

# STATES OF JERSEY

## OFFICIAL REPORT

FRIDAY, 26th NOVEMBER 2021

<b>PUBLIC BUSINESS – resumption .....</b>	<b>4</b>
<b>1. Provision of Affordable Housing Guidance (P.96/2021) - resumption .....</b>	<b>4</b>
1.1 Connétable K. Shenton-Stone of St. Martin: .....	5
1.1.1 Deputy J.A. Martin of St. Helier: .....	5
1.1.2 Senator I.J. Gorst: .....	7
1.1.3 Deputy R.J. Ward of St. Helier: .....	9
1.1.4 Connétable M.K. Jackson of St. Brelade: .....	11
1.1.5 Deputy S.M. Wickenden of St. Helier: .....	12
1.1.6 Connétable P.B. Le Sueur of Trinity: .....	13
1.1.7 Deputy J.M. Maçon of St. Saviour: .....	13
1.1.8 Deputy L.B.E. Ash of St. Clement: .....	14
1.1.9 Deputy I. Gardiner of St. Helier: .....	17
1.1.10 Connétable M. Troy of St. Clement: .....	17
1.1.11 Deputy G.P. Southern of St. Helier: .....	18
1.1.12 Connétable J. Le Bailly of St. Mary: .....	19
1.1.13 Deputy S.G. Luce of St. Martin: .....	19
1.1.14 Deputy M.R. Le Hegarat of St. Helier: .....	19
1.1.15 Senator S.Y. Mézec: .....	20
<b>QUESTIONS .....</b>	<b>25</b>
<b>2. Urgent Oral Question .....</b>	<b>25</b>
<b>2.1 Deputy R.J. Ward of the Minister for Children and Education regarding ... ..</b>	<b>25</b>
Deputy S.M. Wickenden (The Minister for Children and Education): .....	25
2.1.1 Deputy R.J. Ward: .....	25
2.1.2 Senator S.Y. Mézec: .....	26
2.1.3 Deputