Morel:**

It is really important that the public believe this money is used effectively and so I will endeavour to provide that information at the same time. I cannot give a precise date as to when this information will be shared but it will be very shortly.

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

Deputy Curtis and Deputy Doublet have asked similar questions I would have liked to, but I would like to ask the Minister: what are the lessons learnt from past productivity schemes? We have just heard there was one in 2023. I am wondering if there were any more and what lessons have been learnt from those schemes to make this one more successful than the last?

**Deputy K.F. Morel:**

A large part of the learning has been around trying to help businesses understand how productivity grants can help them. I believe even before 2023 - I believe in 2022 - we had a productivity scheme.

I do not believe it was as successful as it was in 2023. Part of that is just understanding. There will be a great deal of communication around this. We will also help businesses understand that this is designed for them and how they can avail themselves of it. Helping them understand, particularly for those smaller grants, that it is not an onerous process is something that I think is going to help people engage with this as well because there is, I have to admit, often ... if you are running a small business, taking time to go through a grant application process, if you believe that a grant application process is going to be onerous that is off-putting in itself. Certainly, for the smaller grants where we are trying to make a lighter touch approach, then I think that will really help them engage with that process.

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

Within these different productivity schemes that you outlined, how has the Minister implemented other policy areas that the Council of Ministers have signed up to, for example on climate issues, environmental issues, social issues? How have they been integrated to ensure that businesses who apply for these kind of grants are also applying those kind of aspirations as well?

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

That is a very interesting question and while there is no direct reference to, for instance, environmental or social elements of the grant, there is no question in my mind that they do engage with the environmental and social impacts. Productivity in itself, part of productivity is cutting waste. That in itself helps the environment. From the perspective of the training grants, enabling younger Islanders, because we are likely to focus training grants on apprenticeships, to engage with training is helping at the social level as well. The £400,000 I mentioned, which I know is important to the Minister for Social Security, enables those people who have not been in Jersey for 5 years to be supported in a way that they would not otherwise have been supported. Despite their working, it helps them with their income. So there are absolutely social and environmental themes that run through it. They are just not talked about explicitly.

### **3.1.8 Deputy I. Gardiner of St. Helier North:**

There are people who raise concerns with me about local businesses who benefited from the scheme during COVID can see in this one something similar. It was 80 per cent subsidised wages. If it is not correct, how will the Minister ensure that the businesses will be able to carry on after 2 years, pay a living wage and continue to operate?

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

Understanding the financial stability effectively of businesses into the longer term will be part of that grant application process. It is not going to be a case of providing support to a business with the view that once the support is gone, the business is likely to fail. I do not think a business in that situation would be likely to be able to avail themselves of grants. So understanding the financial standing of the businesses that apply will be an important part of that process.

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

Businesses who are not able to pay now a living wage, would the Minister provide for clarity a typical example how productivity grants - specific productivity grants for specific business or charity - will help for the business or charity to pay wages.

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

I think it is really important that these grants are not there to help businesses pay wages. These grants are there to help businesses become more productive and so reduce their reliance on wages. That is the key difference between this. These are not subsidies for wages.

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

I asked to give a specific example to explain this statement because we have heard this statement. Can the Minister provide a specific example of how this product ...?

**The Bailiff:**

I think the position was that you asked for a specific example related to the payment of wages and the Minister cannot provide that because it is not about the payment of wages. I am not sure that the Minister has done other than answer the question as posed.

**Deputy I. Gardiner:**

I asked how the productivity grant will help provide the wages, how it would work.

**The Bailiff:**

But I think the answer ... Minister, unless I am mischaracterising you, is not the answer the Minister provided, is that the productivity grant will not help the wages, that is not its function. So an example as to how it will help the wages seems to me has been answered by the Minister. That is my ruling, Deputy.

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

Deputy Doublet and Deputy Jeune have asked the question about timing of this £20 million amount of money because it builds on the question that I asked the Minister about this when he said, as has already been said, he would be publishing or hoping to publish the details of the scheme by the end of September. Now it is 3 weeks on from that. He said to the Assembly that it is going to be subject to Council of Ministers approval. He said there is going to be a great deal of communication about it but could I press him on when Members, who are now approaching the deadline for Budget amendments - and this has already been a subject of one Budget amendment, that he will know about the source of funding from Social Security lodged by Deputy Bailhache - when is he going to publish the information about the spending of a £10 million scheme, which he has kindly explained this morning, to Members so they can scrutinise it and, if necessary, bring forward amendments within the Budget timetable?

**Deputy K.F. Morel:**

As previously mentioned, I cannot give a precise date on that, but it will be imminent.

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

Well, we will leave that “imminent” for other Members to make their mind up. He has said that it is subject to Council of Ministers approval, whether it is a rubber stamp, but can he not actually just publish it? May I just press him on one part of the scheme? I did not hear him, and I am sorry if I did not, whether or not the agricultural sector is going to have an allocation. He spoke about the visitor economy; is the agricultural sector going to be having an indicative ring-fenced amount and, just for the avoidance of doubt, does that include cannabis growers?

**Deputy K.F. Morel:**

The agricultural sector is going to have a slice of this, and it is £1.1 million, so it is £2.2 million over 2 years. It is going to be delivered to the sector through the existing Rural and Marine Support Scheme; so fishing businesses are also open for this. Any business that is eligible for the Rural and Marine Support Scheme will be able to receive some of that £1.1 million. In some areas of the Rural and Marine Support Scheme, cannabis businesses are able to access some parts of it. So, if they are able to access those parts which this speaks to, then they may be able to.

**3.1.12 Deputy J. Renouf:**

The Minister has talked about this as £20 million over 2 years. Is there a risk that there will be a mad sprint to get £10 million a year from companies and that this will form a cliff edge at 2 years' time?

Therefore, what I would ask is, is the intention that it will definitely end in 2 years, and will all the money be dispersed within that 2-year period?

**Deputy K.F. Morel:**

I am unable to foresee the future, so I cannot guarantee one way or the other as to whether all money will be dispersed in that 2-year period, because I do not know how many businesses will apply and I do not know how much they will apply for. But I do believe that we need to monitor to see whether the cliff-edge scenario that the Deputy refers to is a possibility, and if it is, then I think it will be behoven on that Government of the day to make decisions as the Council of Ministers as to whether they wish to continue the scheme or wish to continue a step-down version of the scheme with it becoming smaller over a period of time. But that would be a discussion for that Government of that day.

**3.2 Deputy M.B. Andrews of St Helier North of the Chair of the States Employment Board regarding the engagement of former employees to provide consultancy services to the Government (OQ.193/2024):**

Will the chair advise what policy, if any, applies to the engagement of former employees to provide consultancy services to the Government; and what time period, if any, must have elapsed before a former employee may be engaged in such a way?

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

With Deputy Andrew's permission, Deputy Ferey will take the question.

**Deputy M.R. Ferey of St. Saviour (Vice-Chair, States Employment Board - rapporteur):**

I thank the Deputy for the question. The Government of Jersey has re-employment guidelines and there are no restrictions if a former employee has resigned of their own accord. Individuals who have taken voluntary release, voluntary severance or voluntary early retirement from their employment with the States of Jersey may not return to work in any capacity with the States of Jersey for a period of 2 years or the duration of their payback period, whichever is the longest, unless they repay a proportionate amount of their redundancy payment. Individuals who have been made compulsorily redundant may not seek employment with the States of Jersey in any role for a period of 6 months and one day unless they repay a proportionate amount of their redundancy payment. Such payment will be waived only in exceptional circumstances and at the employer's sole discretion. Individuals who have left the employment of the States of Jersey under a compromise agreement may apply for re-employment on an open competition basis at the sole discretion of the employer. There must be a break of 6 months and one day before an applicant may be considered. However, agreements normally state a 2-year period.

**3.2.1 Deputy M.B. Andrews:**

I would be interested to know whether the S.E.B. (States Employment Board) have considered A.C.O.B.A. (Advisory Committee on Business Appointments) in the U.K. and the guidelines that they have for a 2-year period across the board.

**Deputy M.R. Ferey:**

I thank the Deputy for the follow-up question. The answer to that is no. The guidelines that we currently have, we deem to be working sufficiently at this moment in time.

**3.2.2 Deputy I. Gardiner:**

Would the Assistant Chief Minister advise if the same conditions apply for individuals being contracted through the company, through the business contract?

**Deputy M.R. Ferey:**

Generally speaking, yes. But we do not have those actual numbers; we do not keep data on how many individuals are re-employed through a company. But the same conditions broadly would apply.

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

What measures are in place to ensure that succession plans are ready, that the individual who is leaving employment with the States of Jersey, Government of Jersey, will not become irreplaceable, and it is the only person who will hold information and knowledge to be contracted to continue the work?

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

I am happy to answer the question, but is that within the bounds of the original question?

[10:00]

### **The Bailiff:**

Well I think arguably it is, and if you therefore are prepared to answer it that would be helpful, I think.

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

Whenever any person leaves employment obviously we need to make sure that business continuity is in place and that that corporate knowledge or that individual knowledge is not lost. So there is succession planning in place for those eventualities and we do everything that we can to make sure that procedures are written and not in individual's heads so that that knowledge becomes corporate knowledge.

### **3.3 Deputy H.L. Jeune of the Minister for External Relations regarding an update on the Government's discussions with the European Commission, France and the UK in respect of the fishing industry (OQ.197/2024):**

Will the Minister provide an update on the Government's discussions with the European Commission, France and the U.K. in respect of the fishing industry?

### **Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for External Relations):**

The management of fisheries is primarily, of course, the responsibility for the Minister for the Environment. However, I can provide an update on the Government's discussions with external partners. Firstly, of course, I should say that we understand the frustrations within the fishing community and remain in close contact with our French, U.K. and European colleagues on these matters. Recently key stakeholders, including fishers from Normandy, Brittany and Jersey, as well as U.K. and E.U. (European Union) officials, met at a regional forum in Jersey on 2nd October. This is a demonstration of our continued constructive dialogue under post-Brexit arrangements and, of course, we fully support the opening of a veterinary border inspection post in Granville, which would greatly enhance trade between both Jersey and Normandy.

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

What provisions have been put in place to enable Jersey to input into any T.C.A. (Trade and Co-operation Agreement) review that will be commencing in 2025, 2026?

### **Deputy I.J. Gorst:**

As the Deputy will be aware, the United Kingdom has a tabled review for its elements of the T.C.A. in 2026. That does not apply to the clauses that cover Jersey's involvement in the T.C.A.

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

Having discharged the Minister's role during the clear-up operation that was needed for the difficult issue of issuing fishing licences, he will understand my knowledge of the importance of

communicating with French authorities at the highest Ministerial and regional levels. In relation to the question that is being asked, he referred to discussions that are being held with France. Could he indicate as to whether or not he is concerned about the reputational damage or otherwise with France and French fishers who, with Jersey fishers, we are receiving representations are concerned about the debate about the marine and spatial strategy? Can he elucidate exactly what discussions he has had, what his concern is, if he has any, and whether it is going to be damaging?

**Deputy I.J. Gorst:**

Of course, I hope all Assembly Members recognise the good work that he and the predecessor to my colleague in the Environment Department did in ensuring that a normal relationship was delivered post the difficulties of licences and the current Minister keeps up that good work and is working very closely with colleagues in France. In relation to his actual question, this has been the subject of a number of conversations which I have had with Ministers in Paris, with Her Excellency the French Ambassador in London. We have had those conversations with regional officials. The Chief Minister was at the Normandy Summit only a fortnight ago, and I supported him in that work. It was very clear to me, and is very clear to me, we remind ourselves that the French gave strong representations into the consultation about the Marine Spatial Plan. It is very clear to me that we must balance the interests of marine conservation with having a viable fishing fleet and it is reducing, which is why we are working on the veterinary post, continuing his work, and also why we must balance the decisions that we have got in this Assembly very carefully to make sure we do actually have a fishing industry into the future. It is clear to me that if we accept the amendments today, well-meaning as they will be, we will be back in a very, very difficult situation with our relationships, with not only our local fishing fleet, but also the Norman and Breton fishing fleet, and with our political contacts in Brussels as well.

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

Let me, if I may, just drill and ask the Minister directly. He speaks, and I understand the balance between difficult decisions that Governments must make and the interests of the industry and them sometimes liking it/not liking it. Can he say definitively whether his political counterparts or the counterparts of the Minister are in agreement with the Marine Spatial Strategy Regulations that are coming before this Assembly? In other words, would they make the same approach that we are making in their waters? Therefore, does the political body in France, regional, national, or E.U., support the Government decisions of Jersey?

**Deputy I.J. Gorst:**

It sounds an easy question to answer, but it is difficult because the French have got a political policy which is 30 per cent by 2030. But French political counterparts have reminded me in person that just because there is a political policy, it does not mean to say it is going to get delivered within the timescale and in the way that we, when we make a political policy, might deliver. There are already concerns in some quarters about the Marine Spatial Plan that the Minister himself has lodged, and there are areas there which are uncomfortable to both fishing communities. I personally think that that balance is right, but I am absolutely clear, and we will get to this in the debate, I will not be supporting the amendments for all of the reasons that the Deputy is suggesting in his question. It has been made clear to me that that would cause us great difficulty.

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

But my question was, is whether the political body of France agrees with the political stance of Jersey in essence, and that has not been answered.

**The Bailiff:**

Perhaps you could just provide that ... I have to say I was trying to concentrate but I did not fully hear what the answer might have been.

**Deputy I.J. Gorst:**

I think I said that my political counterparts in Normandy had made it clear that while there are some areas of the existing Marine Spatial Plan that they are uncomfortable with - he will know about the certain of the no-catch zones - the real difficulty that would be presented to them and the areas that they have real difficulty is moving beyond what the Minister has already presented. That is notwithstanding their own political desire to have 30 per cent by 2030 of their own waters of marine spatial plans.

**3.3.4 Deputy J. Renouf:**

Would the Minister agree with me that the foundation of the success of Jersey in negotiating the situation so far with fisheries has been the careful application of the T.C.A.? In particular, Article 494, which commits to the precautionary principle to promoting the long-term sustainability of shared stocks and ensuring selectivity in fisheries to protect juvenile fish as found in maerl beds. Would he agree that whatever we do going forward, we should ensure the firm application of the T.C.A. and that that will give us the strongest negotiating hand in negotiations with France as it has in the past?

**Deputy I.J. Gorst:**

Of course I would agree with the commentary and the reading out of the Articles in the T.C.A. "Carefully", I think was a word that he referred to, and "carefully" is an important word. There is a quadrilateral group that discusses all of these matters. The previous questioner pushed me on saying what my view was and what French politicians had said to me. I have relayed that to the Assembly, therefore it will be for the Assembly to make these decisions. The details about fisheries management of course is well outside of my brief and falls very squarely in the brief of the Minister for the Environment.

**3.3.5 Deputy J. Renouf:**

The point I am trying to make is that we do of course have to have due regard for the French and we should consult with them and we need to have good relations. But so long as we are acting with the full legal authority of the T.C.A., then we find ourselves on a firm foundation. Could I therefore ask whether he is prepared to explain these points to the French when they make their arguments about our desire for marine protected areas and to push back using the T.C.A. as his foundation?

**Deputy I.J. Gorst:**

Yes, and the reason I say yes is because I already have. He is absolutely right to remind us that the firmest of firm foundations are when we are acting in line with the T.C.A. in regard to our relationships. That does not mean to say that when we simply push back in those terms that our arguments are accepted.

**3.3.6 Deputy H.L. Jeune:**

The Minister explained that the T.C.A. review is specifically for the U.K., but it is well known that fishing is one of those elements that will be reviewed. Will the Minister advise if he is concerned that the negotiating parties will use this T.C.A. review to open up the T.C.A. on fishing, including Article 494, which provides sovereignty to apply a precautionary approach to fishers' management for those signatories?

**Deputy I.J. Gorst:**

I stand by what I just said in answer to the immediate preceding question, which is we must stand on the certainty of the T.C.A., notwithstanding what our partners might try to argue in their interest. We must stand on the terms of the T.C.A. It is quite clear to us here and to Guernsey that there should be no review of our element of the T.C.A. or our fisheries settlement in 2026. That is not to say that



others will not make the case that she has just indicated in her question but I will continue to, in the firmest terms possible, push back and say that we are not included in that review.

### **3.4 Deputy L.M.C. Doublet of the Chief Minister regarding actions to address continuing increases in the cost of living (OQ.201/2024):**

Will the Chief Minister outline any actions that the Government will propose, or is considering, to address continuing increases in the cost of living?

#### **Deputy L.J. Farnham (The Chief Minister):**

The Corporate Strategic Plan, as agreed by the Assembly, has a major focus on helping Islanders with the cost of living, and some examples of actions taken to date include the reduction in the cost of G.P. (general practitioner) visit; a new higher minimum wage to be introduced next year as part of our commitment to the living wage economy; a proposed 2025 Budget freezes in both alcohol and fuel duty to help ease cost-of-living pressures. Later in this session, we will debate an increase in the income support regulations, which will help those households on the lowest incomes with an extra £3.2 million allocated to this area next year. For households above the income support level, the 2024 Community Cost Bonus is now available and remains at the higher level of £500 per household. That is just some examples of what we are doing. All these actions are ongoing, supporting local households in meeting cost-of-living pressures and we are ready to take further actions as and when needed.

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

Is the Chief Minister aware of data from the Jersey Household Income Distribution Report, which states that 54 per cent of one-parent families are in relative low income after housing costs. What policies does this Government have to tackle this issue?

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

I refer to my previous answer. The cost-of-living pressures, the cost of living in Jersey especially for young families, is one of our top priorities. It is one of the key areas of concern in the medium to long term, as we look at working-age population, a fall in the birth rate, and the pressures on young Islanders who cannot afford to buy homes.

[10:15]

The Minister for Social Security I know is paying close attention to those Islanders who are at the lower end of the scale when it comes to income, which is why I have outlined some of the actions she is beginning to take.

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

The question relates to costs of living and what Government can do. Professor Sir John Vickers, in the 2015 report on the functioning of the competition policy, said in his foreword it is important to stress that competition is not just the task of the competition authority, i.e. J.C.R.A. (Jersey Competition Regulatory Authority), other institutions, above all Government, must take its role, I will not go on to quote. He did not, in his answer to Deputy Doublet's well-made question, make any reference to the importance of competition. Just giving more money from taxpayers to people on low incomes does not work in the longer term. It is by making competition work and lowering prices. Could he address the issue as to whether or not, as Professor Sir John Vickers said, his Government will be addressing competitive issues? If so, what are they because I do not know anything that he is doing about that.

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

I am not sure I can teach the Deputy much about competition. We go back a long time, we were all there when the Jersey Competition Regulatory Authority was founded and of course competition

remains one of our key levers for bearing down on inflation and the cost of living. As Members will know, we have a fiscal policy, we do not control monetary policy, which is not always helpful. Yes, the Anti-Inflation Strategy Group, chaired by the Minister for Sustainable Economic Development, is currently working on areas of this in relation to encouraging competition. I cannot immediately go to the list of actions that are proposed but I am happy to share that with Deputy Ozouf. But of course, encouraging a competition under the Competition Law in line with the work of the J.C.R.A., which keeps watching briefs on our local economy, is vital. As a Government, we want to do ... you will have to excuse me, Sir, I have been struggling with a bit of something lately, so I am not very loud. I do apologise. We will continue to promote competition wherever possible and the benefits of the economy and cost of living, making sure we can do what we can. But it is challenging with the limited tools we do have.

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

I am not sure that I got much more than just words. Professor Sir John Vickers said Government needs to ensure that it creates the right environment for the J.C.R.A. itself to work and he says he is going to give me a list of the things that he is doing. Can he think of one thing in the area of competition which, at the end of the day, is a vital important part of the reasons why, as the F.P.P. (Fiscal Policy Panel) have pointed out, that we have got growing local domestic inflation? Could he give me one example of what he and his Government are doing, together with other Ministers, to deal with increasing competition and what they are doing, their role, not just that of the J.C.R.A., as Professor Vickers said. It is tripartite. Government should be on the case. We have got rising inflation, could he name one thing that Government is doing in the competition area that is going to make a difference to households?

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

Like I say, we have competition. We have regulated markets, for example, in telecoms. The Government funds, for example, the Consumer Council, which promotes competition through local business. Those are 2 existing examples of how we address competition.

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

One of households' biggest single expenditures, which seems to rise unchecked, is the cost of rent. The Minister for Housing has indicated that he will be bringing the new Residential Tenancy Law later this year. Will the Chief Minister confirm whether he is likely to support rent control stabilisation measures that will be brought within this?

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

I am not sure until I have seen all of the detail, but that is a debate we will have around the Council of Minister's table. We make our decisions consensually and I do not think that will be any different, but I look forward to seeing the detail.

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

Insurance is another factor which has increased exponentially since Gibraltar stopped underwriting insurance for the Crown Dependencies. What has this Chief Minister and this Government done to see if these rates can be reduced?

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

I am sorry, I was distracted. Could he repeat the second part?

### **The Bailiff:**

Well, Chief Minister, you will appreciate that I have to remonstrate with you because this now is taking up time, but could you repeat the second part of your question, Deputy?

**Deputy T.A. Coles:**

Certainly, Sir. Gibraltar has ceased underwriting insurance for Crown Dependencies, which has seen many Jersey residents' insurance premiums increase exponentially. What has the Chief Minister and his Council of Ministers done to help alleviate this?

**Deputy L.J. Farnham:**

I simply do not know at this stage, sorry.

**The Bailiff:**

I have Deputy Andrews, Deputy Alex Curtis, then final supplementary.

**Deputy I. Gardiner:**

Sir, I had my light on.

**The Bailiff:**

Well, if you had your light on before, Deputy Gardner, I will add you in. I have to say that I did not notice it, and the general rule is unless I look at you in the eye and nod please do not assume you have been noticed, but perhaps you thought I had.

**3.4.6 Deputy M.B. Andrews:**

What impact, if any, does the prospective Government Budget have on crowding out the private sector and potentially adding to the domestic inflationary pressures that we already have?

**Deputy L.J. Farnham:**

I am just wondering if that was related to the original question, but I guess it is, sort of. Is the Deputy referring to the potential reduction in headcount, for example? I am not quite sure what he means by "crowding out".

**The Bailiff:**

Would you like to pose your question differently in a way that perhaps is ...?

**Deputy M.B. Andrews:**

Indeed, Sir. I am aware that the Council of Ministers have brought forward proposals in the forthcoming Budget, and I want to know what impact, if any, will some of those policies have on domestic inflation and also what impact will that have in terms of cost of living?

**Deputy L.J. Farnham:**

Generally, the Budget is aimed at helping to relieve living pressures, as I have mentioned some of the examples we have already taken action on. Some are included in the Budget; for example, the freezing of alcohol and fuel rates. In addition to that, we are looking to curb costs in the expenditure of the government, our net revenue expenditure. I think that is important. The costs continue to grow. If we had not taken action, it would continue to grow exponentially. In the medium to long term, there is more risk to inflation by having an oversized, too expensive Government than taking the action we are now. In the short term, there is a small inflationary risk by increasing to new minimum wage and living wage, and we are fully cognisant of that, and are planning to manage that. But that is a one to 2-year blip, which will smooth out in the longer term.

**3.4.7 Deputy M.B. Andrews:**

I note the S.E.B. agreed pay awards above inflation, and also the Council of Ministers have brought forward proposals to increase personal income tax thresholds, so what impact will this have to aggregate demand within the economy? Also will we see inflation potentially now last for longer?

**Deputy L.J. Farnham:**

The items that the Deputy mentioned, I am reliably informed will have very minimal impact on upward inflation and will be ... and the other aspects of the Budget will help to bear it down more. So the net impact on inflation will be positive or negative, whichever way you want to look at it. Members will also know that a lot of the inflation we suffer in Jersey is largely out of our hands and depends on other actions taken in the rest of the world. Currently our R.P.I. (retail price index) forecasts are due to fall. We eagerly await the next one, which I think is due out imminently, and we will be able to comment more once we have had a chance to study the details of that.

**3.4.8 Deputy A.F. Curtis:**

The cost of housing is widely considered one of the largest drivers of many cost-of-living challenges. Is the Chief Minister exploring what role Government needs to take to ensure the open housing market functions in an affordable manner?

**Deputy L.J. Farnham:**

Yes, and that work is largely led by the Minister for Housing. We have examples of schemes which have been introduced, which have shown a promising start. Of course, the real driver of house prices is the supply and demand issue. We found our forecasts on that changing. Two or 3 years ago, we were looking at a demand for, I think, up to 8,000 homes over the next 10 years. With revised population figures, post-Brexit, post-pandemic, labour shortages, we have seen our population predictions fall. That has allowed some of the housing supply to catch up with demand. If we can find a balance where the supply and demand of housing, especially family homes, is more equal, then that will have a very positive bearing on the cost of homes. If we can then, with policies brought in by the Minister for Housing, help specifically younger Islanders to buy family homes, then that is something we will continue to support strongly and it will evolve as we learn from the schemes we are running now.

**3.4.9 Deputy A.F. Curtis:**

Between 2018 and 2022 the Island's population dropped by circa 200 at the same time as well over 1,000 properties were built. Will the Minister advise how the supply and demand argument explains this?

**Deputy L.J. Farnham:**

Not off the top of my head, no. Sorry.

**3.4.10 Deputy I. Gardiner:**

We know that one of the most impacted groups are pensioners from the cost of living, people who depend on the government pension. Would the Chief Minister agree to raise the living-rate pension to the same level as bringing the living wage?

**Deputy L.J. Farnham:**

Ultimately, that would be a matter for the Assembly. The old age pension increased by 5.4 per cent in October. This is above the R.P.I. O.A.P. (old age pensioners) figure of 4.4 per cent. That is the current status. But, as I said, that is not something I would consider doing without full debate and evaluation on how that might impact on the Social Security Fund and the contributions we will be required to make in the future.

**3.4.11 Deputy I. Gardiner:**

It is interesting that the Chief Minister mentioned 5.4 with inflation, when the wages for the public sector raised for 8 plus one, and we know that inflation was much higher. I understand that the living rate pension will not be considered this term. In this case, would the Minister follow C.S.P. (Common

Strategic Policy) that we all agreed and ready to make the next step, would think to reinstate work that has been done on the workplace pension, to ensure that future generations have a decent pension to live?

**Deputy L.J. Farnham:**

I am sure we are prepared to discuss that. It is ultimately a matter for the Minister for Social Security, but the short answer to that is yes, we are prepared to discuss it.

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

After housing costs, the biggest cost for Islanders is food. Caring Cooks is distributing vouchers to Islanders who cannot afford to buy food; Salvation Army have recently opened a new pantry store for Islanders who cannot afford to use supermarkets. What is this Government doing specifically to address the cost of food, and does this include holding any talks with the large supermarkets to establish what could be done to lower the cost of food?

**Deputy L.J. Farnham:**

I understand the Minister for Sustainable Economic Development has had conversations, I know with a French food chain, to answer the last part of the question first. I refer to my first answer, when we gave some examples of where we are providing additional financial support to those lower household incomes, and that work continues. That helps to offset the cost of living, including the rising food costs.

[10:30]

Also, the move to a living wage - through a new minimum wage system - I think will be most helpful, again, in helping those that are operating on the lower end of the income scale. That work is all in progress, and we remain open-minded to introducing new actions, for want of a better word, if necessary. But we are determined to continue to help Islanders with the cost of living and we are committed to continuing to introduce policies and run policies that help, within our toolbox of what we can do with our fiscal policy, which bears down on the rising cost of living.

**3.5 Deputy S.M. Ahier of St. Helier North of the Minister for Infrastructure regarding the Lido at Harve Des Pas (OQ.192/2024):**

Will the Deputy Chief Minister outline what plans, if any, he has for the Lido at Havre des Pas in the period between the current tenant's departure from the premises and a new lease being signed by the next tenant?

**Deputy T.J.A Binet of St. Saviour (Deputy Chief Minister - rapporteur):**

On behalf of the Minister for Infrastructure, I can confirm that the intention would be to use the period of vacant possession - whenever that might be - to show interested parties the full extent of the facility at which they would be invited to tender. I can also confirm that, during the period, the intention would be for a food and beverage concession to be operated and for the toilets and changing room facilities to be made available in the usual way.

**3.5.1 Deputy S.M. Ahier:**

Does the Deputy Chief Minister have any intention of allowing the current occupant to remain *in situ* to ensure that there is a seamless transition between tenants?

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

I think the Assembly will appreciate this is a little bit difficult for me, in the absence of the Minister for Infrastructure and the Deputy Minister for Infrastructure, to make plain what the current intentions are. I became involved with this - and as the Assembly well knows, it is not my department - I got asked to take this question several days ago and as recently as yesterday afternoon I sought further

legal advice on the status of the current occupancy, and I am still awaiting further advice on that. I think, given all of those factors, it would be very difficult for me to answer that question.

**3.5.2 Deputy I. Gardiner:**

Would the Minister comment on the close proximity between Lido Havre des Pas pool, Fort Regent and the La Folie, and why all 3 of them are suffering from the same problem?

**The Bailiff:**

I am not sure that falls within the parameters of the question, Deputy, which is ...

**Deputy I. Gardiner:**

I believe they are in one district and all of them have problems with the tenants that left and not replaced, so I might re-ask the question.

**The Bailiff:**

I am sorry, no, that question simply does not fall within the parameters of the questions posed. In which case, there has been no second question. Deputy Gardiner, do you wish to try an entirely different question?

**3.5.3 Deputy I. Gardiner:**

Yes, I would like to try an entirely different question. What assurance can the Minister give that, if the current tenant will vacate the property, that this property will not follow the route that we have with La Folie and empty spaces at Fort Regent?

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

I am not in a particularly good position to make any assurances, but I think the likelihood of that happening is not great. That is probably the best way I can answer that question at this point. I would also say that the question does relate very specifically to the period of vacant possession; I am not quite sure that that falls within that, but it is just an observation.

**The Bailiff:**

Final supplementary, Deputy Ahier.

**Deputy H.L. Jeune:**

Sir, I have my light on.

**The Bailiff:**

I beg your pardon, Deputy Jeune.

**3.5.4 Deputy H.L. Jeune:**

This is a question that really I have no answer of, so I am interested to understand, is that the Minister could outline, the current tenant has been asked to vacate the property, including taking away all the equipment out of the properties; that includes dismantling the kitchen and the bar area and, I assume, other things that they have put in. What happens if the current tenant then wins the lease again in a few months' time? What happens there? Because of course there are a number of costs that the tenant has had to endure to take out the stuff in Havre des Pas, at the Lido, and what happens when they have to put it all back again? Because they will have to do more costs to them.

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

I will not deny that this is a long-running and complicated issue. I will make the point again that I have sought further legal advice and, depending on the outcome of that advice, some of those things may or may not be resolvable. I think that is the most I can do to answer that question.

**The Bailiff:**

Did you have a supplemental question to that, Deputy?

**Deputy H.L. Jeune:**

Well, it would help very much in trying to understand - for the debate that is due to take place later - so if the Minister could circulate his answer before then, that would be very useful.

**The Bailiff:**

I do not invite questions, but of course during the course of any debate one of the law officers will be present and are able to give legal advice.

**3.5.5 Deputy S.M. Ahier:**

I understand that the Deputy Chief Minister is not capable of responding for the Minister for Infrastructure, but possibly he may be able to respond to this. In the latest Lido Steering Group newsletter, it states that a new lease was agreed between Deputy Tom Binet and the tenant. Does the Deputy Chief Minister recall whether such an agreement was reached, or was it rather the tenant refused to sign?

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

Once again, that does not in my view relate to the question, but I am happy to answer that. I think, to be precise, a lease was presented but it was not formally agreed or signed by the tenant.

**The Bailiff:**

Very well. I will just take a pause here to mention something that has come out of the last few questions. Not singling anyone out in particular, but for the questioners, Standing Orders require that the questions are succinct and therefore there is not a mini speech in front of them. A point, possibly, and then a question. Current practice of the Assembly is that any answer should not exceed one minute and 30 seconds. If I could just remind, because both of those things - in my judgment - have been breached at a number of stages during questions thus far.

**3.6 Deputy K.M. Wilson of St. Clement of the Chief Minister regarding departmental plans (OQ.198/2024):**

Further to his response to Oral Question 176/2024, in which the Chief Minister advised that his Government was producing departmental plans, will he advise whether these departmental plans will be available prior to the debate on the Proposed Budget (Government Plan) 2025-2028 and, if so, when they will be published; and if not, why not?

**Deputy L.J. Farnham (The Chief Minister):**

The business plans cannot technically be finalised until after the debate of the proposed Budget. I said I would try and make some plans available before the Budget, but of course, having consulted with officials, of course we cannot finalise them until the Budget has been finalised by the Assembly. This was the case in 2023, 2022, 2021 and 2020 when the business plans were presented in January. The departmental plans will be available in January 2025, after the approval of the Budget. However, we will of course continue to provide as much information as possible in advance of the Budget, not least through the Scrutiny process. Members will remember that we agreed to lodge the Budget earlier to allow more time for detailed Scrutiny, and that is a process that we are right in the middle of, and I would like to think Ministers are co-operating fully with that.

**3.6.1 Deputy K.M. Wilson:**

Thank you to the Chief Minister for his response. Could he consider that draft plans could be produced and that they do not just signal a statement of intent, but are populated with data that will allow us to assess the detail of the proposed delivery of the departmental plans in detail?

**Deputy L.J. Farnham:**

Yes, I can ... actually, draft business plans - if I remember rightly - were issued in 2019. Some departments managed to get draft plans out before the Budget, so I can certainly liaise with the relevant Ministers and officials, and if we have any business plans that could be presented in draft, I am sure that we will be able to do that, but I cannot confirm that until I have had those conversations.

**3.6.2 Deputy I. Gardiner:**

I am really surprised that the Chief Minister changed his mind within the 3 weeks between the Assembly when it was promised the plans would be published and now not. I would like to check with the Chief Minister, when the Budget has been created and presented, did the Council of Ministers and each Minister present their plans? Because to create the Budget we do need plans, and if these plans were presented, can these plans be shared with the Assembly and with the public?

**Deputy L.J. Farnham:**

Well, Sir, it is the Deputy and other Members who have decided to focus on the business plans; we are not treating them in any different way than the previous Government did. The previous Government published their business plans in January; they did not publish draft plans. The last time draft plans were published was in the Deputy Le Fondré's Government - 2019 - and not since then. So, I am not going to promise that. As I said in my previous answer, I will discuss it with Ministers. If Ministers and officials in those departments have got some draft plans ready, then we will be prepared to share them. But I want to go back to the fact that we worked extremely long and hard, put some long hours and hard work into getting the Budget out - especially the officials - early, so Scrutiny had more time to scrutinise it. I think we are working fully with that process, so I would urge Scrutiny to use that process. If there are any doubts or any questions or any specific areas where they want more information, then they can ask as part of that process. To reiterate, our business plan, which will include each Minister's priorities and the legislative programme ... and actually on that subject, I can confirm that the legislative programme for the remainder of this term of office will be published in November.

**3.6.3 Deputy I. Gardiner:**

Interesting that the Chief Minister mentioned Ministerial priorities, which are very important. Usually, Ministerial priorities are published together with the Budget, because the Ministerial priorities should be budgeted. Can we see Ministerial priorities to be published before the Budget? And if Back-Benchers would like to address and bring amendments forward, they will have a choice and options to do it through the Budget.

**Deputy L.J. Farnham:**

As I have stated on many previous engagements, the previous Government introduced Ministerial plans. I have a copy here, and I will read from the introduction: "The Ministerial plans form part of the Government programme for 2023-2026 and set out each Minister's priorities and the Council of Ministers' legislative programme." To be clear, the Ministers' priorities will be part of the business plan, to be published in January, as has been done in the past 4 or 5 years, and the Council of Ministers' legislative programme for 2025 and 2026 will be published in November.

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

The Chief Minister has said the Budget was lodged early so it could be effectively scrutinised. The difficulty that Members have is that - and I sense the palpable frustration among some Scrutiny Panels, which I am not on any, but I have watched all of the hearings - there is an absence of information. He did say that he was going to try and do departmental plans; that is now not going to happen because he has found out that it cannot happen before the Budget, and he refers back to Ministerial plans. I want not to be too long in my question, Sir - I know we have only got 10 questions



- but I want to get to the point of asking the Chief Minister, is he going to produce something on a certain date that is going to help Members scrutinise his Government's Budget? For example, an earlier question was on the living wage productivity assistance to businesses; that has been delayed, not coming, not clear when it is going to come out. There are other big items of expenditure - and savings, for example - that are not set out ...

**The Bailiff:**

Deputy, you are not succeeding in making your question shorter and I am not sure that ...

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

Well, I am basically trying to knit fog, Sir. I apologise; it is difficult to try and knit fog. I am trying to pin the Chief Minister in saying what his Government is going to produce, by when, for Members to scrutinise for the Budget, because at the moment we do not know. The story keeps on changing. Is he able yet to produce a list of documents that will be produced in advance, and by when?

**Deputy L.J. Farnham:**

At the risk of repeating myself, we have produced about 160 pages of Budget and Budget annex, of detail. We have a prolonged Scrutiny period, and if Members wish for any further information, all they have to do is ask.

[10:45]

But we are not, as a Government, going to produce any specific additional reports, with the exception of, for example, the Minister for Sustainable Economic Development said as soon as Council of Ministers signed off the productivity support, we would share that, of course, in the business as usual. Any reports we are working on, we will share that as soon as they become available. But I reiterate, there is a detailed Budget and Budget annex, a good Scrutiny process that is underway, and a Government that is prepared to share any information that is asked for. We will produce our business plans in 2025, as has been the case for the last 5 years.

**3.6.5 Deputy H.L. Jeune:**

As someone who is in their first term of the Assembly but also new to Scrutiny, I would like to ask the Minister, what happens if Scrutiny does not know what it does not know? In the sense that I hear the Minister saying that it is up to Scrutiny to ask for the information, but if Scrutiny does not know what to ask, how do we know?

**Deputy L.J. Farnham:**

If Scrutiny does not know what to ask, how do they know what to ask? I do not know.

**3.6.6 Deputy H.L. Jeune:**

With that answer and the promise in this new Government that there would be open, transparent and much more engagement between Scrutiny and the Government, does the Chief Minister agree that, to be open and transparent, the release of departmental plans - that apparently were used to be able to help draft a Budget that is quite top-heavy and does not with much detail underneath - would help to ease this tension and questioning that the Minister keeps getting asked about, actually what can we ask in Scrutiny if we do not know what we are asking?

**Deputy L.J. Farnham:**

I did not mean to be flippant in my previous answer. What I have said is we have produced, as has been the process for many years now, a detailed Budget, a detailed Budget annex with all of our expenditure - we have put all of the information in that we can - and we are having a long and detailed Scrutiny process. We must have had hundreds of questions from Scrutiny in letters on a regular basis. Hundreds of questions from Scrutiny - I will repeat that - which we are answering in an open

and transparent way. I am not sure what more we can do. We are going to produce - I will say it one more time for the record - our business plans, Ministerial priorities in January 2025 and our legislative programme in November. I have said in an earlier question, if there are draft business plans available prior to that date, with the permission of the relevant Minister, we will share those as well. I can do no more than that.

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

In the 2024 business plan for the Cabinet Office, under “Digital”, one bullet point is: “By the end of the current year, establish a prioritised list of modernisation and digital initiatives and projects.” In the absence of a 2025 business plan this year, will the Minister commit to publishing to the public and Scrutiny this prioritised list so we all know what our money is being spent on and what benefits we may see from digital?

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

Sorry, could he just clarify what he is referring to?

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

On page 3 of the 2024 business plan Cabinet Office published in, I believe, August 2024, this is a commitment of this year’s work, and the question is in relation to the fact that there will not be a 2025 one this year, however this is a commitment for further information that should be delivered upon.

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

I would like to check the text in the business plan, and if we have committed to something, we shall certainly do our very best to make sure we deliver it.

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

The business plan does suggest that the prioritised list must be established. Will the Minister go further and commit that this will be established and published?

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

I cannot immediately see a problem with that, but I would like just to check what we said; but I cannot see a problem.

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

It is really to just ask the Chief Minister if he accepts that Scrutiny is doing its job and that, at the heart of the question, is the fact that we have a problem with the lack of detail and that it is simply not there. Will he perhaps reflect on this discussion and consider if there is anything else he can do to help and assist us with more detail about what is coming forward in the Budget?

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

Of course, we want Scrutiny to be fully informed with as much detail as possible. Scrutiny need to outline to us - the various Scrutiny Panels - where their concerns are and we will endeavour to provide that detail.

### **The Bailiff:**

Before moving on to the next question, it was mentioned during the course of this question that there are only 11 questions. I think the implication being that there should be an element of greater leeway. The Presiding Officer’s approach is to take the total minutes available, divide it by the questions and have that resulting number as the nominal starting point for what is allocated to each question. At the moment, some questions are coming under that and some questions are going over that - even that generous amount - and therefore Standing Orders are there for a purpose and they should be

applied accordingly in terms of the succinctness of the question and the time limit on the answer. We are marginal as to whether we make it through the next few questions in terms of the time allocated to us. I will allow another couple of minutes for injury time because of what I have said, but I just want to make it clear that there is not a bottomless pit of time simply because there are fewer questions.

### **3.7 Deputy M. Tadier of St. Brelade of the Minister for External Relations regarding the conduct of the Jersey Financial Services Commission (OQ.196/2024):**

Further to concerns raised in the media regarding the conduct of the Jersey Financial Services Commission, will the Minister state what measures, if any, he has taken, or intends to take, to ensure the public can have confidence in the Commission?

#### **Deputy I.J. Gorst (The Minister for External Relations):**

I recognise, as I have said, the disquiet and concern in the way that parts of the J.F.S.C. (Jersey Financial Services Commission) have operated and the legislative environment more broadly. I also recognise the need to ensure that there is balance between the need for regulation to meet international standards and allowing industry to continue to be competitive. I understand that industry and the public want to see greater transparency and accountability, and I have already announced a strategic review of the regulatory environment. This includes a review of the Jersey Financial Services Commission as the regulator of financial services in Jersey, as well as the legislative and regulatory framework more broadly.

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

I thank the Minister for those comments. His review seems to be focused on a very much administrative process about regulation, and possibly about an appeals mechanism, which you spoke to the media about. But will there be any review into the substantive allegations of bullying - among other things that have taken place - and if so, who will be doing this? If not, why will there be no independent review?

#### **Deputy I.J. Gorst:**

As the Deputy knows, the regulator is independent of Government, and needs to be, in order to comply with international standards. It therefore is not possible for a Minister to carry out an investigation into individual cases in the way which the Deputy is suggesting. But what is open to a Minister is what I have proposed. That will be wide-ranging, and we have already in the department started to take evidence from individuals around their experience. If, during that process, there are other issues which we need to address, then we will take those up with the Commission as well.

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

One of the issues raised around the public disquiet around this was that the J.F.S.C. was not covered by the Freedom of Information Law and that there was an extant States decision on the Freedom of Information Law, which has not been acted on. Will the Minister comment on whether he supports making the Freedom of Information Act apply to organisations like the J.F.S.C., in the interests of transparency and avoiding these sorts of problems in the future?

#### **Deputy I.J. Gorst:**

I will just come to that; it reminds me that I have missed part of Deputy Tadier's question, which was, was it just focused on those things administrative? No, it is not; it is focused on culture as well, which maybe is helpful. I have not been in favour of extending the F.O.I. (Freedom of Information) legislation - as I have been quite clear about - because of the way that our F.O.I. Law is drafted when it comes to commercial confidentiality. Council of Ministers met last week and discussed the extant decision about extending F.O.I. legislation. If we are able to - and I think work has already been undertaken previously - make those amendments around an absolute exception to commercial

confidentiality within the legislation, then my objection to extension of F.O.I. legislation falls away. But I have given a commitment, nonetheless, to consider its extension to the J.F.S.C., with the caveat, of course, that the F.C.A. (Financial Conduct Authority) in the U.K. has F.O.I. Most of those questions are really about expenses and budgeting issues, and not about individual enforcement cases.

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

If I could burrow a little deeper, it is interesting that the Council of Ministers have discussed this. There is an extant decision; is the Minister saying that the Council of Ministers will bring a new proposition, a rescindment, or what? How will they approach bringing in this F.O.I. Law, given that discussions have taken place?

### **Deputy I.J. Gorst:**

In the same way that they do any legislation, of course. It needs to be a policy - I think I recall correctly - policy direction was given, which was to review the piece of work which had previously been undertaken but then put into the buffers, as it were, look at drafting an absolute exemption for commercial confidentiality, and then bringing forward legislation which gives effect to both that and the extension. Therefore, it would be this Assembly that ultimately decides.

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

The question has just been asked, Sir.

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

The Minister engaged with Members and explained the review that he was undertaking. I asked him in that whether or not he will publish the terms of reference of the review. I noticed that the slides that were then given to Members have a tender process of 10th October guidance to 21st November. Can he confirm that the terms of reference have been finalised and will he agree to publish them please?

### **Deputy I.J. Gorst:**

As far as I am concerned, they have been finalised and yes, they can be published.

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

Can the Minister explain - I look forward to receiving the review; certainly, in Scrutiny nobody has had it - will the review include the operation of the way that the Commission and the Government itself work together? Because there is some concern about the Government marking its own homework; the regulator is independent, but they are accountable to Government and it is set out in the M.O.U. (memorandum of understanding).

### **Deputy I.J. Gorst:**

Yes, that is an important part of the review, as far as I am concerned. I think we have historically called those issues "gateway issues", where there is a flow of information or a lack of a flow of information. The regulator holds a great wealth of information which tells us what is happening in the industry, but we do not have it. That amalgamated information will help give confidence around the performance of the regulator, but equally it will help us show where issues need to be addressed, whether products continue to be used successfully or not, the number of registrations of Jersey companies on the register, and all those important issues which will help deliver policy for the future.

[11:00]

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

Could the Minister explain how, if the Jersey Financial Services Commission is independent, that the Government themselves are doing this review? Does that mean that other commissioners and commissions that are independent, the Government can also do reviews?

**Deputy I.J. Gorst:**

It does. There is something called the democratic process, and I know that all Members in this Assembly fully support that and uphold it, and that is the democratic link between what Islanders want - this Assembly - and then what happens in various arms of government, even once they have created those bodies independently. This is of course not just a Jersey problem around accountability of regulators; it is a problem that countries are finding across Europe, particularly if we look north to the U.K. They are reviewing the operation of their independent regulators, because ultimately regulators not only are accountable to international bodies and policies and practices, but they are also accountable to the people of Jersey, and they are accountable to the people of Jersey through this Assembly. We need to make sure that that accountability is fit for the world in which we now live.

**3.7.7 Deputy H.L. Jeune:**

Does that mean that the Council of Ministers have discussed other reviews for other independent bodies, or is this the main focus?

**Deputy I.J. Gorst:**

Not that I am aware of, but that does not mean to say that individual Ministers are not, within their own portfolios, considering the accountability of independent bodies that fall within their remit. As I sat down, I was just reminded that in the United States, for example, independent regulators are accountable to a committee of the House of Congress. I am not sure we are at that point yet in our thinking, but that may be one thing that we do to enhance accountability: have a special committee of this Assembly.

**3.7.8 Deputy M. Tadier:**

My final supplementary might have been who regulates the regulator. But the Minister for External Relations with responsibility for Financial Services has reminded us that it is Government that regulates the regulator in this case, which I will let Members make their own thoughts and opinions about. But I bring it back to the point that very serious allegations have been made against the J.F.S.C. These are allegations of bullying, misuse of power by the J.F.S.C.'s enforcement division, and there are concerns about a lack of transparency and accountability more widely. Can the Minister give an assurance that these things, if they have occurred, will be brought to light and that there will also be redress, and can he indicate what kind of redress he would envisage for those who have been aggrieved or indeed harmed by this potential abuse of power and bullying?

**Deputy I.J. Gorst:**

I think that, as I indicated when the Deputy asked me the same question, but just in a slightly different formula, that that was not - I do not believe as we stand here - within the remit of a Minister. I am happy to give that further consideration, but I do not think it is, as I stand here; but perhaps the only thing I can do is say that I will consider his question further.

**3.8 Deputy L.M.C. Doublet of the Minister for Treasury and Resources regarding the Jersey Electricity Company price increases (OQ.202/2024):**

Will the Minister advise whether she has had any discussions with the Jersey Electricity Company regarding announced price increases, and whether any actions are being undertaken by the Government to mitigate the effect of these rises on Islanders, particularly the elderly and those on a fixed income, and if no actions are being undertaken, will she explain why not?

**Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources):**

I have had discussions with Jersey Electricity to understand the commercial and economic pressures that have resulted in the announced increase. We must bear in mind the fact that, while on this

occasion the increase is above the rate of inflation, recent increases have been below inflation. In addition, through the successful hedging arrangements Jersey Electricity have had in place, Islanders have been largely sheltered from the unprecedented volatility in energy markets since the Russian invasion of Ukraine, which coincided with very significant increases for customers in the U.K. The question of support for Islanders who might struggle to meet this increase rests with the Cost-of-Living Ministerial Steering Group and also the Minister for Social Security, and we will all keep a very close eye on this as matters progress. Jersey, of course, has a well-established safety net to protect low-income Islanders and pensioners through the income support system and other benefits, including the cold weather payments. As usual, I would encourage any Islanders who are concerned about the cost of living to speak to C.L.S. (Customer and Local Services) in the first instance.

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

The Minister will be aware that there are many Islanders who cannot access income support, but nevertheless are struggling. We might perhaps call those groups “middle Jersey.” What new ideas does the Minister have for any future work she can do to mitigate the cost at source of the energy, given that Jersey Electricity is wholly owned by Government?

### **Deputy M.E. Millar:**

Firstly, if I could just correct that last remark; Jersey Electricity is not wholly owned, so I would make that first comment. Jersey Electricity themselves suggest that the increase will put £2 a week on to the cost of an average bill. The Chief Minister has already discussed at some length some of the proposals that we have in the Budget to address cost-of-living pressures, and certainly from the tax realm, the tax threshold will increase by £700, which means that all Islanders will keep more of the money they earn in their pockets. As I have said, the Cost-of-Living group and the Minister for Social Security will keep a close eye on that as matters progress. I think that the question is more properly addressed to the Minister for Social Security.

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

Could the Minister advise if deleting Article 52A on energy-saving items off the Income Tax Law - which permitted a deduction from property income for expenditure on energy-saving items in the Budget 2025 - means that she would find it harder to reintroduce any such incentives in the foreseeable future to help Islanders on energy efficiency to reduce those bills?

### **Deputy M.E. Millar:**

The Deputy is better informed than I am. I do not know about Article 52, and I am not in a position to answer that question at the moment.

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

Could the Minister advise if she has had discussions with the Minister for the Environment, and others in the Council of Ministers, on how to help Islanders reduce their energy bills by developing energy efficiency incentives, especially if the mechanism of 52A is deleted from the Income Tax Law?

### **Deputy M.E. Millar:**

Again, I cannot talk about Article 52A, and that is not something I have discussed with my policy team. Our tax policy proposals are set out in the Budget. What I would say is that Jersey Electricity themselves have done a vast amount of work in terms of advising and helping customers ensure energy efficiency. One of those, for example, is the MyJE app, which gives people a lot of information in very close to real time about their energy use and gives them ideas on how to save energy. In fact, the success of Jersey Electricity’s efforts is that their total revenue from electricity is virtually flat, which means that people are not spending more and more on electricity; people are making efforts to be more energy efficient. Beyond that, I have not discussed with the Minister for

the Environment particular schemes regarding energy efficiency, which do sit with him in the first instance.

**3.8.4 Deputy S.M. Ahier:**

Has the Minister been advised, due to the E.D.F. (Electricité de France) contract finishing in 2027, that there will be further large increases in electricity prices in future years?

**Deputy M.E. Millar:**

I am sure that Jersey Electricity will be renegotiating that contract. I am not aware that there will be further large increases; Jersey Electricity have done very well through their hedging agreements and their arrangements with France to keep prices as low as they possibly can in Jersey. I am aware that they have a significant investment programme coming up - to lay down a new interconnect to France - and I am sure that that will continue with our existing means of supply.

**3.8.5 Deputy S.M. Ahier:**

What effect will the energy price increase - the current one - have on the retail prices index?

**Deputy M.E. Millar:**

I do not have that information.

**3.8.6 Deputy I. Gardiner:**

The Minister, in her answer, mentioned the instability of the energy market, and we all see an increase in gas, oil and electricity. What steps is the Minister and, as a member of the Council of Ministers, taking to ensure energy stability and keeping electricity prices to a minimum increase?

**Deputy M.E. Millar:**

I think I have already said, Jersey Electricity work very hard and have very complex and detailed hedging arrangements, which are what have, as a matter of fact, kept our electricity prices below inflation certainly over the last 4 years, and over the last 10 years electricity increases have been below inflation in Jersey. Jersey Electricity continue to work on their supply arrangements through France, and I am sure that they will continue to do that.

**3.8.7 Deputy I. Gardiner:**

Thank you for the answer. The electricity prices are not the only ones that are connected to the energy. What discussions, if any, did the Minister have about producing the energy strategy, which electricity should be part of it?

**Deputy M.E. Millar:**

Again, I think the energy strategy sits with another Minister and should probably be asked to the Minister for the Environment.

**Deputy I. Gardiner:**

Did the Minister have discussions with the Minister for the Environment? This was the question.

**Deputy M.E. Millar:**

Not specifically, no.

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

The Minister, in her answer, did not remind Members that our electricity prices, while the increase is regrettable, are higher than that. I have just checked; our electricity prices are lower, including G.S.T. (goods and services tax), than any other jurisdiction. Does she agree that while the increase is regrettable, the real importance is to getting more people on electricity, if you celebrate the fact

that it is not only going to get electricity sold but we need to get more people out of, for example, gas to electricity and support J.E.C. (Jersey Electricity Company) in that way. Does she agree?

**Deputy M.E. Millar:**

I think in terms of wider strategies, yes, it would be good to get more people on electricity. Jersey Electricity are working hard to gain more customers all the time but that is a long and reasonably detailed project.

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

In the increase in tariffs that the J.E.C. have announced, I notice that there is a modest increase in the standing charge. Standing charges form an important part of the budget process for households. The standing charge for the J.E.C. I think is 30p. It is similarly 60p in the U.K., much more. Gas is much more expensive. Would she consider bringing forward proposals to help the J.E.C. migrate people away from gas and other much more expensive forms of heating so that they may be able to sell more electricity and lower costs of living for householders?

**Deputy M.E. Millar:**

I think this is something that J.E.C. can work with on their own. They are continuing to build the customer base and to attract customers from gas in terms of a wider strategy and again this is with the Minister for the Environment to help, and I am sure his team are working on that.

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

Are there any plans to cap energy prices?

**Deputy M.E. Millar:**

Not that I am aware, no.

**3.9 Deputy M.B. Andrews of the Minister for Social Security regarding the views of businesses on the Draft Employment (Minimum Wage and Benefits in Kind) (Jersey) Amendment Law 202- (OQ.200/2024):**

Further to the adoption of the draft Employment, Minimum Wage and Benefits in Kind (Jersey) Amendment Law, will the Minister explain how the views of businesses will be sought in relation to the raising of the minimum wage once the amendment law is in force?

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

We have already, at a Ministerial level, met with several key stakeholder groups, including business representatives, representatives of employees and representatives of charitable organisations. That, alongside the analysis undertaken by the chief economist and further discussions that I have had with the Minister for Sustainable Economic Development, has informed the approach that I will be taking and have taken to setting the minimum wage.

**3.9.1 Deputy M.B. Andrews:**

Members will obviously be aware that the Jersey Employment Forum have been removed from the process that was within the law due to the States Assembly approving a proposition earlier this year. I want to know what impact that potentially has on certain businesses who might not be included in the consultation that is currently in place at the moment with the Minister and the Council of Ministers.

[11:15]

**Deputy L.V. Feltham:**

Of course any business or any individual can always exercise their democratic right to contact their elected representatives and have their voice. I made it very clear when I brought the changes to the



legislation that this is very much a political decision. It is something that many of us in this Assembly stood and told our electorate that we wanted to do. So I have taken the steps to enable us to stop going around in circles and to take the necessary action to moving towards a living wage.

**3.10 Deputy K.M. Wilson of the Chief Minister regarding public sector efficiency (OQ.199/2024):**

Will the Chief Minister state which specific aspects of the programme relating to public sector efficiency it is considered will result in an improvement in the Island's economic conditions, and what are the risks, economic or otherwise, that have been assessed in respect of this programme?

**Deputy L.J. Farnham (The Chief Minister):**

Continued growth in government expenditure is not sustainable. Delivering on efficiency will keep government spending down, enabling us to continue with the low tax base, which supports ongoing economic growth by promoting and attracting investment as well as ensuring people have more of their own money to spend in the local economy. Right-sizing the public sector means there should be as much labour as possible directed to where it is needed most in the private sectors to support that economic growth. Efficiency also ensures that our limited resources are spent where they are needed, most notably on front line services, which is where this Government have decided to make it a focus with the backing of the Assembly and the C.S.P. We are being more efficient with the capital programme with a more realistic targeted approach and better prioritisation to enable growth. While changes such as these could create some element of very small risk, for example the inflationary risk of the introduction of a new minimum wage, we are confident that we are taking the correct step to safeguard the future of the economy. The medium to long-term risks of not getting public sector spending under control at the cost of a potentially undynamic private sector are far greater than the small inflationary risk posed in the short term.

**3.10.1 Deputy J. Renouf:**

The Minister referred in his answer to right-sizing government. You can only right-size if you know what the right size is. Can he explain what the right size of government is?

**Deputy L.J. Farnham:**

I think you could ask every Member of this Assembly that question and you would possibly get a different answer. Right-sizing for this Government is ensuring that we are using taxpayers' money in the most efficient and productive way and we are not top heavy with senior management that we do not need, that we are putting the right amount of money into front line services, which I think we have been in danger of neglecting in the past and we have seen some of those services start to fall behind. Our definition of right-sizing is a productive, efficient, value-for-money public sector that delivers to meet the most pressing needs of Islanders.

**3.10.2 Deputy J. Renouf:**

My point in asking was that if you are right-sizing then you know when you have got to the right size. How will the Chief Minister know when he has reached the right size of government to deliver those objectives?

**Deputy L.J. Farnham:**

I do not think we will and I do not think we should. This is something that needs to keep evolving. I think that has been one of our problems in the past. We set up a structure and we sat with it and quite often we have missed opportunities in the past, I believe, to do some right-sizing and reorganisation. It is something that I think when we meet our Budget, if the Assembly approves it, and we meet the 13 priorities in our Government Plan over this term of office, perhaps we will need to have a look again at the public sector to see if it needs reorganisation. We might find areas where

we need to grow again, but at all times we need to make sure it is efficient and productive, and it has not always been that.

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

Having stood in this Assembly and had twice to make £50 million worth of expenditure reductions and having some bruises to do it but we did it, and I am mindful of the fact that the Council of Ministers is currently trying to make efficiency reductions and spending reductions, does he agree that the move to one-year Budgets, that apparently have been subject to discussions again with his Council of Ministers, a year-to-year approach in setting an expenditure reduction and efficiency programme does not work?

**Deputy L.J. Farnham:**

I think it can work. For decades Jersey made a great success of annual budgeting and in modern times we have changed. I think it is useful to have an annual Budget and a 3 or 4-year forecast. I think that was the intention and the model behind the Government Plan, now renamed the Budget. I would think it would probably be unwise to have an annual Budget but carry on as we are with an annual Budget and our following forecast. I think it is also worth remembering if we were to go back and look at, say, the last 5-year Government Plans, 5 years ago the forecast for the budget was a million miles away, I think, from what we are because we have to keep flexing that and we retain the ability to revisit every year. If we have introduced policies that are working extremely well, we may wish to put more resource in that direction. If, on the other hand, we have introduced policies that are not working, we will pull back. Annual budgeting with forecasting and retaining that flexibility I think is the right way.

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

Let me have another go. Is he really saying that an organisation of the size and scale of the States of Jersey can deliver efficiencies and reductions by taking a yearly - colloquially known as shoebox accounting - approach to budgeting and that a fixed 3-year certain reduction programme, together with the investment that is needed to get there, is not preferable? Does he really stand by his statement that year-to-year budgeting is going to produce reductions? I do not see anywhere else in the world, including O.E.C.D. (Organisation for Economic Co-operation and Development) and other places, that would agree with it. Does he really stand by it?

**Deputy L.J. Farnham:**

I do not think I said that. I will just try to clarify what I said. I said the current Government Plan works relatively well and as far as I am aware we have no plans to change it.

**3.10.5 Deputy K.M. Wilson:**

I would welcome the view from the Chief Minister as to whether or not he believes the private sector will be able to pick up the slack given the scale of efficiencies and austerity he is promoting through this programme.

**Deputy L.J. Farnham:**

I do, but we recognise the economic cycle could now be on a slight downward trend, which means timing might not be ideal. What that really means is that these actions should have come sooner but they are still necessary, and that is why we are taking them. Of course, I think if we are serious about economic growth we need to make sure that all sectors of the economy, some of which are suffering acute shortages in skills, not least health, need to have access to as big a labour pool as possible. I support a smaller government and a bigger economy, and that is where we will be pointing our policy over the rest of this term of office. I do think that is the right approach. I do not think the private sector will be compromised by that. I think it is a good, sound medium to long-term policy that we need to get moving on.

### **3.11 Deputy J. Renouf of the Minister for the Environment regarding development levies (OQ.195/2024)**

Further to the response to Written Question 328/2024, will the Minister explain when he anticipates that a proposition to introduce development levies, as agreed through the adoption of P.14/2023, will be put before the Assembly?

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

It is difficult for me to provide a definitive answer to the Deputy because while the Assembly has, on a number of occasions, supported the principle of introducing such a charge, the economic landscape has changed considerably since the matter was last considered in detail. It is evident that in the currently challenging economic circumstances for the Island's development industry and the associated property market, exploration of a further charge on the development industry in these difficult times will not necessarily lead to a positive outcome. It may, therefore, not be prudent use of public funds to further explore this issue at this time. I cannot at the moment give any anticipated date.

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

I am slightly surprised by that answer. It was only January 2023 when we were last debating it and I do not think conditions have changed that much since then. I think the development industry would have made the same argument. I would expect if that is the view that maybe a rescindment would be brought. We agreed March 2025 for the implementation in this Assembly. I ask the Minister to reflect on this: does this help the credibility of the Assembly in dealing with the public? Nothing ever changes, they say. Would he offer some thoughts on how his answer will encourage faith and engagement in the political?

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

While the States Assembly, as I said, approved the principle of establishment on a couple of occasions, first in the Bridging Island Plan debate itself and, as the Deputy says, in approving Deputy Kovacs' proposition P.14/2023, the Assembly has not approved the necessary resources. In the Government Plan 2024-2027 debate with the previous Government, the work was not taken forward because the monies were not allocated. In this current Government, monies have not been reprioritised from other Ministerial objectives. I have to say to the Deputy that he is right. I cannot see the deadline of 31st March next year being met but I would say to him, which will give him some comfort, that certainly before the next Island Plan debate we will need to have this work done and monies will have to be found because there will be considerable consultation required before we implement a levy of this type.

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

This Minister did touch on the funding or lack thereof. Will the Minister advise whether he requested funding for support from the Council of Ministers or other areas of government for help to enable the delivery of this piece of work as soon as reasonably possible? If not, what assurances can he give the Assembly that decisions made that request the Minister for the Environment to perform an action will be acted on and delivered?

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

As the Deputy will know, we have had to work very hard on the priorities for this current Government, whether that was financial, whether it was reducing and stopping of consultancy, whether it was looking at vacancies. We have had a number of issues we have had to resolve. Ministers have had to look very hard at what they want to achieve in the short term of Government and what they can achieve. Certainly the ban on consultancy is a major factor in this work. I do not believe it would be possible for us to move forward with a development levy without having some

serious professional consultancy on this to ask people how they feel. I am certainly aware, even without a levy in place, that certain areas, fields that were rezoned during the last Bridging Island Plan debate, have not come forward, even without a levy in place. I think it is really important that we understand the consequences of putting a levy out there on the industry and what that might do to zoned sites that come forward in a future plan.

**3.11.3 Deputy A.F. Curtis:**

Will the Minister advise whether, should the Assembly make further requests of him, at the point of those debates he will confirm whether or not, regardless of approval, he will action the work being requested?

**Deputy S.G. Luce:**

I would certainly have to take that into great consideration. If the States Assembly asks me to do something, it is incumbent upon me to go away and try to do my very best to instigate that. To guarantee that I would do that without the necessary funds or resources at my disposal would be probably wrong, but I would certainly do my very best.

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

As the Minister stated the main reason is the lack of resources, can he outline the estimated cost and funding needed for implementing such a proposition along with any actions already taken to secure related resources since the proposition passed in April 2023 and subsequently since the Minister took office this year?

[11:30]

**Deputy S.G. Luce:**

I cannot give the Deputy detailed financial numbers on how much it would cost but what I can say to her is irrespective of the money I might have in my portfolio - not that I have got it but if I did have it - I would not be allowed to recruit consultants to help with this work. I would also really struggle with law drafting time when other prioritisation lists that Ministers have had to come up with in the last few months are to see how much time they have available with law drafters and what their priorities are. I have to say to the Deputy on both those things I do not know that I would find time to go to the law drafters with the necessary changes - and there would be significant changes needed if we were to introduce a levy; it would be a complicated piece of work - but also the outside consultancy, which I am currently not allowed to recruit.

**3.11.5 Deputy R.S. Kovacs:**

After reviewing the responses to related written questions from myself, Deputy Jeune and Deputy Renouf over the past 7 months, it is evident that progress on development levies has stalled, despite the Chief Minister's response in April this year.

**The Bailiff:**

I wonder, Deputy, could you slow down a little? I ask you this because I am having difficulty following what the question is and if I cannot understand the question then ...

**Deputy R.S. Kovacs:**

After reviewing the responses to the related written questions in the last 7 months and the Chief Minister's response in April assuring that there is not going to be a delay on this proposition, what specific actions will the Minister take to address the resource challenges impacting this initiative, how will he prioritise Assembly decisions in his agenda and when can we expect a clear commitment from him and a realistic timeline for advancing this proposition?

**Deputy S.G. Luce:**

I have already said that it is going to be impossible to meet the deadline of 31st March next year. I know what my budgets are for next year. I know the work I am trying to get through next year, but when it comes to 2026 that will be another matter. I know I am under even more pressure to reduce the amount of money I spend, the resources I am going to have considerable pressure, but I will say to the Deputy, I will definitely put it on the list for consideration for 2026 and we will see what can be done.

**3.11.6 Deputy H.L. Jeune:**

A development levy was introduced to help reduce inflated land prices to help the construction industry, a zoned field being a prime example where affordable housing is quite hard because a developer has to pay an inflated land price from the landowner. If the Minister is not introducing a development levy any time soon, what other mechanisms has the Minister explored to help ensure that landowners do not inflate their land prices in anticipation of being granted change of use to develop housing?

**Deputy S.G. Luce:**

I cannot say to the Deputy that I have actively done anything to address the concern she raises. The sale of property from one private individual to another private individual is a matter for them at the moment. I understand exactly where the Deputy is coming from and where she is going to. I know only too well the difference in price between agricultural land at the start of an Island Plan debate and the value of agricultural land at the end of that debate when that land has been rezoned. I agree with the Deputy. As she will know or she may know, I have tried in the past to bring development levies to this Assembly. It is very complex, it is very detailed and we need to remember that anything we do in regards to putting a levy on people has consequences that we need to explore properly so that we fully understand what we are doing.

**3.11.7 Deputy H.L. Jeune:**

I thank the Minister for his answer. I believe from his answer his focus is therefore to develop a development levy, but in one of his answers he said before the next Island Plan. When does he foresee the next Island Plan being developed?

**Deputy S.G. Luce:**

As Members will know, it was the intention that the Bridging Island Plan would finish next year and initially it was expected that we would have another Island Plan debate sometime between now and next summer. That has not proved to be the case and one of the reasons that we have been able to get away with not debating another Island Plan is the housing situation. We have discussed this morning briefly population growth and the fact that the projections that were used in the last Bridging Island Plan debate led us to believe we needed a certain number of houses to come on that market. That is no longer the case. The pressure is not there, therefore, to rezone more sites next year for future housing, but it is incumbent upon us to set some dates, and I wish I could. The best I could do at the moment is to say to the Deputy I would think some time in 2027, 2028 would be a good point to look at. There is an amount of work that still has to be done before we can get to that debate. The Bridging Island Plan set a number of things that needed to be achieved. Some have, some are in train and some still need to be started, so I would say to the Deputy that we are probably going to extend the Bridging Island Plan by probably 2 or 3 years.

**3.11.8 Deputy I. Gardiner:**

Minister, I have just learned, because it is not an area of my expertise, that the development levy has been delayed due to the budget restrictions. Without Members asking about it, I would not know that it has not progressed as planned. Last week we learned that the play strategy that you are responsible for has been delayed as well. For transparency, and I understand that you know your budget, on what workstreams would be delayed and would not be delivered for 2025, can you publish

your Ministerial plans and priorities so that we will not search through the questions that we maybe do not know?

**Deputy S.G. Luce:**

I do believe that the list of paused projects in my portfolio have been published but if they have not I will say to the Deputy - and I will be as quick as I can - that the paused projects and workstreams that I had intended to do next year and that now will not be done are waste carrier certificate charges, prevention of pollution from construction sites, work on a strategy nuisance law. I cannot now explore the introduction of a development levy, which we are talking about, or the St. Brelade's Bay Improvement Plan, which has also been subject to debate in this Assembly. The carbon offset purchasing strategy is something I am having to delay. Performance certificates for dwellings legislation is something I am delaying. Sustainable finance and the climate finance strategy and also the Island-wide footpath work is something else that I am not able to do next year. As I say to Members, we are all having to focus on priorities. I have got a list of priorities that I will be focusing on but the Deputy asked me about what I am not doing and that is a short list of the work I am not able to now complete.

**3.11.9 Deputy I. Gardiner:**

Thanks to the Minister I have learnt more and I would request the Minister agrees to publish this in the public domain and encourage other Ministers to do the same.

**Deputy S.G. Luce:**

I am very happy to do that.

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

Would the Minister agree that the concept of planning levies can also be by an alternative approach that gets the same result, which is the use of planning obligations when considering a rezoned site for example? Would he at least give those Members who are concerned about the absence of the progression of a planning levy some reassurance that he has seized upon the use of planning obligations for rezoned sites that can basically extract land value for the benefit of the community, for example the 30 houses that were given in my late father's name in St. Saviour, which now are owned by St. Saviour, by the developer? That was a planning obligation. Does he agree that planning obligations can be used, they were used and they can be used again to deliver an alternative to what is otherwise called a levy?

**Deputy S.G. Luce:**

I thank the Deputy for his question and obviously I am aware of the legal obligations of planning obligation agreements. Those are agreements that are negotiated between the developer and the Law Officers' Department and they are legally binding and they have to be observed. But the point I would say to the Deputy is that it is my understanding that development levies were to focus on the increased price to the landowner rather than the developer. What we are not trying to do here is to increase the price of housing, but planning obligation agreements fall to the developer to fulfil and not necessarily the owner. I understand, of course, that the owner and the developer may well in some circumstances be the same thing, but I will think further on the Deputy's suggestion of using P.O.A.s (planning obligation agreements) to see if there is a way to take forward the argument for levies in the future and I will give it some consideration.

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

Would he agree to perhaps come up to St. Saviour and meet with me and some of my Deputies to discuss how the use of planning obligations has benefited the Parish of St. Saviour in the past so that he can update his understanding of them and how they can be absolutely used going forward to extract

land value from the owner and not increase house prices or increase the cost to developers? Will he agree to come and meet us? I will explain to him very happily.

**Deputy S.G. Luce:**

Yes.

**3.11.12 Deputy J. Renouf:**

I thank the Minister for engaging with the issue openly. He made a comment that he does believe that the development levy needs to be introduced before the next Island Plan. Does he agree that it will become politically almost impossible to rezone fields in the future if the huge windfalls that have been seen in the past are not taxed through a development levy before rezoning is agreed?

**Deputy S.G. Luce:**

I think it is my view that at any stage of an Island Plan, whether it is just after it has been introduced, in the middle of it, towards the end, a week before the new plan comes into play, any owner of a site will take a view. Some owners will take a view that their site that might have been worth tens of thousands of pounds may well be worth a few millions of pounds and they would be happy to sell, but I can say to the Deputy I know of landowners who have stuck to their guns and refused to sell unless they had a very inflated price and that was not at any particular part of an Island Plan cycle. I take his point on board and introducing anything to do with development, to do with planning very close to the start of a new Island Plan debate is fraught with difficulty. States Members get plenty of pressure from members of the industry, from members of the public, from people who might own land that may be rezoned. I accept the fact that close to Island Plan debates is not the best time to do anything in the way of a development levy, so I take his views on board.

**The Bailiff:**

We come now to Questions to Ministers without notice. The first question period is the Minister for the Environment. Before I open it just let me make a note.

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

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

Proposal 29 of the Bridging Island Plan, "Play strategy and guidance", states that the Minister for the Environment has responsibility for the play strategy previously mentioned. Given that the play strategy was signed off by myself and Deputy Stephenson and developed in conjunction with many stakeholders, would the Minister agree to publish the strategy document?

**Deputy S.G. Luce (The Minister for the Environment):**

I have to say to the Deputy I am not aware of a strategy document. Is she telling us that she developed a strategy document during her time in Government?

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

Yes, there was a working group chaired by Deputy Stephenson, vice-chaired by myself, and we worked with many officers and many, many hours of time was put into that working group. There were stakeholders from the community, various charities and government-funded organisations, parent representatives and play experts. The document is something that I think any Government would be proud of. Given that it was created, would the Minister agree to go back to his officers and ask for a copy of that final document so that he can review it with a view to publishing it himself?

**Deputy S.G. Luce:**

I am very happy to agree that. The Deputy may know that I am very keen on doing as much as I can for children and young people when it comes to play, and play parks are a very important part of that. Certainly in St. Martin we have benefited greatly in the last couple of years from the introduction of

play areas. I have myself met with members of the public who are great proposers of these areas and they are very keen. I have had discussions with them about the areas around Springfield.

[11:45]

I have to say to the Deputy that while I have not progressed this, I made absolutely sure that it was possible for new play areas to be brought forward as planning applications and I have supported them wherever I can. Finally, I would say this to the Deputy. When I came into Government I still had the intention to increase the number of permitted developments that can be done within the planning framework. I am working on the general development order at the moment and one of the things that was top of my list was that play areas could be rejuvenated and refurbished and indeed created without planning permission if they met certain criteria. The Deputy has my sympathy and I will certainly go away and ask officers for the work that she has spoken about and I will review it with a view to publishing.

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

Having been out of action, as Members will know and the Minister will know, for a number of months, I have been out and about in St. Saviour trying to understand and familiarise myself with the priorities and the difficulties that parishioners have got. I have not finished that but there are a number of issues that are recurring themes and both of them relate to the Minister's portfolio, first of all the cost of living and, secondly, frankly, the view that it is impossible to get on the housing ladder ever. That is a view held by many people. Can he say that he would be helpful in progressing an application for a low-cost supermarket in either St. Saviour or elsewhere to deal with the cost of living? Secondly, would he agree to revisit the rezoning propositions that failed to deliver for some of my constituents who do not believe they are ever going to get on the housing ladder because there are no houses coming forward?

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

I have to say the first part of the Deputy's question has me a little surprised if he is suggesting that we need more supermarkets in St. Saviour. I think he is saying that or maybe I have got that wrong.

#### **The Bailiff:**

Sorry, can we not have an exchange between Members, please? Everything is through the Chair. If you just answer the question. Clearly, that was not the question.

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

I will leave supermarkets. To my knowledge, there are certainly a number of supermarkets in St. Saviour, some very large ones, and some have been built and opened quite recently. When it comes to revisiting sites that were proposed for rezoning in the last Island Plan debate, I would say to the Deputy it is not quite as straightforward as that, and I know he is aware of that fact. Sites can be rezoned only through the Island Plan debate and, while it is in theory possible for somebody to propose a housing site that falls outside of the zoned areas at the moment, it is certainly not straightforward. There are a number of reasons why sites in St. Saviour were proposed. They are not part of the last Island Plan debate and the Deputy's previous Constable was the instigator of one of those particular sites. I remember very clearly the debate on an extension to housing into a field alongside where the dairy was previously. People put forward the pros and cons of every site that was debated during the Island Plan debate and those were not successful. I would say to the Deputy he needs to make sure he has got all his plans in place and be prepared to propose them at the next Island Plan debate whenever that is.

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

I will try to be really concise. I will deal with the second issue when it comes up to the Parish Hall and talks about planning. In relation to a low-cost supermarket, the message I am getting from my



parishioners is they would love an Aldi or Lidl. They are not bothered about a French supermarket. They want to lower the cost of living. They do not want it in St. Saviour but they will keep an open mind. Does he have a view about the planning position to find a site, because apparently we can find a site for a French supermarket? Will he basically commit to me and my constituents who want a low-cost supermarket, not a high-cost supermarket, that he will try to find a site for one to help with the cost-of-living crisis?

**Deputy S.G. Luce:**

I am not sure if it is for the Minister for the Environment to start work on seeing if he can provide a site for a low-cost supermarket. Certainly the Minister for Sustainable Economic Development I am sure would be very keen on that. What I would say to the Deputy is that it is one thing to say we must have a low-cost supermarket, we may even agree to have a low-cost supermarket in Jersey, the siting of said supermarket certainly would be under my remit, I would refer the Deputy to the policies in the Island Plan, which are very specific about building in the countryside, building outside of the built-up area. Particularly I would say to him if we are keen on keeping St. Helier and Quennevais vibrant and busy with retail, the last thing that we really need is to follow an example in a country not very far from us where they have a lot of very large supermarkets, which has led, in my experience, to villages and towns becoming very quiet and sterile inasmuch as people cannot afford to have small retail shops when they are taking on the very large low-cost supermarkets. I understand his point of view and people, I am sure, would be very much favoured of a low-cost supermarket, but there are very strict planning constraints as to where that supermarket might go.

**4.3 Connétable K.C. Lewis of St. Saviour:**

I have noticed in my own Parish of St. Saviour that many people are migrating away from gas to electricity, as has been discussed earlier. Is the Minister, with his colleagues, in consultation with Jersey Gas, now known as Island Energy, to ascertain where the tipping point will be where it would no longer be economically viable to supply the Island with gas?

**Deputy S.G. Luce:**

I am not sure that that conversation has been had. Certainly my officers do a considerable amount of work under the heading of “energy” and Islanders have the ability to use gas, whether that is mains gas or bottled gas, where they have a mains service outside. They can use oil, they can use electricity. There are a whole range of energies available to them. We are aware that the gas company under the new ownership has some challenges and we know that there is a lot of work being done in the roads at the moment to maintain their services. They are very keen to continue and I have been in discussion with them about how they themselves could move into a low-carbon future. It may surprise Members that the gas company does have some views on how they might do that, and I am looking forward to them coming forward with their own propositions as to how gas can be low carbon in the future. As regards to tipping point, I recognise, as we all do, with any type of business like this there is a certain amount of overheads. There are a lot of overheads for the gas company at La Collette. It must be obvious that in any type of business if you have reducing customers that there would be a tipping point but I have no idea where that tipping point would be.

**4.3.1 The Connétable of St. Saviour:**

While the people of Jersey are celebrating their £11 rebates from the gas company, I just thought I should bring to the mind of the Assembly that people are very worried that it is fast approaching. It seems to be government policy to migrate away from gas to electricity, so this point surely would be coming very soon. Does the Minister not agree?

**Deputy S.G. Luce:**

I do not think it would be right to say that government policy is to move from gas to electricity but it would certainly be right to say that it is government policy to encourage people to move away from

high carbon energy to low carbon energy. Of course, at the moment gas would be falling into that carbon energy bracket, along with oils and petrol. I am speaking to all the energy suppliers and indeed I have an energy suppliers group, which I chair on a regular basis, where we discuss all these issues, how we transition the Island from the position we are in now to reduce our carbon emissions even further. 2030 is a target and 2050 is another target. There is a lot of work to do and each of those people sitting around the table take that seriously. I know they are all working really hard on seeing how those individual companies can produce a low carbon energy for Islanders to enjoy.

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

Later today we will debate the Marine Spatial Plan and the Scrutiny Panel amendments, which concern areas of marine protection that were removed from the original M.S.P. (Marine Spatial Plan) pending further research. If amendments do not pass, we will be left with these areas, which will be subject to more research. Can he confirm that he will accept officers' recommendations when that further research has been completed, whatever they are, regarding the final status of the future research areas?

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

I am very happy to give the Deputy that commitment. When I came into office there was a proposal on the table for the Marine Spatial Plan and the protected areas that the Deputy will be only too aware of. I did challenge officers at the time for the evidence to show that these areas needed to be protected and, as I am sure we will find out during the debate, I discovered that the maerl beds, that some of us will have seen on our maps and charts that have been circulating, were there because they had come out of a desktop study and that is where we expect them to be. We do not have the actual evidence to show that they are where they are described on the maps. I said to officers: "I want more evidence. I want you to go out and do the work, provide me with the data that shows that there is something worth protecting there and I will protect it." So I say to the Deputy, yes, when officers come back - and I know they will come back in short order, certainly next summer they will be very busy researching these areas - and show me that there are maerl beds or anything else that needs protecting and there is justification for that protection, I will act and those areas will be protected.

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

He explained there that he felt that it was a desktop study that led to the identification of those maerl beds. Would he accept that he has not identified any faults in those studies that were done; he is simply holding those commercially important areas to a higher standard of proof than other areas that have been allocated for protection?

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

I think the Deputy could make that remark and in many ways he would be right. It will be of no surprise to Members. In the last 24 hours, 36 hours Members have been subject to a large number of representations via email from members of the public concerned about protecting maerl beds, but I have to say to Members that I have also had a huge number of representations and I refer Members to the consultation responses for the M.S.P. These areas will have some maerl that needs protecting. However, these areas are also vital, absolutely vital to the future of the mobile gear fleet, that is people who dredge and people who trawl, and that is not just Jersey fishermen. It is French fishermen as well. We have to remember that fishermen from Normandy, Brittany and Jersey have enjoyed fishing in our territorial waters for centuries and I am not about to put these fishermen out of business until I have evidence that proves to me that there is something really there that needs protecting. There is a balance to be struck here. I have worked really hard to come to a consensus with very many people and as quite often I find in planning, if everybody is equally unhappy, I have probably done about the right thing. I can say to the Deputy everybody is equally unhappy about this Marine Spatial Plan. I think it draws a good line down the middle of protection, increased protection where

that data comes forward with the evidence but also protection for the fishing fleet because I am absolutely convinced if the amendments go forward today and are accepted, there will be fishermen that will be put out business in very short order.

## **5. Questions to Ministers without notice - The Minister for External Relations**

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

The Minister revealed in a Scrutiny hearing that despite the comments made in this Assembly by other Ministers that there would be no compromises in allocating growth or efficiencies, Jersey Finance's budget was going to be cut and he had lost out around the Ministerial table, I think it is by £400,000. Can he explain what the budget cut of not having that £400,000 is going to mean by way of activity likely to grow Jersey's economy if we believe that Jersey Finance's budget is about growing the economy?

### **Deputy I.J. Gorst (The Minister for External Relations):**

I am not sure I revealed at the Scrutiny Panel. I think it is in the Government Budget and I was simply questioned about it. It was, as every Budget is and has ever been, a compromise between the amount of money available and the public services that Islanders want and desire. He and I have always made the case for investment in the economy, and I made the case and will continue to make that case around the Council of Ministers table. Unfortunately, there was a recognition that this is a Budget that prioritises and reductions have been made to the arm's-length organisations grants. In my department that is Jersey Finance Limited.

[12:00]

I will work with Jersey Finance and have committed to do so on a number of measures so that their activity can be largely maintained but we should be clear, as we are when budgets are reduced or efficiencies are made, activity cannot be continued at the previous level. They have reserves. We will work with them to ensure that their budget can be delivered in a timely manner rather than sometimes it has been delayed and work with them to seek to use some of those reserves and give confidence that they can use those reserves to largely maintain the activity that they have done in previous years. Until we get to 2026, so that is one year ... I am not sure if you are indicating I have over spoken, Sir. If so I will sit down and I will wait for ...

### **The Bailiff:**

One minute 41 seconds.

### **Deputy I.J. Gorst:**

I have got another 50 seconds.

### **The Bailiff:**

No, one minute 41. You have only got one minute 30.

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

Mindful of Albert Einstein's quote that not everything that counts can be counted and not everything that can be counted counts, is he able to say how he will account to this Assembly for the lack of economic growth and revenue to the Treasury that will inevitably happen if Jersey Finance is not able to go out and sell the good wares of services in Jersey to the extent that they would have otherwise done with £400,000? I make the point because this Assembly is at least assuaged in its budgetary problems by the free money that continues to come in by way of O.E.C.D. Pillar 3, et cetera. The work of growing our financial services would not have happened and that does not happen by accident. It has happened because we have been out on the front foot. The Budget means

reduction. Does he agree, what is he going to do about it and how much is it going to cost us in the long-term loss of revenue?

**Deputy I.J. Gorst:**

As the Deputy knows, the financial services industry performed incredibly well and was the heart of a growing economy last year. As I was about to say but I ran out of time, we will work with Jersey Finance to enable them to use their reserves and give them confidence that they can use their reserves to meet that shortfall of overall grant budget. That will bridge us through to 2026, should this Assembly support the legislation today. The numbers are in the Budget and that will be partially allocated to support the economic growth agenda and that will, therefore, mean that Jersey Finance in 2026 can have an increased budget settlement.

**5.2 Deputy H.L. Jeune:**

Can the Minister advise if he has had any internal discussions about how Jersey can derisk financial instruments for the Jersey public so they can make their homes more energy efficient or transition to a cleaner fuel source? If not, why not?

**Deputy I.J. Gorst:**

I might just have missed the opening sentence of that question. I wonder if you could just restate it, please.

**Deputy H.L. Jeune:**

I am asking if the Minister has had any internal discussions about how Jersey can derisk financial instruments for the Jersey public so that they can make their homes more energy efficient or transition to a cleaner fuel source?

**Deputy I.J. Gorst:**

The straightforward answer to that is no.

**5.2.1 Deputy H.L. Jeune:**

Could the Minister advise if he has spoken to any local finance providers to help co-finance the energy transition, including offering of green mortgages and loans that many high street banks offer in other jurisdictions? If not, would he be willing to open those discussions?

**Deputy I.J. Gorst:**

As the Deputy knows, she came into my department and spoke with the officer who is leading on sustainable finance, although it is not directly correlated with the question that she has asked me, we continue to have conversations with our banking institutions on a range of subjects. It is not something that I have directly spoken to them personally about but I am prepared to do so.

**5.3 Deputy J. Renouf:**

The Government, through the Budget, have announced that they want to abandon the culture, heritage, arts funding formula. Does he think that the formula-driven funding for overseas aid should be continued?

**Deputy I.J. Gorst:**

I would like to answer that question as part of my 15 minutes if you think it is within my remit but I am struggling.

**The Bailiff:**

I am not sure that it is within your remit. Overseas aid is with a different Ministerial remit.

**Deputy J. Renouf:**

It was the external relations element.

**The Bailiff:**

That was not entirely clear from the question. Would you like to rephrase the question and I will allow an extra 30 seconds or so on the period?

**Deputy J. Renouf:**

It is to ask whether the Minister in his role as Minister for External Relations supports continuing the formula-driven funding for overseas aid?

**Deputy I.J. Gorst:**

Sorry, I totally misunderstood that question. I have always supported the budget of the Minister for International Development through Jersey Overseas Aid and I continue to do so. It is an internationally-recognised approach that there should be a formula-delivered approach to aid. I think aid is something that Jersey can be proud of. We have seen that budget grow and we see the excellent work that they undertake. I think it is a wholly different case from the arts, culture and heritage situation.

**5.4 Deputy M. Tadier:**

If I can effectively ask a supplementary question on that, saying that he supports the overseas aid budget, we know that the international target for overseas aid is 0.7 per cent of gross national income in aid. Could he remind us where Jersey is in terms of that benchmark and whether he supports getting to that 0.7 per cent and, if so, when?

**Deputy I.J. Gorst:**

I am quite happy to pontificate, as you know. I think that we can congratulate - and I am sorry that she is not with us today - the work that the Minister for International Development does in regard to her budget. She has laid out a clear strategy to increase the amount of funding that we put into international aid. Unlike most other places around the world, it is not connected with trade, and long may that continue. If she and her commissioners - I note a couple of them staring at me now - bring forward proposals because they think there are grounds that they could spend more money effectively and efficiently, and that is not always straightforward when it comes to international aid, I am sure that the Minister for Treasury and Resources in due course in future Budgets will consider that appropriately and she would have my support to do so.

**Deputy M. Tadier:**

It is a new question, Sir.

**The Bailiff:**

Yes, all right.

**5.5 Deputy M. Tadier:**

Could I ask the Minister - back to the subject of banks - does any memorandum of understanding exist between banks in Jersey and the Minister or Government so that when they are planning to close branches they need to give a particular time period of notice?

**Deputy I.J. Gorst:**

Out of recollection, I do not believe that it does. I think the only M.O.U. that is undertaken between banks and an arm of the Government of Jersey is in relation to the Depositors Compensation Scheme and will be the Resolution Authority but not in regard to the issues that the Deputy is asking about.

**5.5.1 Deputy M. Tadier:**

Does the Minister believe that it would be reasonable to perhaps revisit what might be put into a memorandum of understanding, especially in the context of recent branch closures that have been announced, so that Government, first of all, will have a no surprises policy in that relationship and, secondly, that there should be as long a notice period as possible between a bank knowing about a closure and informing Government and indeed its customers?

**Deputy I.J. Gorst:**

I am not aware that there is anything that the Deputy is requesting that we could not come to an agreement with the Bankers Association. There is a no surprises policy already. Government are informed of the situations as they are evolving. They can happen, I suppose, quite quickly. They are based on commercial reasons. I am sure we could have a conversation with the Jersey Bankers Association to agree a framework within which announcements could be made and the public could be informed and Government could be informed, which would simply be really an extension of what is already in place.

**5.6 Deputy S.M. Ahier:**

The MONEYVAL report noted a need to improve financial intelligence. What actions is the Minister taking to address this and does he have enough resources to achieve his goals?

**Deputy I.J. Gorst:**

There is always a sting in the tail with Deputy Ahier. As he knows, ask any arm of government and they will say that they would always like some more money. As he also knows, of course, the Financial Intelligence Unit has been created as an independent arm of government now and the legislation to give further effect to its functioning will be brought forward in due course to this Assembly. It is currently functioning within the budget allocated to it but it will in future years, no doubt, want to see that resource increase. It seems to me, however, that as we are issuing fines and money is being recovered that those budgets could be used to enhance in this case the F.I.U. (Financial Intelligence Unit) facility.

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

The Minister previously had, as I did when I held his post, difficulties with the last U.K. Government in ensuring that Jersey and the other Crown Dependencies' interests were represented in trade deals. Mindful of the extant Government decision to negotiate a Gulf Cooperation Council trade deal and then expected India one, has he had any discussions with the new, incoming U.K. Government about how Jersey's interests in these important trade deals are going to be maintained and enhanced, et cetera?

**Deputy I.J. Gorst:**

Yes, I have. I have spoken to the new Trade Secretary. I have been in correspondence with him as well. The U.K. Government incoming has taken some time to consider its own policy and priorities when it comes to free trade agreements. We have been absolutely clear, as he was, with previous Governments what Jersey's interests are. Those interests have not changed. As I understand it, they will be making announcements in due course about the prioritisation of F.T.A.s (free trade agreements) into the future. We are obviously hopeful that the Gulf Cooperation Council will remain one of those. There will be a number of agreements that I will be needing to brief Members about and Scrutiny about. We know that the C.P.T.P.P. (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) is also nearing finalisation, but equally there are issues for us to consider about our inclusion and how we are included in some of those F.T.A.s. Because it is okay to say that we are just included for goods, as we were in the E.U., and then have to accept level playing field Articles, if we are not then going to be in for services at the end of the day. Because we would be prepared to accept level playing field clauses in exchange for service inclusion. So that balance will be something that this Assembly will need to consider probably later this year and into next.

**The Bailiff:**

That brings the period for questions to this Minister to an end. The next period is for the Chief Minister.

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

**6.1 Deputy A.F. Curtis:**

Will the Chief Minister outline to the Assembly which sites, plans and projects have been discussed by the Regeneration Steering Group in 2024?

**Deputy L.J. Farnham (The Chief Minister):**

I cannot do that off the top of my head. I will provide that in writing.

**6.1.1 Deputy A.F. Curtis:**

Would the Minister please try to name some of them and, in doing so, would he consider that, given the remit of the States of Jersey Development Company expands to more housing, will he consider adding the Minister for Housing to the Regeneration Steering Group, if he is not on it already?

[12:15]

**Deputy L.J. Farnham:**

No, I am not going to attempt to reel off a list of items discussed at various meetings without referring to it. Fort Regent is a big topic of conversation, but I would like to provide that in writing if necessary. I think agendas and certain minutes are publicly available anyway, but I will clarify that. The Minister for Housing is very welcome to join or attend the Regeneration Steering Group, but I am not sure he wants to. But we do have a close working relationship.

**6.2 Deputy J. Renouf:**

Can the Chief Minister provide information regarding what I believe is known as Project Breakwater, concerning major infrastructure and public realm projects, and could he also confirm whether the Deputy Chief Minister is in charge of Project Breakwater?

**Deputy L.J. Farnham:**

Project Breakwater is a piece of work that is being led by the Deputy Chief Minister. Details of that work have not been shared as yet and I understand that the Deputy is planning to bring something to update the Council of Ministers in due course. I can give no further information on it at this stage, other than it is a piece of work that aims at delivering substantial, long overdue investment into the Island's public realm and larger infrastructure projects, including Fort Regent.

**6.2.1 Deputy J. Renouf:**

So Deputy Binet is Deputy Chief Minister. He is in charge of building the biggest infrastructure projects in the Island and he is now, we also hear, in charge of Project Breakwater. Yet by his own admission he has struggled to find time to get on top of his other side hustle as Minister for Health and Social Services. Can the Chief Minister explain why the Island has a part-time Minister for Health and Social Services?

**Deputy L.J. Farnham:**

The Island has a full-time Minister for Health and Social Services who probably works most hours, 7 days a week. Even this weekend he spent most of his time responding to his responsibilities as Minister for Health and Social Services. In his role as Deputy Chief Minister, he has other responsibilities and he carries those out in a timely and productive way, in my opinion. I have no qualms with his work ethic and the amount of work he puts into things. He is not a part-time Minister

and I take exception to the use of the words “side hustle” when it relates to some important, long overdue work which involves investment in our infrastructure and public realm.

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

Following the recent departure of the chief officer of Customer and Local Services and the recent announcement that the chief officer of Children, Young People, Education and Skills is to leave at the end of this month, will the Chief Minister confirm if he is aware of any other expected departures from within the Executive Leadership Team?

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

I am not aware of any specific departures from the Executive Leadership Team at this time, but that is not saying that there could not be departures from that team should future reorganisation take us along that route. But I am not aware of any currently.

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

I thank the Chief Minister for that answer. Does the Chief Minister recognise that it is becoming increasingly clear that the changes taking place are not just about curbing growth in the public sector but are an ongoing and major restructure of the public sector leadership team? Does he believe that this current approach to this restructure is creating confidence and stability among the staff?

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

The reorganisation of the senior echelons of management in the public sector is something that is absolutely necessary to ensure we are delivering the best value for money for the taxpayer. I do not believe this process is lowering morale. It is my take that morale is significantly improved in Broad Street and other parts of the public sector, and I hope that is something to do by the commitment shown by the Executive Leadership Team and the Ministerial team and Assistant Ministers in knuckling down and getting on with delivering the responsibilities with which they have been given by this Assembly. Having said that, I know when we go through periods of reorganisation there is some uncertainty created to members of staff. We are very cognisant of that, and all I can say or do to reassure Members is when we are dealing with compulsory redundancies and any other actions that involve the movement of staff we will do it in line with the full, appropriate process and procedure and make sure it is handled carefully and properly.

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

In the Chief Minister’s answer to my Written Question 311, which asked how the £20 million transition to living wage would be calculated, the Chief Minister mentioned 2 economic models from the U.K. Government Office for Budget and Statistics Jersey as well as did not publish any calculation due to the level of interpretation and spreadsheet and will be meaningless without explanation from the team. Would the Chief Minister consider that Jersey as a leading financial centre and the members of the public would be able to analyse the models? If yes, would he reconsider this decision and publish the calculations?

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

I do not think so at this stage. As I understand it, we are going to share the modelling with States Members. The economic adviser is planning a presentation, so I would like to do that, get feedback from States Members before we decide where we go with it. Like I said, the modelling is extremely complex and it is far better that the economic adviser and his team explains that to Members in the first instance.

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

It is really surprising that we do not have members of the public from the finance industry who can understand economic modelling, but I would welcome the presentation. Would the Chief Minister



confirm when this presentation will take place? Because we still did not see it in our calendars, even though it was requested 2 weeks ago.

**Deputy L.J. Farnham:**

I will chase up the team and make sure we get something put in the calendar as soon as possible. Just for clarity, I am not against sharing it with the public. In fact, I am sure we can publicise that, but I would like to go through the process with States Members in the first instance.

**6.5 Deputy R.S. Kovacs:**

Can the Chief Minister explain the importance to him and his Government of adhering to Assembly decisions by their deadlines and how much priority do past propositions hold for the Government?

**Deputy L.J. Farnham:**

Sorry, could the Deputy just repeat the last part of the question?

**Deputy R.S. Kovacs:**

How much priority do past propositions hold for the Government?

**Deputy L.J. Farnham:**

I believe that decisions of this Assembly should be given the proper consideration by the Government. The general rule is if it decides after a period of time not to or it does not want to or circumstances have changed which might lead the Government to want to not follow a decision of this Assembly, then I believe the correct process is to ultimately bring a rescindment. I think it is important to try and stick to deadlines where we can, but in the scheme of business it is not always possible and when it is not possible I apologise for that. But ultimately I believe that the Government, whatever Government, this Government, past Government, future Government, if they are going to want to go back or row back on a States decision we should bring it back for debate.

**6.5.1 Deputy R.S. Kovacs:**

How can the Chief Minister ensure that approved propositions are prioritised in Government initiatives, that each Minister acts on Assembly decisions by their deadlines, includes these actions in their Ministerial plans, and secures the necessary resources?

**Deputy L.J. Farnham:**

Well, I believe we have the tracker, the States decision tracker, available, which is helpful. But I will undertake to discuss with officials how Ministerial departments are monitoring that. In the Ministerial Support Unit we have excellent Ministerial backups. I know a number of workstreams are regularly monitored and discussed at weekly Ministerial meetings, but I will look to see if that does need tightening up. I am aware we have missed or are planning to miss deadlines or targets by the Assembly. If I allude to the land tax levy, we will keep Members updated.

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

Previous answers this morning have referred to the Cost-of-Living Ministerial Group. I would like to ask the Chief Minister whether single parent households and the issues those households are facing most acutely around the cost of living, whether that group has been considered as a specific item on that group's agenda.

**Deputy L.J. Farnham:**

I would have to refer to the chair of the group, the Minister for Sustainable Economic Development, but I do not think that particular group has been specifically referred to in the agendas I have seen.

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

Could the Chief Minister please seek to ask for a briefing paper from officers on that demographic group to understand the issues that they are facing and whether any work could be done to improve things for that group?

**Deputy L.J. Farnham:**

I understand, and I am looking at the Minister for Social Security, who is leading on that piece of work. I wonder if I might be able to refer that to the Minister for Social Security to update the Deputy accordingly.

**6.7 Deputy S.M. Ahier:**

The Minister for External Relations stated earlier that discussions have been held in regard to the Freedom of Information Law being extended to other organisations. Will the Chief Minister advise the Assembly of which organisations would be affected by such an extension?

**Deputy L.J. Farnham:**

Well, it has not been decided as yet. I think further discussions will be needed around that in line with Deputy Carolyn Labey of Grouville's original proposition asking for that. So that is a work in progress and it is a fairly complex issue with different ramifications for different organisations. I think at the same time we should probably review the current F.O.I. Law. It has been in place for some years now and we have learnt a lot. For example, when it was originally proposed I understand that it was estimated there would be perhaps 60 F.O.I. requests a year. I think we are looking at well over 1,000 every year now and a multimillion pound price tag that comes along with that. So this Government is going to be looking at it closely and will come back to the Assembly with any recommendations we might have.

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

As I referred to earlier, I have been out and about in St. Saviour trying to understand some of the concerns that parishioners have about what they want the Government to get on with. I have to say to the Chief Minister that the confidence of parishioners at the moment is not high greatly for various different reasons. One of the things that has surprised me greatly in my discussions with parishioners is the level of concern there is about cannabis in Jersey and, in particular, the absence of any, apparently, regulatory regime concerning the prescribing of medicinal cannabis in Jersey, which is apparently at quite high levels and, therefore, percolating out into the black market as well. That is what I hear. The Chief Minister was the main driver behind the bringing in of the cannabis sector in Jersey. I asked him previously in another sitting if he could do a report on it with other Ministers, because it is a multi-Ministerial issue. Does he share the concern about ...

**The Bailiff:**

This is quite a long question, Deputy.

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

Does he have any concerns about the lack of prescribing regulations for medicinal cannabis doctors?

**The Bailiff:**

You have 40 seconds.

**Deputy L.J. Farnham:**

Gosh, time has flown so quickly this morning. It is important that anything we do involving any type of medicine is properly regulated, and if the Deputy is alluding to that this is not, then it is something I shall look into. This is a piece of work I discussed with the Minister for Health and Social Services to make sure we are doing this properly.

**The Bailiff:**

A few seconds for a supplemental.

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

Will he come out with the report I asked him about how the cannabis industry is doing based upon the promises that were given when he advanced the strategy as Minister for Economic Development? A yes or no will do nicely.

**Deputy L.J. Farnham:**

Yes. I think the short answer to that is yes, we will come up with that during this term of office, but it is something that the Minister for Sustainable Economic Development and the Minister for Health and Social Services ... it is in their portfolio, so I will discuss it with them. But I would be quite happy to ... I think it is right we provide an update.

**PUBLIC BUSINESS**

**7. Reduction of lodging period**

**The Bailiff:**

Thank you very much, Chief Minister. That ends the period of questions without notice. There is nothing under J and K with 15 minutes left of the morning sitting, and I wonder if we might deal with the preliminary issue under Public Business. It is a matter for Members, but Public Business, a decision needs to be made as to whether to reduce the minimum lodging period in respect of a matter listed on the Order Paper. Deputy Tadier, do you wish to make the proposition under Standing Orders that the lodging period be reduced to allow your proposition, P.69, Funding for Culture, Arts and Heritage, to be debated at this sitting?

[12:30]

**Deputy M. Tadier:**

I do, Sir. Do I need to say anything? Shall I make a short case?

**The Bailiff:**

It is a matter entirely for you, Deputy, of course.

**7.1 Deputy M. Tadier:**

I think it is right that the presumption is that propositions should be lodged for a prerequisite period of time. I have circulated reasons to Members over the weekend and maybe before as to why I think that there are compelling reasons that this should be taken early. I think it may require changes to the Government Plan, given the material that is involved and the fact that time is short. I am also away at the next sitting on Government business ... not Government business, States business, rather, Assembly business, and so will not be able to be here. I think even the next sitting would probably be too late, so I think there are strong arguments that are in the public interest for it being taken today.

**The Bailiff:**

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

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

I will just raise a couple of things. First of all, changes to order is ... whenever anything is submitted into this Assembly, a lot of work goes into it from Members in preparation and so on and so forth. So changes to the order of something need to be done in advance. I just note that another proposition was lodged by the bringer of this proposition yesterday for debate on 12th November. Now, those propositions take work from members of my department, but it seems that the lodging date and the debating date is either going to happen on the 12th or is not going to happen on the 12th, but it was lodged for the 12th. So until we can get some assurances that both that piece of proposition and the

exact date as to when that will be lodged, I am afraid I cannot support reducing this lodging period because it seems illogical to have one proposition lodged for a date where the Deputy says he will not be here and another proposition having the time reduced because the Deputy will not be here. We have ourselves an existential problem and it would be nice to get that clear before we start. I think we have seen a lot of propositions that are lodged for debate and then delayed. A huge amount of work went into them and then it is delayed and delayed and delayed, some of which is the rush. One that we will debate soon was lodged during the summer break, which involved getting work done when people were not around but we got it done and then it was delayed until this sitting. It is also similar when propositions are brought and then not debated at all when people have put in a lot of work. So I think we have to be very careful in the way that we agree these things and I would just like some reassurances on the other proposition before I vote.

#### **7.1.2 Deputy E. Millar:**

I would just like to make an observation - it is not directly linked to the Member's proposition - which is he has told us that he will not be here on 12th November because he is on States business. I think we were also told this morning that Deputy Porée is away on States business. At the last sitting, I think the Deputy himself, when I asked for Deputy Gorst to be excused on States business, asked for details of what that States business was. I think while we have calls for Ministerial transparency for absence, I would like to suggest that it is incumbent on all Ministers, on all Members, to tell us what States business is if they are not attending.

#### **The Bailiff:**

Very well, and you are asking for that from presumably the proposer?

#### **Deputy E. Millar:**

Yes, Sir.

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

Well, that is a very good question for the proposer to bring forward. Maybe he could also in his summing up ... I am certainly not going to support the bringing forward of something like this outwith understanding that there is a very good reason why it has to be debated today. Secondly, if he is not here, then somebody else could advance his proposition. Therefore, has he taken soundings? He has asked for signatories for other propositions. I may well be a supporter of one of his other propositions. Can he not simply ... he is not the only body. Nobody is indispensable. Can he not get somebody else to advance the proposition that he is not going to be there for, bearing in mind we are going to know what he is going to be doing?

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

I do think we should allow this proposition and support the Deputy. I think he has raised several points, not just the one about not being here himself. I think if it is going to be passed, the Government deserves to have as much time as possible to deal with the consequences of the amendment, so I feel that that is appropriate. I think it is an issue that he is giving us a good reason for it and he has given us the times, the reasons for the timing, and I think that there is a strong case for doing that. I think from hearing the relevant Minister seconding this proposition, I do not think the Government has a problem with that, so I am fully supportive.

#### **The Bailiff:**

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

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

I will try to take the points all together if not in order. First of all, the reason I am not here at the next sitting or not due to be here at the next sitting - I could, of course, cancel; I notice that the arrangements have already been made - is that I am leading a delegation for the Assemblée Parlementaire de la Francophonie to Kosovo. It is in Pristina and Kosovo is an associate member of that organisation and one which we value. I think it is good for our Assembly to be part of that organisation, and I will be travelling with Deputy Moore and Constable Jackson as well as being accompanied by a member of the Greffe staff. So I think it is right that we clarify that. It is work. I would be here otherwise. With regard to Deputy Ozouf's point, if he is offering to take my proposition for me, by all means ... fill your boots, Sir, is that a parliamentary expression?

**The Bailiff:**

No, it is not. Please withdraw it. [Laughter]

**Deputy M. Tadier:**

I will not say it then, Sir. I am genuinely happy if Deputy Ozouf wants to take my proposition. I can brief him on it and I can give him my strongest arguments and hope that he would do as good a job as I would. I do not mind the fact that I will be one vote down on it. Otherwise I will have to do it myself. Turning to Deputy Ward, I am disappointed that he did not raise any concerns at our parliamentary party meeting that we have every week from 2.00 until 4.00 on Monday. This was not mentioned. I did make it clear the week before that this would be raised. I am disappointed that Deputy Ward seems to be letting some personal grievance about a separate proposition which I had lodged that he does not agree with boil over into this Assembly. I do not think that is very edifying for his part. Government, I am told over the weekend or before, in fact ...

**The Bailiff:**

Deputy, I think you have come perilously close to suggesting an improper motive for Deputy Ward's observations.

**Deputy R.J. Ward:**

May I say the Deputy was emailed about exactly this.

**The Bailiff:**

No, you cannot, I am afraid, Deputy Ward. It is not a question and answer session or response.

**Deputy M. Tadier:**

I take that into account, Sir, and I will ...

**The Bailiff:**

It is merely that ... I am sure you did not intend that, but if you could just be careful in what you are suggesting.

**Deputy M. Tadier:**

I take that into account and I will not go any closer to that point. I have lodged the proposition. I had no say on where it was on the Order Paper and I am sure that the Greffe will take that into account because I am not here at the next sitting so it cannot be debated at the next sitting. I do note, though, however, and through the usual channels, that the Chief Minister said that he will not be opposing the reduction in lodging period, although that may not extend to the main proposition but there is still time for that. So, all in all, I hope that answers the questions. Like I said, I am happy if Deputy Ozouf wants to take the proposition on my behalf.

**The Bailiff:**

Those in favour of adopting the proposition ... the appel is called for. I invite any Members not in the Chamber to return to their seats. The vote is on Deputy Tadier's proposition to be able to deal with P.69, Funding for Culture, Arts and Heritage, at this sitting, notwithstanding the shortened lodging period. If Members have returned to their seats, I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The proposition is adopted.

<b>POUR: 36</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 1</b>
Connétable of St. Brelade		Connétable of St. Ouen		Deputy M.E. Millar
Connétable of Trinity		Deputy R.J. Ward		
Connétable of St. Peter		Deputy M.B. Andrews		
Connétable of St. Martin				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				

Deputy 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				

**The Greffier of the States:**

Those voting contre: the Connétable of St. Ouen, Deputy Ward and Deputy Andrews. Deputy Millar abstained.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

The Assembly stands adjourned until 2.15 p.m.

[12:39]

**LUNCHEON ADJOURNMENT**

[14:16]

**PUBLIC BUSINESS**

**8. Draft Multinational Corporate Income Tax (Jersey) Law 202- (P.54/2024) - as amended (P.54/2024 Amd.)**

**The Bailiff:**

We now move on to Public Business. The first item of Public Business is the Draft Multinational Corporate Income Tax (Jersey) Law, P.54, lodged by the Minister for Treasury and Resources. The main respondent, I think, will be Deputy Renouf, who was chair of the sub-committee in this regard. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Multinational Corporate Income Tax (Jersey) Law 202-. A law to impose a corporate income tax in respect of entities that are members of large multinational enterprise groups and for connected purposes, the States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

**8.1 Deputy I.J. Gorst (Assistant Minister for Treasury and Resources - rapporteur):**

I am pleased to propose this important legislation on the implementation of Pillar Two in Jersey. Pillar Two is the international O.E.C.D. tax initiative that introduces a new 15 per cent minimum effective corporate income tax rate on the profits of large multinational groups. Its technical name is G.L.o.B.E. (Global Anti-Base Erosion Regime) but it is better known around the world as Pillar Two. Pillar Two has been designed by the O.E.C.D. to ensure that large in-scope multinational groups with total global turnover of at least 150 million euros pay a minimum effective corporate income tax rate of 15 per cent in every jurisdiction in which they operate. Where the local tax paid by Pillar Two groups in any jurisdiction is less than 15 per cent the group will be subject to a top-up tax in another Pillar Two-implementing jurisdiction. Where this top up takes place is determined in accordance with the agreed O.E.C.D. Pillar Two rule order. This means that absent today's

legislation in-scope groups which are currently paying Zero/Ten in Jersey would see the tax charged on their Jersey profits topped up to 15 per cent in another jurisdiction or jurisdictions. If the outcome of this new international O.E.C.D. initiative is that 15 per cent corporate income tax is payable on Jersey profits, then the Government is clear that this 15 per cent rate should be paid in Jersey. That is why the Treasury Ministerial team is bringing forward this package of legislation, which is the law that we are currently debating and the next one, P.53. Passing this legislation to introduce Pillar Two for large in-scope multinational groups will be another key milestone in Jersey's long-term commitment to align with international standards and tax initiatives. Supporting this agenda is critical for our international reputation as a co-operative jurisdiction which provides certainty, stability and a competitive environment for businesses that invest in and operate here. Jersey is implementing Pillar Two through 2 interconnected pieces of legislation, as I have just said. Firstly, a new standalone multinational corporate income tax, that I will refer to hereon in as M.C.I.T., to sit alongside Jersey's existing income tax regime; this is the P.54 and, secondly, the Income Inclusion Rule, which I will refer to from hereon in as the I.I.R., which is P.53. In common with many other jurisdictions internationally, Jersey will not be enacting the Undertaxed Profit Rule in Pillar Two; that would apply to non-Jersey profits. We believe that this rule would introduce an element of extraterritorial taxation that would not support our overall policy objectives as an international finance centre. The legislation for the M.C.I.T. and the I.I.R. both align with the O.E.C.D. common approach to Pillar Two, as set out in the G.L.o.B.E. model rules and commentary. Jersey's legislative package is the right Pillar Two approach for Jersey because every jurisdiction is making their Pillar Two implementation choices based on their individual economic context. I am confident that the M.C.I.T. and the I.I.R. legislation presented here today is the right choice for Jersey. Its design is the outcome of 2 years careful consideration that has included sustained engagement with the O.E.C.D. process as the model rules, commentary and guidance have evolved. Jersey is of course a member of the O.E.C.D. Steering Group to the inclusive framework on Base Erosion and Profit-Shifting and Revenue Jersey officials have also attended hundreds of O.E.C.D. working party discussions. Detailed data analysis of the Pillar Two population by Revenue Jersey to gain a deeper understanding of the financial profile and priorities of the largest multinational groups that are here in Jersey and extensive stakeholder engagement by Government officials and the Ministerial team, both in Jersey and overseas. This engagement has been multi-layered with industry and their advisers at both an intergovernmental level and with the wider public through the policy reflections paper and a number of public statements by the Government throughout both 2023 and 2024. But I just remind the Assembly there will be no change to Zero/Ten or to Jersey's longstanding policy of tax neutrality. We are not changing our tax regime as the result of the propositions being debated today. Less than 5 per cent of entities in Jersey will be affected by the rollout of the O.E.C.D. Pillar Two initiative across the globe. Pillar Two only covers entities at a par, as I have said, of large multinational groups with global turnovers of 750 million euros and above. The remaining, which is just over 95 per cent of Jersey entities, will remain subject to the current income tax rules and, in particular, the Zero/Ten regime will still apply to the vast majority of companies because they will not be in scope for Pillar Two. Zero/Ten is a competitive system that offers tax neutrality and has worked well for Jersey. It is underpinned by international standards, including economic substance rules that are peer-reviewed by the O.E.C.D. and the E.U. every year. Jersey has always been and continues to be fully compliant with these rules. Pillar Two is a very technical tax project and I appreciate that of course makes it challenging to scrutinise. Treasury has worked with the C.S.S.P. (Corporate Services Scrutiny Panel) and the E.I.A (Economic and International Affairs) Panel for the past 2 years on the key principles and designs of Jersey's Pillar Two implementation. But I know that the legislation has only been available to the sub-panel for a matter of weeks since August and it is difficult to scrutinise such legislation in this timeframe. Therefore, I would like to thank Scrutiny for all their work in producing their report. We are reviewing their findings and recommendations and we will revert to the sub-panel in due course. Jersey is a competitive international finance centre with a global book of business. Financial services are the bedrock of our economy. As the Ministerial team, we are pleased



to have created a new International Competitiveness Political Working Group. This is a Ministerial cross-cutting group that is supported by a number of senior government officials. It also has representation from the regulator and from industry through Jersey Finance and Digital Jersey. It is undertaking a review of our competitiveness strategy in a post-Pillar Two world in parallel with the rollout of any possible quick wins that will make a difference to the financial services sector in the short term. One of these early actions is already underway in the design of a new Pillar Two qualified refundable tax credit. Officials are working with industry and advisers on an innovative Q.R.T.C. (Qualified Refundable Tax Credits) that will be effective in incentivising business growth and deepening business ties with Jersey. Pillar Two is a highly complex new global tax regime, both for in-scope groups and for tax administrations. The way that jurisdictions respond to the challenge of Pillar Two implementation and the provision of taxpayer support will be an important differentiating factor for success. Jersey has a longstanding corporate income tax regime. Revenue Jersey is an experienced and capable tax administration that has been well resourced by this Assembly to deal with international tax matters and should continue to be provided with resources for I.T. (information technology) development and personnel through the rollout of Pillar Two. The Minister for Treasury and Resources of course will speak more about this in her intervention later. There will be new administrative burdens for groups that are in scope of Pillar Two. These burdens are created by the compliance requirements of the global regime itself and not by Jersey's implementation of it. Revenue Jersey is committed to providing taxpayers with the support they need and to keep the Pillar Two administrative burden in Jersey as low as possible, within the boundaries of the O.E.C.D. rules. I know that this is complex and this is at this stage just the principles. But I am confident that Jersey is well positioned to implement this new Pillar Two regime and to make it a success and, therefore, I propose the principles.

**The Bailiff:**

Are the principles seconded? [**Seconded**]

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

I stand and advise to say that I welcome and support this draft law and stage in the principles and to commend the work of the Treasury and External Relations and the Ministers that have been involved in the finalisation of this. In so explaining my support to say how fortunate indeed we are to have got the scale and size of organisations based in Jersey that are, as the Assistant Minister with the Minister, I think, proposing it, as the Minister said, the types of businesses that are going to be in scope for this are incredibly large multinationals. While we cannot refer directly to individual businesses or entities because it would breach tax confidentiality, it is, if I may say, a real feather in the cap of Jersey that we have those institutions in Jersey. The fact that we not only have attracted them in recent years, we have kept them. How jolly lucky, if I may say, this Assembly is to have secured their presence and while we can take nothing for granted, the amounts of revenue that will arise, we hope, because of it are going to provide this Assembly with the unexpected fill up, call it a windfall if you like, that it is just going to be absolutely fundamental to the Government in its abilities to try and balance the books in the next few years. The Treasury has set out a plan as to what to do, subject to this Assembly's approval and the various different global agreements, et cetera, that must happen, but the numbers are bold; they are large numbers. They are not to be taken for granted. They are not to be taken lightly. In my opinion, they should not be spent and relied upon. They should be put away and salted away to the maximum extent possible.

[14:30]

That is, effectively, what the Minister is proposing in the other related proposition that is intrinsically part of this, which is the Budget. I think the Minister, if anything, has been too giving in terms of the money. If one were to go back to the foundations of the Strategic Reserve then this is exactly the kind of money that is an unexpected windfall that should be salted away and put either in the

Stabilisation Fund, which is now at virtually nothing because we had to spend it, we double-graded it and used it at the time, but it is going to be very tempting for Ministers to put pressure on the Minister for Treasury and Resources and the Treasury to spend this money. I would urge Members to support this in its principles and the detail it is going to come on to but to be realistic and to be cautious about this golden goose that is continuing to lay golden eggs. If it is plucked too much, if it is not fed, if it is not looked after, it will fly away. We are now in a globally-competitive situation in a way that we have never been before because the companies that will be paying this tax have got choices. It is no longer going to be the case with this law being adopted that they are going to have another jurisdiction where they will get a better and lower rate of tax. That means that that business is going to be looking for other reasons to stay and to continue to use Jersey and favour Jersey. If I might say the Minister is probably a little modest and they need to be because of the very nature of the confidentiality of who these players are but these are really good quality international businesses, which are here because of the very reasons that we have a lot to be proud of in Jersey. We are a trusted, mature, proper jurisdiction that is of the highest standards in all aspects of its administration. We will just draw a bit of a veil over the J.F.S.C. issues but they can be fixed with the right action. But in terms of the judicial decisions that are taken, Sir, in the place that you sit sometimes when you are not here, the quality of our judiciary, the quality of the services, the quality of, dare I say, the Assembly's decision-making, being prudent, being fiscally responsible, they are all very important factors as to the reasons why Jersey has got these kind of international organisations in Jersey and undertaking and using our financial services sector. But it must not be taken for granted. This is the right legislation, it has been worked on very carefully by the Treasury officials and I know that the Minister in summing up may offer his and the Minister for Treasury and Resources' congratulations to the individuals in both the Treasury and External Relations who have but done this Assembly and the Island a great service in terms of crafting this particular approach to dealing with this global tax agreement by the O.E.C.D. It is a really innovative and really carefully and really cleverly done way. There are no tricks or anything. It is really very cleverly put together and I know Scrutiny has scrutinised it. But what I would say to Members is please do not think that in adopting this and looking forward to the revenue that will arise from it, that that is automatically going to stay here and carry on coming and laying those golden eggs that this Assembly so desperately needs because of its problems in public finances and not being able to fund the hospital and all the other things that the Government of the day that we have no longer to spend on. It is not going to necessarily continue to be that way in the future and I would not bank on it. But what I would do is I would salt it away and put it away in the Strategic Reserve, as the Minister has said, and the Stabilisation Fund and do not spend it unless we absolutely have to. In those supportive words but those cautionary words, and I am somebody that has had quite a lot to do with this and the evolution of this since the very start. I do not think I would have imagined the situation where there would be international agreement of a minimum global rate of tax, even 5, 10 years ago. I do not think it would have even been something that one would be considering. It is happening, it has got consequences and I think Jersey, well positioned, is capable of continuing to serve these global organisations and serve them well and serve them with pride. But let us not take it for granted and it is unexpected free money that we ourselves here, apart from the work that has been done by the Treasury and the finance industry, that this is money that we did not expect. It is a good job we have got it but do not take it for granted because it will not necessarily stay here if this Assembly does not give it the impression that we have stable Government and responsible Government and fiscal prudence Government. I hope those observations are helpful from somebody that has been involved quite a long time in this.

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

Pillar Two introduces a global minimum tax and it should be a game-changer. As we heard from the Minister, it sets a floor on corporate taxes, levelling the playing field for countries and companies alike by reducing the incentive for profit-shifting, it addresses a longstanding issue of large multinational corporations being able to shift profits to low-tax jurisdictions, often avoiding paying

their fair share of taxes in the countries where they generate significant revenue. This has affected both developed and developing nations alike. This practice of profit-shifting has created an imbalance where small businesses operating solely within their home countries end up being taxed at higher rates than giant corporations. This is not just unfair, it is unsustainable. This move should safeguard national tax revenues enabling Governments to better fund public services, healthcare, education, infrastructure and social programmes that are critical to citizens' well-being and helping to close that inequality gap. But also especially for developing countries, it can reduce the reliance on aid, while helping lift many out of poverty in a more long-term sustainable way. Corporate income tax is essential for revenue-raising in developing countries. Developing countries are especially exposed to profit-shifting and tax competition. Estimates in 2023 reached 480 billion U.S. (United States) dollars in lost revenue. This is over double the amount that flows into developing countries in the form of aid, which is 223 billion U.S. dollars, so more than double is lost in revenue. They have more limited alternatives for raising revenue and their limited administrative capacity are now stretched further by increased complexity. For them securing a tax base on inward investment is key. This reform should generate more revenues for developing countries, vital to reach sustainable development goals by 2030 and face the current climate and debt crisis. Make no mistake, aid alone will never be enough to accomplish this. Take, for example, Zambia, a country rich in natural resources, are receiving minimal tax revenues from foreign companies extracting its wealth. In 2011 5 companies produced copper worth over 4.2 billion US dollars but paid only a fraction of taxes. This loss of revenue is crippling for a country where these funds are desperately needed, for not only lifting people out of poverty but for education, healthcare and infrastructure. One of these companies is registered in London with subsidiaries registered in Jersey. It manages 3 copper mines in Zambia and has had to deal with high-profile cases regarding water pollution, environmental mismanagement and how it treats its labour force. It generated 1.7 billion U.S. dollars in revenue and an operating profit of 221 million U.S. dollars in 2011/2012, yet only paid in taxes to Zambia roughly about 11,000 U.S. dollars. But Pillar Two is not just about tax reform, it is about fairness. A major shift in global governance reflecting a growing consensus that all businesses, regardless of size or location, should contribute equitably to the economies that support them. There is, potentially, more to come, with advanced discussions at the U.N. to develop a U.N. tax convention, a global framework for international tax corporation and discussions at the G20 to tackle taxation of the superrich. For countries like Jersey the global minimum tax represents an opportunity to change the narrative. By embracing Pillar Two and evolving its tax practices Jersey can develop its governance expertise, particularly in areas of sustainability and responsible finance. This shift could attract a new generation of skilled professionals and boost productivity through innovation and tech-driven solutions. Global expectations are evolving rapidly and jurisdictions that fail to adapt to these shifts risk falling behind and losing their competitive edge. This is why I feel it is particularly important that a sizeable amount of the forecasted Pillar Two tax receipt should not just go to improve the competitiveness of the Island, as outlined in the Draft Budget 2025, but be specifically focused in developing and strengthening our sustainable and responsible finance offering. It is not just me saying this, the Jersey Sustainable Finance Consultation concluded the opportunities this would have for Jersey. In the words of the consultation report it says: "It would reverse a period of slow decline in our I.F.C. (International Finance Centre) and to change the narrative around Jersey's contribution to the global economy. It would retain existing but also attract more skilled resources to the financial services industry, especially the younger generations and it would increase productivity by adopting innovative tech-driven solutions to E.S.G. (Environmental, Social and Governance) challenges and upskilling our workforce as a centre of E.S.G. expertise in our chosen markets and it would develop governance expertise with a sustainability dimension." This is not just about numbers on a balance sheet, it is about pushing for meaningful systemic change and, ultimately, it is about people as a basis, ensuring they have access to education, healthcare and clean water and funding the critical climate action needed for a sustainable future. It is about understanding our impact in Jersey on the rest of the world and doing our part to ensure that there can be a sustainable future for all.

### 8.1.3 Deputy J. Renouf:

I will start by saying that in the run up to this debate we had a quick discussion among members of the Scrutiny Panel as to what would happen if I was unable to attend this States sitting. In this situation my vice-chair, Deputy Tadier, would have been called by you, Sir. I can tell Members that Deputy Tadier's eyes lit up, that he immediately spotted the potential as chief responder who would not have been subjected to time limits. **[Laughter]** I think I remember him saying that 45 minutes should be enough to consider the main issues. I am happy to say that I am not limbering up for something similar, although I do accept it is entirely possible that 45 minutes of Deputy Tadier would be more entertaining than 10 minutes of me. I first encountered Pillar Two or Pillar Two G.L.o.B.E., as I think it is properly known, when I was in Government. Ministers were briefed on the preferred approach that had been developed by officers and Ministers. It was immediately apparent that while the concept at stake was relatively simple, a global minimum tax rate for large multinational enterprises, the details of implementing the policy were exceptionally complex. You can tell this partly because of the proliferation of acronyms; G.L.o.B.E., M.C.I.T., I.I.R., U.T.P.R. (Undertaxed Profit Rules), Q.R.T.C., G.I.L.T.I. (Global Intangible Low-Tax Income) and so on. This is a piece of legislation that is exceptionally complex in its execution, although it is simple in its intent. I must say that even renewed and intensive exposure to Jersey's approach to adopting Pillar Two over the last few months, the panel in reviewing the work, has not made the task of understanding it any easier. I hope it is okay to admit that there are still details of the legislation about which I would not like to be too closely questioned. However, in better news, I think there are some simple conclusions that can be drawn and that is what I am going to concentrate on in this speech, speaking principally with my Scrutiny hat on before making a few personal observations at the end. This first proposition is about one particular aspect of Pillar Two, but there is a wider context which I am going to briefly explore. One way of understanding the Government's approach, I think, as encapsulated in these propositions, is the result of a number of key decisions and understanding those key decisions helps us understand the Government's approach and allows us to judge whether it is going in the right direction. Of course, as we have heard, the origins of Pillar Two lie in the increasing pressure from campaigners and many nations regarding base erosion and profit-shifting, as we have heard very eloquently from Deputy Jeune. This leads to what is often called a competitive race to the bottom in which jurisdictions lower their tax rates in order to keep or attract companies which can be particularly damaging for developing countries, which are unable to capture the tax revenue that should be due to them for the operation of multinationals in their territory. That is why the O.E.C.D. eventually came up with this system of a global minimum tax rate at 15 per cent, payable by companies with revenues over 750 million euros.

[14:45]

Given that large companies in Jersey are mostly either zero rates or pay 10 per cent, clearly this means an increase in the headline tax rate for those companies that are in scope. It is worth remembering that there may be some non-finance companies, retailers or others that are currently taxed at 20 per cent and fall within this new tax. It is worth just remembering that. Tax confidentiality means that we do not know that for sure. The first key decision Jersey faced was in or out. It is not compulsory to sign up to Pillar Two and there are some in Jersey who argued and argued to the panel that we should not. However, there would be significant implications; reputationally Jersey would risk being seen as, effectively, going rogue, particularly given that the E.U., the U.K. and other C.D.s (Crown Dependencies) are all signing up. However, the killer argument is a bit simpler and starker, which was pointed out by the Minister. If Jersey were to opt out, then the tax revenue that would have been paid here can be claimed by another jurisdiction; that is what is clever and innovative about the O.E.C.D.'s Pillar Two regime. It is designed in such a way that companies have to pay the 15 per cent minimum rate somewhere. If Jersey did not sign up then another jurisdiction where a Jersey-based entity also operates would be able to claim the tax that would have been due here. In other words, not signing up would have been a double whammy. We would have suffered

reputationally and lost out on a big slug of tax income. The first big decision point seems clear, we need to be in. Allied with that was the decision to introduce it in 2025. We could have introduced it in 2024 in theory at least but, again, I think we feel that the Government's approach was correct. It would have meant going too early before we could have properly understood how other jurisdictions were implementing and also the more advanced O.E.C.D. guidance that has come out in the intervening period. The next big decision was how to implement the 15 per cent rate, and there were essentially 2 options, either a top-up tax on the existing Zero/Ten or an entirely new tax rate, new tax. I think the problem with adapting Zero/Ten was complexity. It would have meant trying to calculate tax revenues on the basis of 2 different tax bases because the tax base calculation for Zero/Ten is different to the tax base calculation under the O.E.C.D. So it was determined early on that the best way to implement Pillar Two was for Jersey to create a new 15 per cent tax rate, the M.C.I.T. as it is called. This was significant because it enabled Jersey to design its own tax under the O.E.C.D.'s so-called common approach. So again the panel took the view that using the bespoke tax route rather than adapting existing taxes was the right approach. So this common approach has been critical to the Government's way of dealing with this because the O.E.C.D. offers 2 routes to compliance with Pillar Two. There is an off-the-shelf route where you basically lift and drop their suggested tax into your own tax system, and for many countries this makes sense. If their corporate tax rates are already over 15 per cent, then Pillar Two is not going to have much bite anyway and so using the O.E.C.D.'s model rules is a quick and easy way to ensure compliance. However, the O.E.C.D. also endorsed an alternative way to achieve compliance, the common approach. This effectively meant that jurisdictions had to sign up to the principles, the objectives of Pillar Two, but they could choose to do it in their own way. So Jersey's use of the common approach was, therefore, another key decision and it made sense to the panel, given the specific nature of our finance industry and, indeed, our economic model. It allows the detailed implementation of Pillar Two to be tailored to the Island's needs. Using the common approach makes it critical, of course, to stay in touch with the O.E.C.D. to ensure that the Island's legislation remains compliant. In this regard, the panel was pleased to note that officers and Ministers had remained deeply engaged with O.E.C.D. officials to ensure that there should be no problems with compliance further down the road. I would like to join in the comments made earlier by Deputy Ozouf in complimenting the officers involved. We were very, very impressed with the level of engagement with the officers over a sustained period and their command and engagement with people outside the Island, the O.E.C.D. and other nations. So the ability to design the tax from scratch using the common approach was important because it allowed the Government to tailor the legislation so it would fit around the particular contours of Jersey's finance industry. In particular, it meant that a system of tax credits could be devised for U.S. companies that operate in Jersey. This is important because the U.S. already has its own version of a minimum corporate tax, which goes by the rather exquisite acronym of G.I.L.T.I. Since the U.S. minimum tax rate is 21 per cent, adding the O.E.C.D.'s Pillar Two 15 per cent rate on top would be disadvantageous to American corporations. Therefore, under the M.C.I.T. the U.S.-based companies will be able to claim a tax credit of up to 50 per cent of their Jersey tax liability if they can show that they have already paid tax in the U.S.A. The aim of this is to ensure that we maintain business, American business, in the Island. The panel agreed that the tax credit option was a smart use of the flexibility that is offered by the common approach. We did also note that while the Government has designed the tax credits as a defensive move to try and keep U.S. companies in Jersey, if it is successful there is a possibility that over time it might tempt other companies to locate here. In other words, it might be seen as offering a competitive advantage. I know the Government is keen to emphasise this is not the intention, but it seems to the panel that it is a logical extrapolation that a successful defensive measure could over time be sufficiently successful to attract new business. The panel's view was that the Government needed to remain alert to how Jersey's approach is being perceived by the outside world. We have no doubt that Jersey's approach is fully compliant with the O.E.C.D. but that might not stop political opponents from trying to make capital. So those are the big decisions that I wanted to highlight: choosing to go in, choosing when to go in, choosing to have

a bespoke tax, the M.C.I.T., and to use the flexibility inherent in the common approach to ensure that Jersey's Pillar Two tax works for Jersey's finance industry and the wider economy. In terms of how the money is spent, we endorsed the view that adding it to reserves was important and I will say a few more words about that in my personal comments in a moment. We did also agree that the approach to try and spend some of the money on measures to improve the competitiveness of the industry was important but would need to be handled very carefully to not fall foul of the O.E.C.D. I want to thank, in addition to officers who worked on the panel, who worked incredibly hard against very, very tight deadlines and did terrific work ... I am sure you have all read the report that they produced. I do not see anyone nodding. The Government did at least. But I also want to make the thanks that I forgot to put in my introduction to the report, which was to those business representatives who came forward to talk to the panel in confidence. It was very helpful to the panel to have the benefit of those words. So finally, a few personal thoughts. I mentioned the tax receipts, as did Deputy Ozouf, and I find myself aligning fairly strongly with him. It is going to be a big responsibility to decide how those tax revenues are spent. The Stabilisation Fund is one I feel particularly strongly about. I went to the presentation made by the Fiscal Policy Panel a few weeks ago, and they made the point that the Stabilisation Fund is there because we do not control interest rates in Jersey. Therefore, we cannot use interest rates to operate counter-cyclically when a depression bites or when the economy overheats. So the clever thing that was done by people long before me was to create the Stabilisation Fund as a counter-cyclical measure, a way of dealing with recession should it happen. That was wise, and it has been used. It was used, I believe, after the financial crash in 2008 and it was used, of course, most recently during COVID. It has not been topped up since. There are plans to try and do so, but we have yet to see them come to fruition. So it does seem to me that the Stabilisation Fund should be a priority. The Fiscal Policy Panel basically chastised the Government - the previous Government and this Government - for not topping up the Stabilisation Fund during a time of buoyant tax revenues, but they basically said: "Folks, you have a second chance. From pure good luck, really, you have a second chance through the Pillar Two revenues. Do not mess it up this time." So I do feel that that feels like a very strong message that we should heed. Of course, there is always demand for spending priorities in the day but we need to have a strategic approach as well. One other thing I think that struck me was that we will no longer be able to compete, as Deputy Ozouf said, by offering zero or low tax rates in the international marketplace. But I think what has been impressive about the way the Government has approached this is they have found the room to still be competitive, to still find ways of making our industry competitive, by designing the tax carefully in a way that means it offers things that other jurisdictions are not offering, at the moment of course. They could catch up, if you like. It seems to me that that is important to remember that. To those people who said that this could be the death knell of the finance industry in Jersey, we do still have the ability of controlling our own economy, controlling our own taxes, to design taxes, international taxes like this, in a way that is helpful to our own economy. I think one of the advantages of our people working in this area in government is that they are able to see that picture and it is good for the Island. There is no doubt that Pillar Two is a big moment in Jersey's history. While notionally we still have the ability to set our own tax rates for large companies, in practice they have been set for us by the international community working through the O.E.C.D. Pillar Two is the beginning of international taxation and I think it is unlikely to be the end. Already there are discussions taking place, as Deputy Jeune said, regarding minimum tax rates for very high-net-worth individuals. The international landscape is going to become increasingly complex and Jersey will have to stay fully engaged. In my view, we should continue to engage positively with that international tax reform. My final point, I suppose, is that there are 2 things to balance here. The finance industry is very, very important to this Island and we need to think carefully about how we support it, how we make sure that we treat it in a way that means that the industry stays, but we also have to think about the stability of the global system. We have a stake in a multilateral world where agreements are negotiated, where rules are abided by, and I therefore feel that it is not in Jersey's interests to resist too strongly a direction of travel when it is becoming

obvious where that direction of travel is going. I think we should listen to the international community, see where it is going and have some due regard to that, because in the end we may need to take decisions that may appear to be in the short term not in the short-term interests of a sector of the finance community but they may be in the long-term interests of the stability of the system. I think we need to bear that in mind as well. I shall finish there.

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

I too support this draft law for all the reasons given by Deputy Renouf. There is no choice, actually. It would be utterly ridiculous for the Assembly to decline to pass the law. If I have a concern, I think it is that the law demonstrates the extent to which we are now as a jurisdiction bowled along by international initiatives over which we have virtually no control. The consequence of the adoption of this law will be that entities which have a revenue of more than 750 million euros will pay tax at the rate of 15 per cent.

[15:00]

Entities which have an income of 700 million euros will pay zero per cent. But that is the consequence of the system that we have. I do not rail against it. I just observe that it is curious. I have a question for the Minister. We should, it seems to me, so far as we can retain a control over our own destiny in fiscal matters, and I would like to ask him whether the O.E.C.D. model rules have an ambulatory character so far as Jersey is concerned. In other words, if the terms defined in the rules are changed by the O.E.C.D. and take on a different meaning, does that different meaning automatically apply under Jersey law? The second observation that I make, which it struck me as being curious, was the interrelationship between Articles 29 and 30 of the Bill. Article 29, headed "Offences", says that it is an offence for a reporting entity in relation to a chargeable M.N.E. (multinational enterprise) group to fail without reasonable excuse to comply with a requirement imposed by Article 22, and that requirement is to submit a return. Then one goes down to Article 31 and one sees that the failure to submit an M.C.I.T. return can also give rise to a civil penalty imposed by the Comptroller. I would be curious to know in what circumstances a failure to comply with this requirement would lead to a prosecution and an appearance before the Royal Court and in what circumstances it would lead to a civil penalty imposed by the Comptroller. But as the Minister has said, the passing of this Bill, this draft law, is clearly in the interests of the Island and I support it.

#### **8.1.5 Deputy E. Millar:**

The Assistant Minister for Treasury and Resources has explained clearly the objectives of the Pillar Two package of legislation which I lodged on 14th August. I support everything Deputy Gorst has said and just want to pick up on 3 particular areas, which are Jersey's tax policy principles, our forecast Pillar Two revenues, and Revenue Jersey's ongoing role in supporting taxpayers. Members will remember the tax policy principles that have been approved by this Assembly and are contained once again in the proposed Budget for 2025-2028, at page 22 in case anyone wishes to consult. Firstly, they should be fair and sustainable, which means that taxation must be necessary, justifiable and sustainable. Taxes should be low, broad, simple and fair, which means that everyone should make an appropriate contribution to the costs of providing services, while those on the lowest incomes should be protected. Lastly, that they should support broader government policy, so they should be internationally competitive. Taxation should support economic, environmental and social policy. It should be efficient and effective and taxes should be easy to implement, administer and comply with at a reasonable cost. No individual tax measure will meet all of these principles, but overall the Island's tax regime should represent a sustainable balance of them. I believe the Pillar Two legislation being debated today meets most, if not all, of these principles, both in its design and in the plans for its implementation. The proposed Budget 2025 sets out the Government's basis for forecasting Pillar Two tax receipts for Jersey. Forecasting the revenue effect of any tax change is challenging. It can be impacted by ongoing changes to the regime, the way the regime is

implemented, and the behaviour of taxpayers in response. In the case of Pillar Two, forecasting is made more difficult as the responses of in-scope taxpayers will be affected by the implementation of Pillar Two globally and not just implementation in Jersey. The international implementation of Pillar Two is still in its inception phase and the pace and manner of its rollout varies across jurisdiction in line with the O.E.C.D. common approach. It is likely that the behavioural impact effects will take some years to fully materialise. These variables have informed the Government's approach to the Pillar Two forecast, which has been prepared as a base case forecast amounting to £52 million in 2026 and 2027, rising to £54 million in 2028. This base case represents tax revenues that the Government is reasonably confident will be received on a recurring basis. It may be that Pillar Two revenues turn out to be considerably higher than this base case. However, the magnitude of these additional or upside revenues is highly uncertain. There is also further uncertainty as to whether any upside tax revenues may continue in the medium term. For example, they could be impacted by future changes in the behaviour of some in-scope multinational groups. Because of these considerable uncertainties, the decision has been taken not to try and estimate the upside tax revenues in this Budget. This approach has been endorsed by the Fiscal Policy Panel in its recent annual report. As with all tax revenue forecasts, the Pillar Two tax forecast will be kept under review. The Government Plan also sets out the Government's approach to the use of the base case Pillar Two receipts and to any further upside receipts. Base case receipts will be used to fund the servicing of hospital borrowing - that is, interest and funding costs - investment in the competitiveness of the Island, the costs of implementing and administering Pillar Two, and strengthening reserves, including consideration of transfers to the Stabilisation Fund or the Strategic Reserve in line with Fiscal Policy Panel recommendations. It is anticipated that the potential upside revenues from Pillar Two should be used for strengthening reserves, further investment in competitiveness and investment in infrastructure. I can only endorse Deputy Ozouf's comments and those of Deputy Renouf regarding the prudence with which we should use those funds going forward and the importance that we do place on building those reserves further. You will hear me say this more than once: we all have our part to play in that process. I also endorse the comments of Deputy Gorst in relation to the importance of supporting in-scope Pillar Two groups as we and other jurisdictions implement Pillar Two. This Government Plan or Budget allocates over £4 million towards the estimated implementation costs in 2025 and 2026. As noted in the resourcing requirements in P.53 and P.54, there will be further funding requirements in later years as the Revenue Jersey staffing and ongoing I.T. costs become clearer. These costs are an important investment in the support that Revenue Jersey is committed to providing to the impacted taxpayers. I am assured that work is advancing well on the design of the new Pillar Two I.T. system and our user-friendly I.T. portal, the establishment of a new dedicated Pillar Two unit within Revenue Jersey to provide one-to-one customer service, and Revenue Jersey guidance. In fact, frequently asked questions have already been posted on the Revenue Jersey website to deal with the most urgent issues for clarification.

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

Others have spoken on why it makes sense to support this proposition and why we should not take it for granted. There is a song by The Clash that coloured my teenage years, admittedly my later teenage years, and I think it has some relevance to the companies who could fall within this law's net and end up paying tax in this Island. That song was "Should I stay or should I go?" Now, we can regard this law as fortuitous, but no international company that falls within its net is pinned here like some sort of moth on some exhibition cloth. We still have efforts to make this Island competitive as a jurisdiction that we need to make. Investment in competitiveness is not and should not be regarded as a matter for the finance industry alone. Reducing red tape, keeping taxes low, being efficient and truly productive across the whole of the public sector, across the States Assembly itself, all play a role here towards making us more competitive as a jurisdiction in which companies would want to operate here and choose to stay here. The Common Strategic Policy touches on some of these other areas that play an important part in our being competitive as a jurisdiction. This includes the quality



and availability of education and childcare. But I think the bottom line that I want to make is that as we support this proposition, as I hope we all do, that we really think about the collaborative nature that we need to continue between us to ensure that this is not a bucking a trend, that we really can reverse a trend that has led to a decline in productivity, a declining economy, and focus on the things that really matter, which is really integral to our well-being, and that is our economy.

### 8.1.7 Deputy M. Tadier:

Like others, I would like to also just acknowledge that a lot of work has gone into this. I know from sitting on the panel first of all that a great deal of work from the Minister's side, with the very committed and diligent team that he has, has been working not just recently but for I think probably years on this change that has come through. Also I have seen that our Scrutiny Panel, for example, has put a lot of work in, not least the officers involved, to turn something around in a relatively short space of time for what is a big piece of work. So the scrutiny has been going on and I know that, of course, it will have been scrutinised by interested parties who have been watching. So, if you like, there are at least 3 forms of scrutiny that have been happening with this legislation. Of course, that will need to continue because I think, as has been suggested, nobody knows 100 per cent what all of the consequences of this will be and how it will bed in. But we do note that it is potentially something that is very exciting. At least those of us who have probably followed international taxation for a while recognise that there is a continuum here. I noticed that Deputy Jeune and also the proposer, Deputy Renouf, did touch not just on the nuts and bolts of how this will affect us but also the underlying philosophy about why this is being done. I think that it is important to remember that. We put it in our report. If I can bring it a bit closer to home, though, because I do want to touch on this issue. I was not necessarily going to but it was raised by a few Members, including Deputy Ozouf, about this windfall that we are going to get. I think it is worth reminding ourselves of maybe part of the history of this. I went back to what is a rather stark looking document now from October 2007. It is not quite as colourful and glossy as maybe the documents that government produces nowadays. It was the Budget Statement lodged in October 2007 and debated in December. Back then it is worth noting that the overall government expenditure was something in the region of £570 million. That is 16 years ago and we are now at a point where government expenditure is double that, probably slightly more than double. I do not make any comments on that but it does reflect the way that government spending has gone and where inflation has gone.

[15:15]

I also, using the Control F function - which I think we are all familiar with - on documents, typed in the words "black hole", and we are reminded that it was also a couple of years before this that G.S.T. was introduced into Jersey. At the time G.S.T. was introduced on the basis of changes to our corporate tax regime, where some companies which previously did pay tax were no longer to pay tax. At the time it was a £45 million hole that G.S.T. was sought to fill and it was introduced to fill that at 3 per cent, which is now at 5 per cent, which I think many of us would never have thought it would have stayed at 5 per cent, but we will not go into a full debate about G.S.T. I use that partly to illustrate the points I am about to make. There are probably only, I think, 2 Members in this Assembly today physically who were present at that time, and it would be Deputy Southern on the one hand and Deputy Gorst on the other. Apologies if I have missed anyone; there are other Members who are maybe not here today who would have been there for that debate, for the Budget debate in 2007 I am talking about. **[Interruption]** Young Deputies, and I am sure you still are in many ways. So when we talk about this windfall that is being made here, another way to look at it is that it is the deferred taxation that we have not been getting for 16 years, which at the time the public were asked to pay for in the form of an indirect tax, which was not related to their ability to pay or their income but it was related to a sum that Government needed to fill because companies were no longer being taxed. So fast forward and that £45 million today of G.S.T., if indeed that is what it was at the time, is now roughly, going on last year's figures, about £115 million in G.S.T. that people have been

paying to make up for the fact that companies have not been paying tax in Jersey, okay? So when we talk about this windfall and what we might do with the windfall and that we should maybe put it into a particular reserve; that is fine, we can have that debate. But today is not when we have that debate. I would say it is absolutely right that that decision about where the money goes is controversial because, ultimately, the public were asked to pay in the first place for that deferred payment, which they had been making for the last 16 years into what would have been corporate income tax. If we are going to ask for that money to be put in a pocket, in a bank account that we use called the Consolidated Fund or whatever fund we end up using for it, which has its merits, I think we need to be mindful of the fact that some people were: "Can you maybe give us our G.S.T. money back? Could you reduce G.S.T. to 2.5 per cent, rather than 5 per cent?" I think that is not going to happen of course but if it were logical and fair it might be the consequence that we follow through on that. I do think we find ourselves in a very interesting position though here, that we are recouping some of that money but it is only some of those companies which will be paying tax; that is what we have got to remind ourselves. The Multinational Corporate Income Tax will be for the largest companies and it will be for the multinational companies. The question in future will inevitably come about and it usually comes about via external pressure and not necessarily from internal pressure, about do we then have a conversation about how we might tax other companies that are benefitting from being in Jersey and, if so, how do we do that and what are the implications of doing it? The last thing I would say on this bid is that we hear a lot of talk about competitiveness but we have to be mindful of the fact that a lot of these terms are relative. When we say we want to make Jersey more competitive or the competitiveness of the Island will be invested in, the competitiveness of whom and for whom? Is it for businesses pure and simple or is it the competitiveness for people who might have to live here, work here and afford their housing costs, their electricity costs, et cetera? I think there will be arguments necessarily about who benefits from the new windfall that comes in from this deferred taxation, if I can call it that.

#### **The Bailiff:**

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

#### **8.1.8 Deputy I.J. Gorst:**

It is always a pleasure to follow Deputy Tadier because he views the world through slightly different lenses to the ones that I view it through. One day we might exchange glasses, though I am not sure. I want to just start with Deputy Ozouf's speech, which really is a counterbalance to what Deputy Tadier has just spoken to us about. We know that financial services is the bedrock of our economy and yet there is an important symbiotic relationship between the other sectors of the economy as well; hospitality, connectivity, making Jersey a great place to live and work, the historic industries of agriculture. I would just like to offer a word of apology to colleagues in the gallery having to sit through this tax debate when you are really here for a different debate. But the fishing industry as well, they all work together to make Jersey what it is. I, for one, am absolutely committed, counter to a number of other interventions in this debate, in wishing to maintain and preserve Jersey as a tax-neutral platform for investment flows around the globe. I would slightly counter some things that colleagues have said, in Jersey we expect tax to be paid on capital before it reaches Jersey and we expect tax to be paid on capital when it is invested in other countries. This is something that we, as an Assembly and as a community, cannot and should not take for granted. As Deputy Ozouf said, these large multinational corporations are not in Jersey by accident, they are in Jersey through choice. Jersey, as a financial services centre, is a jurisdiction of choice. What we do in this Assembly can have a direct implication on the choices not only those large multinational companies make but also small companies; families who are creating trusts, businesses which are seeking to raise finance, individuals that are wanting to consolidate investments to invest elsewhere across the globe. Jersey

is a jurisdiction of choice and we should not forget that. The rationale for that choice is multifaceted. Deputy Ozouf spoke about some of those. The quality of our judiciary and the lawyers that support that institution over the way, the stability and the soundness of public finances, which means ensuring that we have got appropriate reserves in place. The F.P.P. have spoken a lot about their thoughts, about the size of our reserves. We are right to be challenged that they need enhancing and increasing, not using in any other way and political stability is important; the connection to the city but also the time zone which allows us in an everyday working situation to be connected both east and west of here. All of these factors are important, as is compliance with relevant international standards, whether they be the F.A.T.F. (Financial Action Task Force) standards or appropriate tax standards. Therefore, it is important, as Deputy Bailhache reminded us, to be connected with international fora in the way that we are. Our challenge is not to step back from those fora but is to increase our contact with them and our ability to attend and influence those decisions. When it comes to the O.E.C.D. and the work of the inclusive framework, I am incredibly proud of the officials that we send in Jersey. Firstly, we attract them to Jersey and, secondly, we send them out doing unsung difficult technical work on our behalf ensuring that the international community not always agreeing with us but has a better understanding of what it is that we do in Jersey in our finance centre. We should never, ever for a day or a minute take it for granted. I do not believe that we do and I hope that we will not in the future. Deputy Jeune spoke to us about the developing world and sometimes the difficulties that they have encountered with inward investment. The need for inward investment but not always necessarily having the skills in their competent authority to ensure that they are getting the best out of that investment; how they are taxing it, what offsets they are giving, rather than just having the investment and the jobs in country. It is true that the way that the Pillar Two model rules are set out means that some of those issues can be tackled. But it will require and it does require those countries to implement themselves domestic minimum taxes to ensure that they take the share in this new world of profits that are made in country and that they are able to tax them appropriately. Because it is a global approach and that is something that the O.E.C.D. is mindful, that it needs to continue working on and encouraging. I hope that indeed that is exactly what happens. Others have said that they think that this is, in effect, a train that has left the station and is going in all sorts of other places. They have talked about the wealth tax and all of those things. I am much more cautious in that regard. The reason being is that these are companies which are operating multi-jurisdictionally and it is not about personal or family wealth. I think that the sovereign nature of the right to tax for sovereigns - and in our case where you have the autonomy to do so - is a very much more difficult set of problems to solve. I do not think that we are perhaps on the journey that some have indicated they think we might be. I find myself in one of those strange situations that had someone asked me the question that Deputy Bailhache asked me I would probably say: "Go and speak to Deputy Bailhache, he will probably know the answer to it." But, firstly, I wanted to touch on his important point about ambulatory rules. One of the reasons that we have decided to separate out the 2 pieces of legislation and do a Jersey M.C.I.T., rather than just following the Q.D.M.T.T. (Qualified Domestic Minimum Top-Up Tax), which is the approach that we could have done to deliver the model rules but we have chosen a Jersey law, is because it does just that. It enhances our own domestic competency and right to write our own domestic tax legislation. Therefore, in the M.C.I.T. there are not ambulatory provisions for the very reasons that I think he has indicated he would be concerned about. Of course we will have to continue to follow the model rules if they get changed, but that will be a decision for this Assembly in how it follows those model rules and when it follows those model rules. We will give certainty we will be following the model rules but it is right that this Assembly decides. In this legislation of course it is different, in the second bit of legislation that we will come to after this in the I.I.R. because that is incorporating that top-up tax into Jersey domestic legislation. There are ambulatory provisions for that there and it is absolutely important in that regard that we follow the rules to the letter, in the same way that the model rules do. Because that piece of legislation, unlike the M.C.I.T., will need to go off to the O.E.C.D. for a peer-review process.

[15:30]

A domestic-covered tax is a domestic-covered tax; that is what the M.C.I.T. is. It is within the purview of this Assembly and it will not, therefore, be subject to O.E.C.D. peer review. But with regard to the I.I.R., we have separated that out so that that bit of legislation can have that peer-review process and, therefore, must follow and have that ambulatory provision written within it. Deputy Bailhache also asked about, in effect, the interplay between the civil penalties for failing a global information return and the criminal issue. My understanding is - but I have had a word with the Solicitor General, so I will say what he said as well - that there could be a criminal prosecution for a failure of a global information return failure, i.e. failure to file but that could only lead to a monetary fine. But, as the Solicitor General said, it will be for the Attorney General to consider and in due course issue guidance in that regard. I hope that answers the questions for the principle of this legislation and I maintain the principles and call for the appel.

**The Bailiff:**

The appel is called for. I invite Members not in the Assembly to return to their seats. The vote is on the principles of P.54 and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The principles have been adopted.

<b>POUR: 41</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				

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

**The Bailiff:**

How do you propose the matter in Second Reading, Minister? There is an amendment, is there not?

**Deputy I.J. Gorst:**

Sir, I would like to propose it as amended, if I may.

**The Bailiff:**

Do Members agree that this can be proposed as amended in Second Reading? Very well. How do you propose the Articles then, Minister?

**8.2 Deputy I.J. Gorst:**

Yes, thank you, Sir, I will be, if Members are agreeable, proposing it *en bloc*, as I say, as amended. Parts 1 and 2 of the law set out the introductory provisions, definitions and the application of the law to chargeable multinational groups. Part 3 details the substantive provisions of the law dealing with the charging provisions of the Multinational Corporation Income Tax, including the charge to tax, the computations as calculated in accordance with the model rules, the creditable tax, the payment and instalment obligations, as well as provisions relating to the relief of losses. Parts 4 to 6 deal with the administrative provision of the law which relate to registrations, returns, offences, penalties and appeals. Part 7 signposts the power to make provision for Qualified Refundable Tax Credits. Part 8 outlines the citation and commencement date for the law, being 1st January. Of course I remind

Members that there will need to be, should we approve this, an Act Opératoire bringing it into immediate effect.

**The Bailiff:**

You propose the schedules as well.

**Deputy I.J. Gorst:**

Indeed I do, Sir, sorry, yes.

**The Bailiff:**

Are the Articles and schedules seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak, all those in favour of adopting in Second Reading kindly show. Those against? It is adopted on Second Reading. Do you move in Third Reading, Minister?

**8.3 Deputy I.J. Gorst:**

Indeed I do, Sir, in the same way. It is of course customary to offer words of thanks at some point. I am proposing to do that in the Third Reading of the next piece of legislation. But I maintain these Articles in Third Reading now.

**The Bailiff:**

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

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

I wonder whether in the Third Reading the Minister would give the Assembly his view about the next steps that will be inevitably taken, these global initiatives, in now having passed this global initiative. It starts, it is said, at a certain level and then inevitably then in the period of time that these things bed in and is it appropriate to ask him when he thinks that these global rules about taxation ... of which I do not align my views with those of the remarks issued by Deputy Tadier, We are a jurisdiction that simply is fortunate enough to have a ...

**The Bailiff:**

Deputy ...

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

Yes, I will not go on about that but anyway when does he thinks it is going to carry on?

**The Bailiff:**

No, it is not that. I hesitate to interrupt you but Standing Orders require that in Third Reading the only debate is about whether or not the law is adopted as amended. There is no discussion about any other part.

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

Okay. My comments are not relevant, okay.

**The Bailiff:**

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

**8.3.2 Deputy I.J. Gorst:**

I will not respond to that interjection at this point but should the Deputy wish to raise the point as we go into the next piece of legislation, I will be pleased to respond appropriately. But, in the meantime, I call for the appel, please.

**The Bailiff:**

The appel is called for. Any Members who have left the Assembly would they please return in order to vote? I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The law has been adopted in Third Reading.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				

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

**9. Draft Multinational Corporate Income Tax (Jersey) Law 202- (P.54/2024) - Acte Opératoire**

**The Bailiff:**

Following the approval of this item then the Minister for Treasury and Resources, as he has already indicated, will propose a draft Act declaring that the draft law that has just been adopted will have immediate effect, an Act Opératoire and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Act declaring that the Multinational Corporate Income Tax (Jersey) Law 202- has immediate effect. The States make this Act under Article 12 of the Public Finances (Jersey) Law 2019.

**9.1 Deputy I.J. Gorst (Assistant Minister for Treasury and Resources - rapporteur):**

Sir, I move the Act, as you have just correctly reminded us and it has the effect of bringing this piece of legislation into force, so that they have effect for accounting periods beginning on or after 1st January 2025.

**The Bailiff:**

Is the Act Opératoire seconded? [**Seconded**] Does any Member wish to speak? Those in favour of adopting ... Deputy Alex Curtis, you are calling for the appel. The appel is called for. I ask the Greffier to open the voting and Members to vote. It is on the Act Opératoire to bring the law into immediate effect. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The Act Opératoire has been adopted.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. Clement				
Connétable of Grouville				



Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

**10. Draft Multinational Taxation (Global Anti-Base Erosion - I.I.R. Tax) (Jersey) Law 202-(P.53/2024) - as amended (P.53/2024 Amd.)**

**The Bailiff:**

The next item of Public Business is the Draft Multinational Taxation (Global Anti-Base Erosion - I.I.R. Tax), a tax law, P.53, lodged by the same Minister. The main respondent is Deputy Renouf, again, of the sub-committee and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Multinational Taxation (Global Anti-Base Erosion - I.I.R. Tax) (Jersey) Law 202-. A law to implement the model rules published by the Organisation for Economic Co-operation and Development, as Tax Challenges Arising from the Digitalisation of the Economy - Global Anti-Base Erosion Model Rules (Pillar Two): Inclusive Framework on B.E.P.S. (Base Erosion and Profit-Shifting), the States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

**10.1 Deputy I.J. Gorst (Assistant Minister for Treasury and Resources - rapporteur):**

I am grateful to the Assembly for unanimously approving the new Multinational Corporate Income Tax (Jersey) Law, which is the first part of giving effect to Pillar Group G.L.o.B.E. package. The second tax is the one before us now and is the Income Inclusion Rule. It is a top-up tax that generally applies at the level of the in-scope group's parent company. If the parent jurisdiction has not implemented the I.I.R. then its application falls to the next intermediate parent in the group structure where the I.I.R. applies. The I.I.R. legislation is separate from the M.C.I.T. because it is a separate tax. However, as I have said, it is part of the Pillar Two implementation package. The I.I.R. plays an important role in the Government's plans for implementing Pillar Two as it switches off the application of the backstop Undertaxed Profit Rule that would otherwise apply across multiple jurisdictions globally. Implementing an I.I.R. in Jersey thus provides certainty to in-scope groups and has been welcomed by industry as part of our Pillar Two implementation package. Therefore, I propose the principles.

**The Bailiff:**

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

**10.1.1 Deputy J. Renouf:**

Members and indeed perhaps those in the gallery will be pleased to hear that I have much less to say about P.53 and that is because I see this proposition as more technical in nature. It is about the how of implementing Pillar Two and follows rather mechanistically from the decision to introduce Pillar Two and to have the M.C.I.T. It also of course has to be tightly drawn in order to pass O.E.C.D. peer review. I will at this point just put in an extra bit of thanks, which I forgot in my first one, which is the first speech, which is to say thanks to the Ministers for their help with the Scrutiny Panel for agreeing to delay the debate until this sitting. It was 3 weeks later than they originally wanted and we appreciate the flexibility shown and indeed the support in terms of officer time that was given to the panel to help us in our deliberations. As the Minister has said, essentially the Income Inclusion Rule is the top-up mechanism by which multinational scopes are brought within scope of Pillar Two in a jurisdiction. In terms of its relevance and ...

**The Bailiff:**

Sorry, if you pause for a moment, the Chief Minister is kindly making a very substantial donation to the fines fund. I think you can carry on now, Deputy, without risk of too much more interruption.

**Deputy J. Renouf:**

He has my immense sympathy after my own experience with that issue only recently. The key point here is that if we do not have an income inclusion rule then the profits earned by corporations in Jersey will be paid elsewhere, so it seems to the panel and indeed to me that this is a logical and

sensible way to proceed and follows fairly logically from the approach that the Government has adopted generally and we have no problems in supporting it as a panel.

**The Bailiff:**

Thank you very much. Does any other Member wish to speak on the principles? No other Member wishes to speak. I close the debate and call upon the Minister to respond.

**10.1.2 Deputy I.J. Gorst:**

I do not think I need to respond. I just call for the appel, please.

**The Bailiff:**

Let us call for and invite Members to return their seats, if they have their phones under control **[Laughter]**, and I ask the Greffier to open the voting and Members to vote. The vote is on the principles. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The principles have been adopted.

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				

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

**The Bailiff:**

Moving to Second Reading, Minister, you have an amendment to the proposition. Do you wish the proposition to be taken as amended?

**Deputy I.J. Gorst:**

If I may, Sir, please.

**The Bailiff:**

Do Members agree the proposition may be taken as amended in Second Reading? Very well. How do you wish the propose in Second Reading then Minister?

**10.2 Deputy I.J. Gorst:**

I will propose them *en bloc* if I may. Part 1 and part 2 of the law set out the introductory provisions relating to the interpretation of the law and the implementation of the model rules. Part 3 detailed permissible modifications and additions to certain provisions of the model rules for the purposes of their application in Jersey. Part 4 deals with the I.I.R. tax including the meaning of qualifying entity.

[15:45]

The group required to determine the amounts in relation to the income loss of entities in the group and provisions relating to the share of the top-up tax allocated to the qualifying entity originally required to pay the I.I.R. top-up tax in accordance with the model rules. Part 5 to 7 deal with the administrative provisions of the law. Part 8 outlines the citation again and commencement date and schedule 1 and 2.

**The Bailiff:**

Are the various Articles seconded in Second Reading? **[Seconded]** Does any Member wish to read in Second Reading? Those in favour of adopting in Second Reading kindly show. Those against? The Articles are adopted in Second Reading. Do you move in Third Reading?

### **10.3 Deputy I.J. Gorst:**

Indeed I do, and I must say in Third Reading I am extremely grateful to all of those Members who have complimented officials across the various government departments that have been working on these proposals, attending meetings in Paris - it sounds glamorous but it really is not - attending meetings virtually and all of the engagement and written requirements to get us to where we are today. I am sometimes astounded by the quality of individuals who seek to serve the public of this Island and in the way that they do so. The 2 pieces of legislation before us today confirm to me their utter and complete dedication to the public of this Island and they do it quietly. They do it behind the scenes. They do not make a fuss about it. They are rarely thanked but we - I know that we as a Ministerial Team, we in this Assembly and the wider community - owe them a debt of gratitude. Some are here for long periods of time, others will inevitably move on to pastures new, but I am personally very, very grateful for all of the work that they have done on our behalf, and I congratulate them. **[Approbation]** I propose the Articles in Third Reading.

### **The Bailiff:**

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

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

In completely agreeing with the Minister's comments about the quality of the advice that Ministers have had over a long period of time, I think he is absolutely right and the Assembly's foot-stamping will be really well appreciated, I know, by those individuals. But also, I would wish to say that there are an incredible amount of individuals, both within the legal services industry, our other professional bodies, that work for these entities and provide services to them and I hope that the message is going to be sent out from this Assembly today loud and clear that the Government, the Members of this Assembly, are grateful for their efforts in securing this type of business in Jersey. Moreover, and more importantly, that we will do everything we can to keep hold of this business. We will not compromise on those principles that we spoke about in the early part of the first debate. Moreover, we will seek to strive to get more business. We cannot differentiate ourselves on tax because this is a global standard, but we can differentiate ourselves on other of those attributes. I am sure we cannot make your courts any better, Sir, but what we can do is we can get our services, our responsiveness and our regulatory and the other important aspects that create the ecosystem for these businesses to want to operate. The message is clear, tax is no longer a differentiator for these kinds of businesses so therefore we have to basically even more focus on being a best in class, most responsive, most excellent in all other areas to attract this type of business which is of direct and significant benefit to the Exchequer of Jersey. I hope those comments are appropriate in the Third Reading in welcoming them and saying that they should be adopted and then used to a maximum extent to more businesses because as we are hearing from the Labour Party in the U.K., it is economic growth that matters and growing the cake and growing the economy of Jersey matters for this Assembly's ability to provide the capital and the annual revenue expenditure from which it wishes to spend. We cannot spend the money if we do not have it, and this is very welcome, albeit unexpected, and there is some risk associated with it but if we keep going as we have done in the last few years, we will continue to benefit and benefit our community, and this Assembly will have some less troublesome problems dealing with balancing the books and we might get a hospital built, but we cannot spend it.

### **The Bailiff:**

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

### 10.3.2 Deputy I.J. Gorst:

I always get confused about what I should and should not say in Third Reading. You would have thought I would know by now, but I do want to reiterate the words that Deputy Ozouf has said. Individuals day in and day out create a successful finance industry in Jersey. As we say, we should never take it for granted. We are a jurisdiction of choice. There are a number of individuals who have supported our officials across government departments in thinking, in talking to their clients, in understanding the nuances. All of that work they have done pro bono when they generally are charging hundreds, if not thousands, of pounds an hour. They have done it all in Jersey's best interest and I am very grateful to them as well. As the wider industry does, they have my full support. I know they have the Deputies' full support. I believe they have the support of the Government and I know that they have the support of the Assembly as well. On days like today we can show that support. What is important, however, is that in lots of other decisions we show that support as well as we make our decisions in this place. So, I maintain the Articles in Third Reading and I call for the appel.

#### The Bailiff:

The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting and if Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. The law is adopted in Third Reading.

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				

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

**11. Draft Multinational Taxation (Global Anti-Base Erosion - I.I.R. Tax (Jersey) Law 202-(P.53/2024) - Acte Opératoire**

**The Bailiff:**

As for the last law following on from that is an Acte Opératoire and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Act declaring that the Multinational Taxation (Global and Anti-Base Erosion - I.I.R. Tax) (Jersey) Law 2000 has immediate effect. The States make this Act under Article 12 of the Public Finances (Jersey) Law 2019.

**11.1 Deputy I.J. Gorst (Assistant Minister for Treasury and Resources - rapporteur):**

I move the Act which has the effect of bringing these Articles into force so that they have effect for accounting periods beginning on or after 1st January 2025. Perhaps I will be a little bit cheeky and say I am very grateful for the support to the finance industry that the Assembly has shown over the course of the last hour and a half, and I hope that in the next hour and a half they show the same support for the fishing industry sitting in the gallery. Thank you.

**The Bailiff:**

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

**11.1.1 Deputy H.M. Miles:**

I am not sure whether this is a question for the Minister or a question, indeed, for the Solicitor General, but it is just for, really, the benefit of my understanding and I apologise if my inexperience shows, but the text of the law says that it has immediate effect as if the draft had been confirmed by His Majesty in Council and registered in the Royal Court on the date of the making of this Act. Could the Minister advise the Assembly what is different about this law in that in usual circumstances when we pass new laws in the Assembly, they go up to the Privy Council for approval?

**The Bailiff:**

If it assists, I can probably - as the Presiding Officer - deal with that. The usual process for the passing of a law which is passed by the Assembly is that it then goes through a process of approval, and it goes up into the United Kingdom where it is considered and put forward for approval by His Majesty in Council and that takes a number of weeks. When one is dealing with a taxation draft, it would be potentially highly prejudicial to delay because the States simply could not raise tax, for example, at the end of a Government Plan or anything like that for the forthcoming year if it was pending royal consent as a result of which a taxation draft, the Assembly has the ability to have an Act bringing it into immediate effect which means those taxes can be raised and the law can be carried out. It still goes through the royal consent process; it does not stop but the actual law is effective as of now, if that assists.

**Deputy H.M. Miles:**

Very grateful for that explanation. Thank you, Sir.

**The Bailiff:**

Very well. Sorry, was there anything you wanted to add to that, Minister?

**Deputy I.J. Gorst:**

I would not possibly presume, Sir.

**The Bailiff:**

Yes, perhaps I should have left you to do that. The principle is seconded. Does any other Member wish to speak? No other Member wishes to speak then I close the debate, and do you call for the appel?

**Deputy I.J. Gorst:**

Please, Sir.

**The Bailiff:**

The appel is called for. I invite Members to return to their seats and ask the Greffier to open the voting. If Members have had the opportunity for casting their vote, then I ask the Greffier to close the voting. The Acte Opératoire has been adopted.

<b>POUR: 38</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Brelade				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				



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

## 12. Marine Spatial Plan (P.44/2024)

The next item of Public Business is the Marine Spatial Plan P.44 lodged by the Minister for the Environment. The main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel and I ask the Greffier to read the proposition. However, there are 2 amendments,

Minister, lodged by the Environment, Housing and Infrastructure Panel. Are you accepting those amendments?

**Deputy S.G. Luce:**

I am accepting the second one, but I am aware that there is an amendment to that amendment, so I do not know what the ...

**The Bailiff:**

Well, I then have to ask the Environment ... you are not accepting the first amendment?

**Deputy S.G. Luce:**

I am not accepting the first amendment. I am accepting the second, but I do not accept the amendment to the second amendment.

**The Bailiff:**

You do not accept the amendment, you are saying?

**Deputy S.G. Luce:**

No.

**The Bailiff:**

Right. I think we will have to hear them all, Greffier. In which case we will have to deal with them all separately as and when they arrive because if you do not accept the amendment to the amendment then you are not really accepting the amendment if the panel is ... yes, it does not matter.

**Deputy S.G. Luce:**

I am grateful for your judgment.

**The Bailiff:**

I think we will simply 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 the proposed Jersey Marine Spatial Plan as the roadmap to managing Jersey's marine environment as set out in appendix 1 to the report accompanying this proposition.

**12.1 Deputy S.G. Luce (The Minister for the Environment):**

After such 2 hugely important debates on tax, it is nice to get some light relief with a debate as simple and straightforward as a marine spatial plan. I would say I do not jest because it is equally as important. While the tax deals with the future economy of the Island, the Marine Spatial Plan deals with our territorial waters and how we use them into the future. So, I will open this debate by saying how I feel this is a moment of change for Jersey. The bringing forward of our Island's first Marine Spatial Plan marks the moment we take responsibility for our seas beyond the short term. Through the M.S.P. we look to the future needs of our Island community and the activities supported by our marine realm. This M.S.P. sets out Jersey's strategy for the sea and marks the transition from the days of sea dragons and lead line soundings to 3D seabed imaging and habitat modelling. By setting the strategy we give a contextual framework for marine users, be they recreational, commercial or industrial. The M.S.P. looks to balance culture, environmental, economic and social priorities while proposing significant modernisations in how we manage our marine space. This is the Assembly's opportunity to set a clear direction of travel for our seas.

[16:00]

However, it does not bring any immediate change as a non-statutory document containing priorities and not policies. Each of its elements that are approved will need to be socialised, debated and delivered in line with the 4 key values of social, environmental, economic and cultural sustainability. This M.S.P., however, outlines a significant Marine Protected Area Network that will take us from 6 per cent to over 20 per cent based on best available data. Right at the start I cannot stress enough the consultation has formed the cornerstone of this plan from its inception. We have worked tirelessly with the local community and all the key stakeholders who use, for whatever reason, our territorial waters to shape the Marine Spatial Plan. Before pen was even put to paper the Marine Resources Team held consultation sessions to understand the marine priorities and issues for Islanders and users of the Island's waters. These, alongside a wealth of background documents and reports, were used to shape the initial plan over the spring and summer of last year. To support this, several further consultee meetings were conducted to gain a fuller understanding of the key issues and pressure points within the marine environment. The draft M.S.P. that followed the initial work was spread over 6 topic chapters dealing with everything from heritage, tourism and culture to fishing, infrastructure and shipping. These were taken for further consultation. Over last winter, the consultation was extended to 14 weeks following the change in Government that brought me back to this Ministry. Again, engagement was high with 154 consultation responses covering 376 individual and different points. This in turn resulted in the refinement of the M.S.P. increasing the number of specific priorities to 91 and resulting in changes to key elements, such as the Marine Protected Area Network, beach wardens and a visitor centre. The Priorities Action Plan document, as presented to the Assembly, covers the full suite of current marine priorities for the Island and the people Jersey. As well as the M.P.A. (Marine Protected Area) areas that form a major focus, I would like to take Members' attention for just a few moments to several other key areas of the plan. The plan takes into consideration the need to preserve and manage Jersey's historic and prehistoric coastline and marine features. These range from protective features, such as La Cotte neolithic site through to Victorian and occupational coastal structures. Looking below the waves, the Islands extensive shipwrecks, including listed war graves, have also been recognised in the plan. Cultural practices such as low water fishing and rat collecting have also been highlighted in the M.S.P. as important traditional activities. Ensuring their continued place in our culture and society has been recognised along with the need to manage them sustainably. Alongside these traditional practices are a plethora of modern uses of our sea. The shores and coasts are all of vital cultural and social importance to Islanders and visitors alike for exercise, recreation and well-being. From an act as simple as sitting on a beach taking in the view to surfing, sailing, diving, kiteboarding or just swimming in the sea, the value of these forms of recreation to both locals and visitors cannot be overstated, and this is recognised throughout the plan. The challenge is that with the increasing popularity of water sports comes increased conflict between marine user groups for the space they desire. Sometimes this is between leisure activities directly. At other times it is between sport and commercial activities. The plan works to highlight these issues and identify the direction work must take to ensure fair and proportional access for all users. While I have mentioned low water fishing as a practice of cultural importance, we all know that the range of fishing activity goes far beyond this. Managing the competition for space between fishing and other marine users and between commercial and recreational fishing has been highlighted as a key focus for the plan. For example, the use of gillnets and pot markers close to shore poses risk to swimmers and coastal anglers, both in terms of entanglement and loss of equipment. The M.S.P. highlights the need to review and manage potential conflict between these user groups recognising the rights and needs of all. Looking to our commercial fleet, the need to be able to fish today, tomorrow, next year and the next decade are recognised in the plan, as is the need for onshore facilities to support the sustainable fishing industry. Throughout the plan is an acknowledgement that all human activities are dependent on a healthy and functioning marine ecosystem. Recognition for the need to use and extract from our marine systems within sustainable limits is a key theme of the plan. Beyond this, the plan recognises the unseen ecosystem services provided by our seas. These range from oxygen exchange and nutrient cycling to carbon

storage and climate regulation. This is not just addressed through the M.P.A. recommendations but also through priorities for enhanced habitat and pollution management. As our Island population grows and we continue to strive for carbon neutrality, the services the sea provides us will only become more important. The plan highlights the importance of coastal aquaculture to the industry and the Island and the increasing interest in farming new species and the possibility of offshore seaweed farming. The M.S.P. also speaks to the need for sustainable management of the at-sea growing sectors and for regular review and policy development in line with this growing sector. Finally, as an Island we are heavily dependent on our connection to the continent and the U.K. for our supply of energy, our exchange of digital data and our import and export of food and other goods. Ensuring these lifelines are fairly managed and protected within the diverse requirements being put upon our marine environment is vital to the stability of the Island's society and economy. The M.S.P. works to review the current suite of infrastructure and transport links as well as to consider future developments including offshore energy production. These elements represent just the highlights of the Marine Spatial Plan with many further detailed and nuanced points examined in balance. I hope Members will appreciate the work that the M.S.P. team have done and the contributions of the public in shaping what I believe to be a well-scoped and balanced plan for the Island marine realm. Can I say at this point that I am grateful to my colleagues in the Scrutiny Panel led by Deputy Jeune? Their extensive review has critiqued the M.S.P. and while there are, of course, some areas where we do not agree, I was pleased to see that overall they looked favourably on the M.S.P. and the dedication and work that has gone into its creation. Open sea and offshore reefs cover 95 per cent of Jersey's territory and are fundamental to the Island's identity, economy and connectivity. The coast and sea are used for both work and leisure, forming an everchanging backdrop to Islanders lives. Below the surface is a hidden world of underwater habitats supporting a wealth of marine life and a rich archaeological legacy. Examples of the benefits provided by Jersey's marine environment include fish to eat, storage of carbon in plants and sediments, absorption of wave energy, cycling of water and pollution capture. The vitality of Jersey is therefore intrinsically linked to the health of our seas. However, despite its importance, Jersey's marine environment is under pressure from climate change and human activity. Marine spatial planning provides a means of managing Jersey's coast and seas in a co-ordinated manner which enables them to thrive and takes account of the many different ways in which they are used. It covers all parts of the marine environment, the seabed, the water column, the sea surface and the air above. Many coastal nations have already prepared marine spatial plans or are in the process of doing so. So, the Jersey Marine Spatial Plan brings Jersey into line with international best practice. The vision of our plan is for a thriving marine environment providing environmental, economic, cultural and social benefits. It was proposed in the 2022 Bridging Island Plan and has 4 key purposes: to provide a framework for organising human/marine resources and activities in our waters, to develop a network of Marine Protected Areas, to inform the policies of the next iteration of the Island Plan and to support co-ordinated development and decision-making on all aspects affecting the marine environment. The plan forms an overarching strategic framework setting the approach of a range of tools including land use planning, marine resource management and fishing regulation. The plan is not a statutory document, as I have said, but will give direction to other legislative and policy tools which will be used to deliver the actions set out in the plan. Implementing the plan will involve different government departments and organisations working together. The plan will help Jersey to fulfil its international obligations - and this is important - such as the 2022 Montreal Global Biodiversity Framework which requires 30 per cent of the marine environment to be protected by 2030. It will also contribute to efforts to address the climate and biodiversity crises. It will help to promote sustainable fishing practices, reduce conflicts between different users of the marine environment and increase the resilience of services and infrastructure. The Government of Jersey Marine Resources team has worked in partnership with external specialist consultants and many local stakeholders to produce the plan. The result is a document which reflects the wide range it concerns and aspirations of Jersey residents with regard to the marine environment. The document also reflects, importantly, French views. They too have shared our territorial waters for centuries and

their input has been hugely important. Everyone involved shares a desire to see Jersey’s seas thriving and delivering benefits for people and to nature. From sweeping sands to jagged rocks and from busy harbours to empty wildernesses, Jersey’s spectacular and diverse seascapes encompass many natural and humanmade features. The Jersey Marine Spatial Plan contains priorities to absolutely maintain this huge diversity of seascapes in our territorial waters and I commend it to the Assembly. **[Approbation]**

**The Bailiff:**

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

**12. Marine Spatial Plan (P.44/2024): amendment (P.44/2024 Amd.)**

**The Bailiff:**

There are 2 amendments lodged by the Environment, Housing and Infrastructure Scrutiny Panel and I ask the Greffier to read the first amendment.

**The Deputy Greffier of the States:**

(1) After the words “accompanying this proposition”, insert the words “except that page 124 and Figure 80 should be amended to include the area east of Les Écréhous within the extension of the Marine Protected Area Network, as outlined in Action NB5a, with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.” (2) After the words “accompanying this proposition”, insert the words “except that page 124 and Figure 80 should be amended to include the part of the basin between Les Écréhous and Les Anquettes within the extension of the Marine Protected Area Network, as outlined in Action NB5a, with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.” (3) After the words “accompanying this proposition”, insert the words “except that page 124 and Figure 80 should be amended to include areas to the east and west of Les Minquiers within the extension of the Marine Protected Area Network, as outlined in Action NB5a, with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.” (4) After the words “accompanying this proposition”, insert the words “except that page 124 should be amended to allow for the introduction of immediate protection of the south-eastern edges of Les Écréhous within the Marine Protected Area Network (rather than phased protection), with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.” (5) After the words “accompanying this proposition”, insert the words “except that page 124 should be amended to allow for the introduction of immediate protection of the south-eastern edges Les Minquiers within the Marine Protected Area Network (rather than phased protection), with any consequential amendments to the Jersey Marine Spatial Plan made accordingly.”

**Deputy S.G. Luce:**

Before we start, could I ask a point of order?

**The Bailiff:**

Yes.

**Deputy S.G. Luce:**

In the copies I am using, I have the 5 amendments in alphabetical, (a), (b), (c), (d), (e) and the Assistant Greffier has read out (1), (2), (3), (4), (5). Can we just be clear as to whether we are using numbers or letters.

[16:15]

**The Bailiff:**

The amendments, of course, when they are looking at the proposition as amended, they are in (a), (b), (c), (d), (e), but the amendments as they are proposed within the amendment are (1), (2), (3), (4) and (5). So, the answer is obviously (1) is (a), (2) is (b) et cetera. Is that all right or do you wish to ...

**Deputy S.G. Luce:**

That is fine, Sir. I just wanted to be clear and point that out to Members before somebody gets confused.

**The Bailiff:**

I think probably in terms of the amendment and if we are considering the amendments, we will deal with them in the numbered form in the actual document itself.

**Deputy H.L. Jeune:**

Thanks to the Minister to pointing that part out because I would like to follow up with my email this morning to Members that the panel will be taking each part separately in voting and therefore as we speak, potentially my speech is (a) to (e) but I guess that is also (1) to (5).

**The Bailiff:**

I think we had better deal with it as (1) to (5) because that is how it appears in the voting area of the paper rather than the amended proposition.

**12.1 Deputy H.L. Jeune (Chair, Environment, Housing and Infrastructure Scrutiny Panel):**

Okay, I will try to do that on the hoof. Thank you, Sir. One of the most striking features of the Environment, Housing and Infrastructure Panel's review into Marine Spatial Plan was the dominance in discussions of the Marine Protected Areas. It is a debate that centres on the balance to be struck between the protection of marine habitats, biodiversity and future fish stocks and the current economic viability of elements of Jersey's fishing industry. The submissions and some of the subsequent meetings and hearings held by the panel highlighted the complexity of the issue and the many conflicting voices on the development of these protected areas within the fishing industry. In the last 32 hours, Members have also seen these conflicting voices being played out with the amount of correspondence that we have been receiving. In the final version of the Marine Spatial Plan before the Assembly, the Minister reduced the Marine Protected Areas from 27 per cent allocated in the original consultation draft to 23 per cent. It is the view of the panel that the current Minister for the Environment made a political choice to find a short-term compromise which would push the final decision on the scope of the M.P.A.s into undefined future. The panel is therefore asking States Members to vote on keeping 4 per cent of highly rich biodiverse marine space so it can be protected not just as a "nice to have" but because the areas are crucial to help support fish stocks into the future. It is not about percentages, but it is about the highly valued, sensitive habitats in these areas. There is no doubt for the panel that the expansion of the M.P.A.s will have a negative economic impact on parts of the fishing fleet. The impact on livelihoods in the future of parts of the fleet is fully recognised by the panel as it is also in the Marine Spatial Plan when it states: "The proposed M.P.A.s will require a change in fishing patterns by some vessels. However, it should be noted that in comparison to static gear, mobile gear is the minority fishing activity within the proposed M.P.A.s and that it will remain permitted in 76.7 per cent of Jersey's waters for all or part of the year." Even with the panel's amendments, dredging will still be allowed in roughly 73 per cent of Jersey's waters. We also heard from a range of fishers during our review and it became clear that there was not a homogenous voice in the fishing industry. It is clear that however the M.P.A.s are designated, it will be important to introduce a support scheme and funds to those affected for a just transition and we know that the Minister has already started putting this in place from his successful proposition last year to increase support to farmers and fishers to hearing today there will be a specific additional package for fishers under the living wage transitional support package. The decision facing Members

today is whether the immediate economic viability of the scallop dredging fleet outweighs the long-term sustainability of the overall fishing industry and the protection of internationally recognised vulnerable habitats from the damage effects of dredging. A reminder to that, that even our current Chief Minister was concerned when in 2021 he said: “I am completely against a continuation of heavy-duty trawling and dredging. That has to be stopped. It is pure vandalism of our seabed, and it is destroying incredibly valuable habitats, potentially carbon-rich habitats that can be nurtured and make a huge difference to our contribution.” That is from the Chief Minister. That is not anything that I have quoted myself at any time. The decision to reduce by the Minister has raised questions about what further level of research is needed by the Minister in the areas in question and why is the data already available is not good enough, along with wondering why the robust methodology that was used to define the M.P.A. Network is not good enough to provide an immediate decision on expansion. This is why the panel has lodged an amendment to the proposition and asks Members to vote in favour of all the areas identified in the original consultation to be protected. As the Marine Spatial Plan itself explains, the purpose of the M.P.A.s is to protect valuable and vulnerable habitats by preventing damage from mobile fishing gear. This allows the seabed to function naturally and protects fishing populations by allowing spawning grounds and nurseries to thrive. The Marine Spatial Plan states very clearly that in choosing how to designate Marine Protected Areas, the officers and Ministers have chosen O.S.P.A.R. (Oslo and Paris convention for the Protection of the Marine Environment of the North-East Atlantic) Convention methodology which the panel agrees is sensible, given Jersey’s status as contracting party along - I might add - with France, the European Union and the United Kingdom. I want to delve into this methodology with Members to understand the objectives and huge amount of complex work and scientific data that has gone into collecting evidence to help with designating the original protected areas. The methodology objectives were (1) to protect, conserve and restore species, habitats and ecological processes which have been adversely affected by human activities. The evidence laid out in the plan states that some habitats are vulnerable to disturbance of the seabed surface. A table in the plan identifies the habitat sensitivity range where disturbance has a high impact on sand mason worms, seagrass, kelp and maerl beds, the last 3 being protected habitats under the O.S.P.A.R. Convention. Therefore, it is clear the M.P.A. should be focused on areas where these habitats are found in high quantity to prevent degradation of and damage to species, habitats and ecological processes following the precautionary approach. The panel believes that in the original designation of the M.P.A.s, the precautionary approach was used as it is Jersey’s right under the O.S.P.A.R. Convention as well as under the T.C.A. Politics, however, has interfered with the precautionary approach undermining the robustness of the designation process. The 2023 Jersey M.P.A. assessment methodology clearly states that only areas with the highest value were considered for M.P.A. candidacy which means the original proposal was based on this objective. It had to have been or why was it there in the first place? Using a G.I.S. (Geographic Information System) with a one-kilometre squared polygon grid, the methodology evaluated seabed sections based on O.S.P.A.R. habitats, blue carbon, habitat complexity, depth and ecosystem services. Using a multicriteria approach, areas were then classified into 4 categories, low to be excluded, medium requiring further assessment, high to be included and very high priority which core to the M.P.A. Network. Despite scoring high to very high in these areas we are discussing, the Minister specifically excluded these areas under discussion today calling for further research without clear criteria for what more evidence would look like and a clear end date where a decision would be made. The panel believes that evidence as spelt out in the M.P.A. Assessment Methodology Report already exists to support the designation of the 4 per cent we are asking in our amendments. Third in this overall methodology, to protect and conserve areas that best represent the range of species, habitats and ecological processes in the maritime area. This would include maerl, which is a protected habitat. It is Jersey’s equivalent to a coral reef but the reduction by the Minister means that the protection of Jersey’s maerl habitat has gone from 88 per cent in the original M.P.A. proposal to just 33 per cent protected in the Minister’s current proposal in front of us today. Because maerl is a habitat in which scallops thrive, it is also good fishing areas for scallop fishers, both divers and

dredgers. The Marine Spatial Plan states it clearly so I do not really have to, the use of mobile gear presents the biggest threat to the integrity and viability of key habitats such as maerl, seagrass and other sedimentary habitats. The panel heard how maerl takes a very long time to recover if damaged and what witnesses have seen on the seabed as a consequence of dredging. A scallop diver in one of the panel hearings talked about what he sees in a very small area that Jersey already designates as a Marine Protected Area and I quote: “We go 100 metres where the ban is and then do a drift. If you go on the line where the ban is and do a drift and then you just see absolute decimation. Everything is upside down, shells, scallop shells, crab shells. When it is alive it is purple and all around where it has been banned you see all purple maerl but then once you go into where the dredgers have been, it is churned up and it turns into white maerl and it is all broken up and you do not really see much life around there. It is really sad.” An anonymous submission also stated: “The areas of seabed that have been removed from the current proposed M.P.A. are critical areas for feeding grounds, particularly for juvenile fish and shellfish and crucial spawning and nursery areas for a wide range of fish and shellfish. It makes no environmental, ecological or sustainable planning sense for these to have been removed.” The panel urges Members to vote pour on reinstating and designating all 5 areas proposed in the amendment as Marine Protected Areas. In reality, we are talking about 4 per cent of Jersey marine environment. As explained previously, it is a highly valuable environment, rich with biodiversity. We are concerned the Minister is postponing necessary action. The panel is not convinced that the evidence for the original designations was insufficient or that the changes have effectively helped the mobile gear fleet at all. It is just pushing the decision into the long grass or the long kelp grass. Regardless of stance, there is confusion over what additional evidence is needed and whether more research will change the designation outcomes along with no clear understanding when any further decision will be made. I wanted to draw States Members in particular to 2 specific parts in the proposition that the panel heard most about and specifically request Members focus attention on today and if you feel, States Members, that you are unable to support each of the 5 parts to the amendment, please consider these 2 parts specifically. Part (b), or as now we have heard part (2), the basin between the Écréhous and Les Anquettes has been identified as critical, in need of protection according to the methodology document. This area hosts the majority of maerl beds making it biologically the most significant site under consideration today. A sophisticated evidence-based analysis was used at assessing a range of data in one-kilometre square polygons to designate this area. The Minister has talked only about that there was only desk-based research and, yes, this included Hummel’s 1967 survey and follow-up research in 2010, but also within the M.P.A. assessment methodology there is a map where it shows clearly what different types of techniques were used to gather evidence from that area, including GrabSurveys, dredge surveys, drop cameras and tower cameras. To me this is not just a desk-based research, this is gathering specific data to find that there is a huge amount of maerl in that area. The evidence is there, Jersey’s equivalent to a coral reef needs protecting in this area. Then there is part (d) or part (4) located at the southern-eastern edges of the Écréhous, a critical areas for scallop divers who have emphasised its economic importance. They rely particularly on this zone for their livelihoods and have urged that it be protected now to prevent further degradation. The divers have few areas available to sustain their work and they ask States Members to consider their needs as decisions are made, weighing environmental protection against economic activities, because for these divers protection is directly tied to their economic survival. Additionally, I wanted to address the specific concerns around impact on French fishers and the pressures we have seen which I feel is making Ministers shy away from protecting scientifically-proven evidence of vulnerable habitats in our water. Article 494 of the T.C.A. clearly states that Jersey can and should protect its marine environment as is its sovereign right as long as the measures are not discriminatory, and they are not, as this would be a blanket ban on dredging. This means Jersey is perfectly in its right to do what it should be doing. As the then Senator Farnham, and who now is our Chief Minister, said in 2022: “I know Members may be concerned about France, for example, and the challenges we have been having there, but I would remind Members that France and the U.K. are both members of the Global Oceans Alliance and share



the targets of 30 per cent and will be, if they remain members, introducing those targets at some stage in the future.” It is only right that Jersey and the Channel Islands, but Jersey in this instance, aligns itself to those aspirations. There is a catch: the T.C.A. between the U.K. and the European Union will be up for renegotiation in 2026 and fishing rights are expected to be a key point of contention. As a reminder, fishing was one of the most heated topics during the original T.C.A. negotiations. At the same time, energy is also up for review, this time with the added weight of the recent massive hike to energy prices and clear cause for energy sovereignty. This could potentially trigger trade-offs between the U.K. and France and because of this, this could mean a loosening of Article 494, making it harder for us to protect our marine areas going forward, as the Minister for External Relations conceded this morning.

[16:30]

Therefore, it would be wise to lock in our protection now so it cannot be negotiated away by other parties. To sum up, the panel feels that on balance the information provided to it during this review was that evidence already exists to support the designation of the areas which are the subject of this amendment. The delay of the decision on designation does not assist or provide certainty for everybody, even the mobile gear fleet or other members of the fishing community, as it was intended to. The delay may mean the loss or damage of sensitive habitats, as no clear timeline has been set on future decision-making and the delay in protecting all our highly-valuable biodiversity-rich habitats could be taken hostage by T.C.A. negotiations. Protecting Marine Protected Areas will build resilience in our stocks leading to wider benefits for the whole fishing industry and protecting the marine environment for future generations. I therefore urge Members to support this amendment.

**The Bailiff:**

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

**12.1.1 Deputy S.G. Luce:**

We have had a few numbers there from the Deputy, and I do not really want to talk too much about numbers, but I feel I have to because the Deputy has an error in some numbers that she has given the Assembly. She is right that the original plan protected 27 per cent of our waters, she is right that my amended plan, the one in front of Members today, protects 23 per cent of our waters, but she is wrong in assuming that returning those areas that she has to the plan returns us to 27 per cent; it does not. As Minister, I have protected additional areas around the Island, which the Deputy failed to notice. Adding the area she has to what I have now protected takes us to 29 per cent and I would ask the Deputy to recognise that maybe when she sums up. The proposals before us today take us even closer to 30 per cent, and 30 per cent is a laudable target to go for, it is one of the objectives set for our globe. This amendment, unfortunately, takes away the trust from the scientists, the managers and the officers, indeed, politicians who have committed to delivering a world-class M.S.P. based on best principles. That is important. We will get there, we will get to 30 by 30, but doing it in this way, proposing these amendments, will be a disaster for many fishers, both in Jersey and in France. Supporting the amendment will take away the opportunity to refine the M.S.P., it would also act against the economic objectives by pulling the rug from under the mobile gear fleet rather than giving them time to adapt and evolve with change. The amendment proposals, being an amendment to my current plan, will mean, if they are accepted, that Jersey would have 29 per cent Marine Protected Areas, as I said, way beyond what was ever in the original document. The revised M.P.A. boundaries that I have in this plan have been developed following consultation with the fleet and other key stakeholders. To pull away from the only concessions that I made in the entire plan without research based on a justification would be to put a wrecking ball through my rapport and my relationship with the French and Jersey fishing communities. I would just like to take a few moments, if I may, to just talk about the individual areas because it is an interesting amendment. It all comes in one, but we will have 5 votes at the end; 5 which are all very different. This first area, area (1) or (a), is a buffer

zone which is going to allow fishing spillover. Fishing spillover is what happens when fish which are grown in a protected area spill over into a fishing zone - this is fairly explanatory - but in this case I want the spillover to come into Jersey waters as well as into French waters. Further research is needed to understand the maerl presence here and this new buffer zone will allow the fleet, the Jersey fleet particularly, access to some slightly more sheltered fishing grounds in winter where they will be protected from the Écréhous Reef. I would like to move, if I may, to (c), which is number (3), the Minquiers, east and west. These zones are lower proven biological value but had been shaped to following clean navigational lines put in by me between marks within the shallow reef habitat to create a simple-to-use, practical area. These protected areas need to be easily navigated and this will help. It seems likely that they will contain some key habitat but the extent and condition of these requires further research. Work is therefore needed to determine if they merit protection from the mobile gear fleet. Zone (d) or zone (4), this small area is biologically important but is also economically important to a very small part of the fleet. In essence, one boat spends nearly all their time in Jersey in this one area and they will almost be certainly put out of business if this area closes immediately. Other French and Jersey boats utilise this area occasionally to fish scallop. To close this area without giving time to adapt will disproportionately impact a limited number of vessels. Finally, zone (e) or zone (5), while larger, this area to the south-east of the Minquiers follows the same story as the one before. We have a number of fishing boats that use this area and a phased protection is recommended before decisions on future access and action are taken. I would like now just to return to zone (b) or zone (2), if I may, because this zone is the zone where the access has been fought over most strongly by the Jersey and French fishing fleets, and Members will only be too aware of emails from both sides in the last couple of days. The loss of this area was portrayed as tantamount to the loss of the mobile gear fishery. We must make decisions on this area based on live data, not the models built out from inshore data. The model data, while useful, gives an indication of the likely presence of maerl but is not mapped confirmation of its presence, density or condition, and the condition, whether that is alive or dead, because dead maerl can move around in the tide. Just to add a little bit of context to that, the Deputy made much of maerl areas but here is a slightly more detailed explanation of the maerl modelling and mapping that you have before you today. The maerl areas as shown on the maps were mapped using a habitat model to predict where maerl is based on a number of parameters, that being depth, substrate exposure, and known habitat locations. The model was tested against known habitat locations from a separate study to determine its accuracy 2 or 3 years ago, typically more accurate closer to shore where there is more known habitat location data, or to put it another way, the further offshore it becomes, the less accurate the model is. While the model provides a good indication of habitat presence, it is prudent to visibly assess the maerl in the research areas to determine an exact extent before deciding how much of this area warrants protection. The model cannot account for fishing activity, so where an area that is modelled to contain maerl has been fished over several years, whether last year or 10 years ago, it is now less likely to support that habitat, hence the need for more surveys. I propose that I need - we need - more research and we, and the department, will do this research in the next 12 months because if there is something to protect, then we will protect it. While protecting as much as possible may sound a laudable goal, I would remind Members that we have a duty to protect our society as well. Fishing is part of our Island identity and needs to be brought into balance with environmental needs but not wiped out in favour of them. One of the issues raised repeatedly by the industry is the spatial squeeze that is happening to them. Both local and French fishers see the increasing use of the sea by other sectors and the loss of their access and they are concerned. They see the M.S.P. and the wind farm project as layering issues that will further restrict them, along with shipping lanes and other potential users such as aquaculture. I make no bones about it, but Members will, I hope, have received a letter via email from the Fishermen's Association yesterday. I am going to take the opportunity to read bits of it because it says things far better than I ever could. Ahead of the debate they urge us to carefully consider the consequences of the proposed changes by the panel: "Suggested amendments directly contradict the extensive collaborative work undertaken by the Marine Resources team and

the local fishing community on both sides of the water. The fishermen, particularly those from the mobile gear fleet, have worked tirelessly with Marine Resources to amend the initial M.P.A. draft, ensuring both environmental protection and the survival of their businesses. These carefully-negotiated compromises included seasonal closures, phased approaches, zones of further research, alongside some areas being closed completely.” I say to Members, in that south-east corner where it is so controversial, I have closed, or I will close, large areas completely from the outset: “Fishermen have proactively proposed additional protected areas in exchange for the preservation of grounds vital for their safety and livelihoods. The Scrutiny Panel’s recommendation to abolish these amendments, despite acknowledging the damage it will do to their livelihoods, sets a dangerous precedent”, says the letter: “Jersey’s fishing fleet is already dwindling, morale is at an all-time low. The proposed changes will reduce the safety of the mobile gear fleet to operate due to the vessel’s design and they will inevitably increase conflict at sea. Jersey’s boats will be pushed out of the 3-mile protection zone, forcing them into direct competition and conflict with French boats. This move will reduce the fleet’s efficiency and create unnecessary tension. The plan and the protected areas were initially designed to reduce conflicts, yet this proposal from Scrutiny seems to do the opposite. We have, as we will know, already seen protests from the French fleet, such as the Minquiers’ demonstration last week, and further action unfortunately is guaranteed should these amendments go through with the united support of both the fleets across the water. The displacement of Jersey mobile gear fishing boats into more distant and dangerous waters will have severe safety and economic implications. Increased distances will drive up costs and increase carbon footprint and our boats simply are not designed for these faraway areas. It is also alarming that little or no engagement appears to have been conducted by the bringers of the amendment with the French fleet, an omission which will only exacerbate cross-border tensions. Jersey’s fishermen are fully committed to sustainable practices but they also need to survive. The ripple effects of the potential decision have not been adequately considered, with wider impacts on crews, scallop shuckers, merchants, and our hospitality sector. Although it appears that the amendments will only direct the mobile gear members, the loss of these boats will have negative knock-on effects for the rest of Jersey’s fleet and the local merchants who support all the vessels.” Finally, the fishermen urge Members to vote against these harmful changes and support a balanced, sustainable approach that protects both our environment and the livelihoods of those that depend on it. These fishermen are the people who have invested tens and hundreds of thousands of pounds in their livelihoods, spent years learning their skills needed and who simply do not know where they will turn if they lose their ability to make a living. My plan offers them an opportunity to do both, to move with the times, to see how they get on in the next few years. We have negotiated long and hard to come up with the proposals that I have in front of Members today. Accepting the amendment would be devastating for many fishers and I ask Members to reject the proposal and allow me to proceed as I wish to do, working together with all sides for maximum effect. There is a massive amount of time and effort that has gone into producing this plan and the balance in these Marine Protected Areas. I guarantee to all sides, especially our French neighbours, that the consultation process would not be as they feared, it would not be a consultation where the results came back in, were put on a shelf and never looked at again. Every response was looked at and, where we could, we helped out.

[16:45]

I know more than anyone the vision of a future for a protected marine environment where fish are plentiful, scallops and lobsters and crabs are plentiful, and fishermen do not have to work morning, noon and night to make a living. But in order to get there we need to make some decisions that we can keep the fleet working so that when we eventually get to these protected areas, giving us plenty of fish in the sea, we still have fishers here on the Island to go out and make use of that. There is massive pressure on our fishing fleets at the moment. I make no bones about it, agreeing these amendments will put some fishers out of business. I plead with Members to allow me to get to the target in an orderly and negotiated manner. These amendments go further than 27 per cent, they are

29 per cent, they are extreme. I end with this, we will get to 30 by 30 but the important word is “by”. We do not need to do it today or tomorrow or next year, we need a negotiated way so it allows us to get to 30 by 30 with all sides being happy. Thank you. [Approbation]

### 12.1.2 Deputy A.F. Curtis:

I do not have a long discussion to make on this but I did think it would be right for a panel member to respond after the Minister. The reason I do not have much to say is of course the chair has given a good summary and indication as to why these amendments were brought, the evidence upon which they were brought and the legitimacy for them, but for reference to those who are not privy to all conversations, and none of us are, I have already had conversations with Members today. As confirmed to me, there was confusion, at least to some extent, about what restrictions within any area designated as an M.P.A., a Marine Protected Area, will mean to the fishing fleets. I have heard from one Member who was fearful that the introduction of an M.P.A. will prevent fishing in its wider sense. For the avoidance of doubt, the M.P.A.s as defined in part 8 of the Jersey Marine Spatial Plan reference restrictions to mobile gear. This is not static gear, this is not line and net, and this is not scallop diving, this is dredging, this is trawling. I am not going to stand here and say that we are calling, and the panel is calling, for an outright ban on dredging or trawling. The panel is asking for an evidence-based approach to how areas are designated. The Minister has just confirmed that designation of areas is a principle he wants to see and he is equally aspirational to the target of 30 by 30, as the former Minister, and as I am sure many other Members and Islanders are. The Minister has said, if I heard him right just now, that the proposed reintroductions would go against scientific evidence and advice, to name a few reasons. He suggests that without full and complete evidence we are acting in haste, but I will look at him to confirm that is my understanding of what he said. No head shake at least is a promising move. Really I think Members need to understand, as I am sure they have seen in the Marine Spatial Plan, why they are being designated under which methodology. Page 121, the opening summary describes Marine Protection Areas as being there in part to prevent the degradation and damage to species, habitats and ecological processes, and that to do so the methodology will follow the precautionary principle. Now we have heard it is in the right of Jersey to apply a precautionary principle and that Article 494 enshrines that right in the T.C.A. It is Article 495 that defines a precautionary approach to fisheries management and defines it as: “Means an approach according to which the absence of adequate scientific information does not justify postponing or failing to take management measures to conserve target species associated or dependent species and non-target species and their environment. The lack of full evidence is not a reason to ensure some protections under a precautionary principle” which we have a right to do. Moving on, I think it should be important to Members to go back to the fact that the panel is asking that each part of this amendment will be taken in part. Members may agree that certain areas are a compromise, a political compromise, that can be made here, and they are within their right, but they can choose to what extent, and Members will have to make that decision with their voting buttons. I would like to reference a couple of areas. First, part (4) or (d), which is a little triangle of phased protection in the Écréhous. This is an interesting area that has been included for phased and I am surprised the Minister is not accepting this. The Minister in his amendments following the consultation of the M.S.P. made one large change which was to change how the lines drawn of Marine Protected Areas are; they are now straight lines, they are far easier to follow, they use many key guiding marks. However, the resistance to include the triangle in the Écréhous goes contrary to this. One argument was safety: clearer lines, fewer lines are easier to follow and yet we hear from scallop divers who have come to speak to the panel that this is an area they see as significant economic importance to them, creating an area that is without the line ... and Members will look at the table and see it is kind of a triangle that heads due north into the Écréhous creating arguably an area of confusion and an area that will be harder to navigate for boats than if the line had been taken straight. Members, if you are content with the simplicity of taking straight lines, which I think the panel was in agreement is the correct approach adopted by the Minister, then at least take part (4). The panel

received evidence that this is important for scallop divers and the logistical benefits alone should justify it. I will move on to an area that the Minister did ask for the chair of the panel to reference on and that is the increase in area that is in the Marine Protected Areas. The panel is aware that the other areas were included, but the panel also questioned the validity of these and perhaps a reason. The Minister in summing up just talked about his intention to reach 30 by 30 the right way and part of that is quality over quantity. The panel and submissions were surprised at the level of included area around Grosnez to the north-west of the Island despite these areas being highly moved by tides with very low threatened impact, being rock and sand below. The panel is aware, the panel is still requesting, that what is not included is quality and is of importance to Jersey. My suggestion that we remove that area to realign numbers to the panel did not go down well, which was perhaps showing the evidence-based approach taken by the panel rather than one of politics. Lastly, I really think we should be asking ourselves how we want to support the different industries we have. We have heard today that there will be support for agriculture and fisheries and it is up to this Government to choose how it directs this. The panel received submissions that there is still space for dredging in our waters in ways that will be less damaging. If the Minister is concerned about the impact the removal of these few areas will have, I suggest he looks at how his Government can ensure the sustainable existence of this fleet while also promoting equally valuable areas of our economy such as hand-dived scallops. With that, I leave it there.

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

I rise just to be quite brief with this. The Minister himself mentioned the words about precautionary methodologies when they come up with these M.P.A.s. The problem that I face, and maybe this is slightly more political than the panel allows, so this is more in my own personal reference, that research can carry on if these areas are protected. They can then be re-released if the evidence then shows that they are not as valuable as they need to be. This for me seems like the better precautionary measure to take: protect, study and release if the valuable marine life is not there. We are very fortunate to have received a letter from an academic from Plymouth University. He mentions about one square metre of maerl can protect around 173 species of fish, so this is incredibly important, and how a study showed that this could potentially contribute £3.3 million to the commercial fisheries of both Jersey and France. If this area is there and it is not protected and it is fished by mobile gear, and if that gear does damage the maerl, the speed at which maerl recovers is far too slow to sustain the economic environment that the fisheries want to function in. For me it is important that we protect these areas first, encourage the Minister to carry on with the research that he is engaged in doing, bring back his results as quickly as possible, and if these areas do not contain the fragile ecosystems, then he can simply release them back into the fisheries' use because the problem is, if it is damaged, it will never recover and then the fisheries will eventually dwindle themselves down and we will be left with nothing. I will leave my comments there.

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

It is fair to say that I have been sceptical about the Marine Spatial Plan since its proposal in 2022 because I do not believe that Government interference is generally helpful. However, I am always open to compromise and support the Minister with the unamended proposition. I cannot support the amendment, however, and my reasons are simple in that it has failed to embrace the needs of our fishing industry and accommodate any changes to fishermen and the consequent effects on their livelihoods. The Scrutiny chair mentioned that the industry are not homogeneous and there are conflicts in certain areas and it would be wrong to favour one group to the detriment of another. I am not suggesting that measures should not be taken to preserve fish stocks and keep the industry sustainable, but it needs to be done with a full understanding and buy-in of the industry and those involved. The fishing industry has changed and technology has enabled us to be far more accurate in understanding what goes on in the sea beds around the Island. We have moved from the period 100 years ago when our forefathers fished under sail; today we use advanced G.P.S. (Global

Positioning System) technology to plot positions of the best fishing areas and the Marine Resources Department can use A.I.S. (Automatic Identification System) technology to plot the positions of, not only our vessels, but also those of our French neighbours. I would remind Members that the financial investment and anyone wishing to fish professionally has to make today is eye watering and can be the same as the value of a house. This, more often than not, involves borrowing money with its attendant costs. Added to this, bad weather and market conditions make fishing a tenuous operation where only experience dictates whether a fisherman will survive or not. We need to give our fishermen confidence. I am grateful to the several professional fishermen who have taken time out and given up a day's fishing today to hear what is a fundamental debate, which may have a serious effect on their future. Their message to me is perfectly clear in that there is a need to accurately survey the areas referred to in this Scrutiny amendment and not just rely on a desktop study. 70 per cent accuracy is just insufficient. My information is that most of the maerl in the south-east corner is already dead having been churned up by storms and strong currents as well as having been fished for the last 200 years. It is a prolific fishing ground created primarily by nature and its loss to the fishing fleet will have a serious effect. Seabed levels can change significantly after bad weather and we only have to look at our beaches to see that. I would add that a large portion of the live maerl beds are already protected by previous closures. I will conclude by urging Members to support our fishing fleet and reject this amendment. Thank you. **[Approbation]**

**The Bailiff:**

I will let it pass on the first occasion, ladies and gentlemen in the public gallery. It is not appropriate to applaud or to signify either approbation or disapprobation so please do not do it anymore. Thank you. Does any other Member wish to speak on the amendment?

**12.1.5 Deputy I.J. Gorst:**

I am absolutely clear that the current Minister, as the previous Minister was, is committed to this idea of 30 by 30. It is a matter of how we get there, in the time that we get there and how many people we take along with us quite simply because the reverse is that we seek - which I fear that the Scrutiny Panel are aiming to do now - to get there as quickly as we can.

[17:00]

We heard the mover of the amendment saying that they felt that we needed to get there with these amendments quickly so that they could not be a political football around future review of the T.C.A. on behalf of the U.K. I know that the Deputy herself knows that, in Parliament, everything is political. She knows in the European Parliament and in the European Union, while things are said to be technical, we are always told and we always about, once we have dealt with the technical, towards the political and, therefore, that of course is what we are doing today. The Minister and his officials have done a very good job in their consultation process and it has been an iterative consultation process where they have sat down with consultees in seeking to understand what their needs were and what their requests were in that process. That has been a consultation process not just being done here in St. Helier. It has involved, and they have consulted with, officials affected in the U.K., in Brussels, in Paris, in the regions of Brittany and Normandy and in Guernsey, as one would expect, because of the obligations of the T.C.A. and they have arrived, I think, at a good proposal to move forward on the route to 30 by 30. The other thing that occurs to me is that our own fishing industry is clear and is 100 per cent certain that, if the amendments are approved, vessels will stop trading. That means livelihoods will be lost, boats will be sold and our fleet will be reduced even further, and it surprises me that there is a line of argument being made in the Assembly today that I think the Minister for Sustainable Economic Development indicated earlier that £2 million went into agricultural fisheries over 2 years. The answer to this problem of vessels not being able to fish, businesses going out of business, people's livelihoods being removed is for the Government and taxpayers to give fishers money not to fish because they will not be able to fish. Some Members are shaking their heads and

saying it is not true. Those involved in the industry are quite clearly telling us that they will not be able to fish in their vessels and they will stop working. It has always struck me as odd that Governments often think they know better than businesses, particularly small businesses which have been built up or been in families for generations, believing that it can legislate to do something that the Government knows better than the business, and never more is this the case than in the food production industry, whether that be farmers or it be fishers or it be growers. We somehow, for some reason, think that we know better and we ultimately end up paying considerable sums of taxpayers' money to ask these businesses, these families and these individuals, to do things that we think are best rather than the thing that they are passionate about, which is farming, which is fishing, which is growing and which is about food production. I do not think we should shy away from the need to have food produced in our Island or gathered from our waters. I think it is an honourable thing to do and, therefore, it is clear to me that there is a way that we can protect our fishing environment for the future and, at the same time, maintain livelihoods and ensure that our fleet remains at roughly the same level that it is and, that way, is by supporting the Minister and his proposed Marine Spatial Plan. I really do urge Members to think very, very carefully before they support any part of this amendment because of the unintended effects that it will ultimately have on our fishing industry if we do anything other than support the Minister's approach. Now my job largely on a day-to-day basis - I would like to think it was 9.00 to 5.00 but it is not - some people characterise as being "nice to foreigners". I do not think of it like that. I think of it as building positive, productive, long-term relationships with people in other countries and other communities and, therefore, it is relevant to the argument that is before us today. I have had it communicated clearly to me, as I know the Minister has as we saw off the Minquiers last week, that if the amendments are accepted those relationships will be damaged and they will be damaged because we have undertaken a consultation process, as the Minister said, that we have not then gone on to implement or to respect. We have gone over the top of that consultation process and done something else. Of course, I will do my best, as I always do, to put the very best possible spin on why it is that a democratically-elected Assembly can do something other than what the Government proposes and every Parliament the world over does the same. Of course I will because that is exactly what this Assembly would expect of me. But I can tell you now it will not be easy or straightforward, and we risk taking the relationship back to the place that it was in those very difficult post-Brexit days but that is a risk that the Assembly can take in how they vote when it comes to these amendments. I, if we get to the vote today, will be voting against the amendment for all of those reasons. The Minister is committed to 30 by 30. His proposal does it in a sensible, balanced way and it will take all of the stakeholders with us, which will ultimately mean we make faster progress to that 30 by 30 because stakeholders have gone with us. If we do this today, accept the amendment, we will alienate the stakeholders, we will see some go out of business and it will make it even harder to get to 30 by 30.

#### **12.1.6 Deputy M.R. Scott:**

I would like to thank the Islanders who have contacted me on this proposition. I apologise to those to whom I have not managed to send a response. This is an emotive subject. The emails that I have received focus on 2 subjects that really matter to me. It has led to me doing a fair bit of my own scrutiny questioning patient government officers involved in producing this work as well as the well-known advance research tool created by A.I. (artificial intelligence). I do not believe the emails that I have received necessarily are in opposition. We care about the environment. We recognise that maerl is precious and slow growing. Has anyone asked for maerl beds to be damaged? Nobody who has contacted me. It must be painful to see a damaged maerl bed but what is the extent to the damage to them so far? Why would anyone assume that fishermen would want to damage them rather than do so unintentionally because they do not know exactly where they are? Maerl beds are not only important to the environment, they also are important to the fishing grounds that surround them. Maerl beds are composed of slow-growing calcified red algae that form hard brittle structures on the seabed. Not only do they attract fish, but if you are skipping a trawler, from what I have learnt

about maerl beds, you are best advised to avoid them. If you do not know where they are, you may well damage your own equipment as well as the area that attracts fish to the surrounding areas. When I was researching for this debate, I asked the question: "What damage can maerl beds do to trawlers?" I learnt the hard rocky structure can snag or damage the nets, chains or other parts of bottom trawling gear causing tears or breakages. Trawling over these beds can cause the equipment to get stuck leading to potential damage or increased wear and tear and wear down trawling gear especially in areas with dense maerl coverage. While recognising that trawling over maerl beds is environmentally harmful owing to their sensitive ecosystems affecting the biodiversity and marine life that rely on them, my A.I. tool said something interesting. It said: "There are often restrictions on trawling in areas where maerl beds are present to protect both the habitat and the equipment." So the identification of the whereabouts and the density of maerl beds assists both the environment and fishermen. What I believe we are being asked to vote upon right now is what should we accept as evidence as to the location and extent of maerl beds? Should we use the best scientific methods? What are they? Or do we make a step in the dark and say here right now, on top of the constraints this Marine Spatial Plan already is imposing on our fishermen, that fishermen should not fish in areas, parts of which may be found on closer examination not to be thriving, or are not quality habitats at all. I do not know about you but it took me a while to correlate areas (a) and (b) of the map that was separately provided by the Scrutiny Panel at paragraphs (1) and (2) of the proposed amendment. These areas are addressed on page 124 of the document that accompanies the main proposition and here is what it says about them: "More research of these areas, particularly related to migratory fish species and the location of sensitive habitats, such habitats such as Ross worm habitats, kelp habitats and maerl, is needed to inform decisions on which areas become M.P.A.s in the future. There is also potential to explore the use of biodiversity aids such as artificial reefs to enhance biodiversity within the M.P.A." Who wrote this paragraph? The Minister? The fishermen? Nearly everyone in Scrutiny has experience of how government reports are written and, in my experience, the government scientists in this area are credible in presenting an evidence-based road map while also being passionate about conservation. Mention was made of a desktop study. This is a research method that involves gathering and analysing existing information and data from secondary sources generally without conducting new hands-on fieldwork and, basically, it is done to gain preliminary insights before more detailed investigations are carried out. I believe that that perhaps might have been the focus of the Scrutiny Panel in this respect. How soon can that additional research be carried out? What commitment can be made there? That, unfortunately, is not the subject of this amendment. Panel members referred to the number of surveys of different types made in these areas, and I thank Deputy Alex Curtis for referring the States Assembly to the map provided by the Government itself showing the surveys that had been taken in the areas concerned so far.

[17:15]

Now I am not capable - and I suspect most of the people in the room are not capable - of a full-blown scientific analysis into the adequacy and sufficiency of these surveys, but I got interested. I started noticing where the stars were that suggested that a diver survey had taken place and they were pretty inconsistent. They were not evenly spread. Now others have mentioned that this plan is a political and diplomatic minefield. I do not believe we should blunder into areas where angels fear to tread and trawlers would wish to avoid if they can. We saw this approach being taken with trees by the former Minister for the Environment. Now we all love trees and maybe we would like to ensure that none of them are chopped down. He subsequently thought better of his initial proposal because leading a community involves pacing and presenting convincing arguments based on clear evidence that is accepted widely through the expert local and international community. That is why road maps are built. That is why this road map has been built with the intention that it should lead towards a destination rather than blindly crash everyone's heads into it. Who is asking for our fishing fleet to suffer more economic hardship than necessary while pursuing the goal of sustainable fishing? Possibly the Scrutiny Panel who brought this amendment. Possibly the States Members who are



considering supporting it. I liken this plan to the work being undertaken by Government in cybersecurity policy. Some may argue our community would be better protected if nobody were allowed to use the internet. That is not a practical way forward. It is possible to have the best of both worlds. That is what I wish for both the marine environment and for our fishing industry. I will not be supporting this amendment.

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

I am just going to read to you one letter that we have received today. It says it is: “An urgent appeal to reconsider the amendment on the Jersey Marine Protected Areas. I am writing to urgently request your reconsideration of the amendment regarding Jersey’s Marine Protected Areas which is being discussed this afternoon. If approved, this amendment could lead to 11 boats along with their families, crews and local merchants being out of business imminently. Our small fishing fleets have sustainably operated in these waters for generations and young fishermen have invested heavily in the sector. If these areas are designated as protected, Jersey may find itself in a situation where we have to import scallops from France. While French flagged vessels are allowed to fish our waters, they are not permitted to enter our port to land their catch since Brexit. This could mean we would rely on imports instead of supporting our local fisheries, which is completely unacceptable. Over 80 per cent of scallops sold this year came from the areas designated in the current plan. Removing further access to these grounds would not only jeopardise local livelihoods but also compromise our food security.” I ask Members to support our local fishers and go with the Minister’s approved Marine Spatial Plan, work slowly so that everybody can be onboard and that we can have the French working with us collaboratively, like they did last week when they all were at the Minquiers. Let us go slowly and let us get it right and vote with the Minister.

**12.1.8 Deputy D.J. Warr of St. Helier South:**

I am a member on the Scrutiny Panel of I.H.E. (Infrastructure, Housing and Environment) and I started out in this with zero knowledge of the fishing industry and what was going on and what surprised me was all the publicity. Deputy Gorst has said this. He has talked about the fishing industry. The fishing industry is quite split into all sorts of different categories. I did not know about that and, in fact, one thing which I was quite struck by was one of the people who we scrutinised brought with him a piece of dead maerl and she said: “This is the consequence of mobile gear on maerl beds.” So what I would say is it is not a case of this is all about the mobile gear and what is happening here. It is about all sorts of different people who are involved in the industry. Some absolutely believe in this, some are absolutely against it, and so there is an awful lot of tension in here within the industry itself. It is not just Government versus the industry. It is also tension within the industry itself and we must recognise that. The other thing I would say is when Government does interfere ... and I am a marketer here and I am a businessman, I know what it means when Government steps in. Nothing irritates me more than Government telling me how to run my business. I can assure you of that. So the question is if Government does take things away, what is the payback to business? We are trying to tell certain people in the industry: “Sorry, you cannot fish here anymore.” What is the payback to that industry? I appreciate there are a huge amount of issues around here, the tension between the environmental impact and the commercial livelihoods of fishers, and that is a really difficult tension to deal with. I know there is this idea of let us do this slowly. Let us run along with this slowly. How long has nature got? Can the environment sustain what is currently going on? So the answer is the environment cannot answer us on that question. Those little maerl bed guys cannot stand here in the Assembly and go: “This is the consequences of what happens to us” so the question is certainty. As far as the guys are concerned who are in the mobile gear industries, what certainty are we giving them? What is government giving them in terms of economic certainty? What alternatives are we offering? What is the long-term plan? If we go on to remove people from an industry, what is the long-term sustainable plan for those individuals? I get it. The next generation

and the generation after that, what are we doing to them? Business needs certainty, so I would like to hear the Minister talk about that as well, please.

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

I have been listening intensely to the cases that have been made by both sides of this argument and trying to get my head around it and try to find a position on this that is consistent with my values, those values being that of social democracy and social and economic justice. I will give a disclaimer by saying that this is absolutely not my area of expertise. I do not have a deep technical understanding of many of the issues that are raised in this, but I am a believer that the science will get us there eventually and that climate change is an existential crisis for humanity, for which we will suffer the consequences to devastating effects around the world and in Jersey too with all that that will cause in food insecurity and everything else. Deputy Jeune, in her speech, used a phrase, and I wonder if everybody in the Assembly understood what it meant. That phrase was “just transition” so that is the principle that, in moving with the climate agenda to protect our environment and everything that goes with that, we must do so in a way that is just. It must support the needs of working people rather than asking them to bear the brunt of it in a regressive way, which I believe ultimately, if we were not to abide by that principle of a just transition, we will do serious damage to the cause for combating climate change and protecting the environment. I have to say that I am extremely worried that that fight is being lost and that it is being turned into a culture war. I think, partly on one side, are those science deniers and those motivated by the economic interests of those who are against change and, on the other side, I think there are well-meaning people who have simply been hapless and not made an effective case for it and not, in their practical considerations about how we respond to this, made a case that can fill people with confidence that, in responding to these issues, we will have a better life for everyone. That, ultimately, is why I think I have arrived at the position of supporting the Minister on this. I think, in the way he has spoken, it gave me a sense of comfort that he understands those issues and that he will take a science-led approach on one that seeks to balance these competing interests while maintaining our commitment to doing what is right to protecting the oceans around us and our environment. What has, I think, ultimately persuaded me to fall on that side in supporting him now is I think the damage that it would do to break down that relationship with our fishing community and with our neighbours, which would ultimately harm us in the work that the Minister is leading on and that others will seek to contribute to to protect our environment. I think in doing so in such a manner as proposed by the Scrutiny Panel - which, just for the record, I think they are entirely well-meaning in proposing it and I am not critical of them at all for provoking that debate - I think the nature of asking the Assembly to deliberately take sides and put them into this plan without a proper process having been undertaken beforehand is one that, ultimately, will cause more harm than good. I think the anger that we would stoke by the economic damage and the social damage that would be caused by negatively affecting the fishing industry in the Island in the meantime would be one that would be hard to get over. So that is why I, as a committed environmentalist and someone who wants to see our Government go as fast and far as possible in that agenda, thinks that the proposed way forward by the Minister for this is the more appropriate way to deal with this and that is why, with a degree of reluctance, I have come to the view that, for the greater good, it is right to oppose the Scrutiny amendment.

**12.1.10 Deputy K.F. Morel:**

I stand as equally a committed environmentalist, but an environmentalist who has always believed that you have to take people with you, and I have dived on dredged maerl beds and the devastation is horrific. I have seen it with my own eyes. But I also know that poverty and joblessness is equally horrific and has a clear societal cost which, to be fair, Deputy Mézec just outlined really well. So the question in my mind is how do I balance these 2 horrors? In my view, the Minister has the balance right and he has done so for a very important reason and that is consent and, indeed, it is also co-operation. It is vital, if environmental protection is to be successful, that consent and co-operation

of the people who it affects is gained. I did not liaise with Deputy Scott before she made her speech so I do not mean to labour the point, but I am going to make the same point as Deputy Scott in that we saw the demise of the tree law a few months ago, and I believe that that demise in the tree law - which I still believe today was a good law - was effectively because the consent of the people whom it affected and whose livelihoods it affected had not been gained. Therefore, we are now in a position, in my view, that we have less environmental protection around trees than we could have had when that law was in place and so that has created negative environmental consequences. I want the Marine Spatial Plan to succeed but I am convinced that to do so it has to be brought in a manner that encourages the consent of those whom it most affects. Do not be under any illusions. The marine economy is on the edge. We must not put it over the edge. I have worked with the marine industry for the last 3 or 4 years and we are working hard to try to make sure it has a future. It is not an easy problem to solve, and so when you speak to fishermen outside the Assembly and they tell you that they are struggling, I can assure you that is the truth. It is not scare tactics. It is impossible in my mind to imagine an Island without a marine economy. I cannot imagine an Island where scallops cannot be bought which are Jersey scallops and they are scallops possibly from France or elsewhere.

[17:30]

That is something I cannot imagine and wish not to imagine. So I believe we must support the Minister. He has brought balance to this argument. He has done so because he knows that effective environmental protection starts with gaining the consent of those whom it most affects and, as a result of that, I will certainly be voting against this amendment.

**The Bailiff:**

Thank you very much, Deputy. We have reached the point where Standing Orders require me to ask the Assembly whether it wishes to continue or to adjourn for the evening. The adjournment is proposed. Very well. The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:30]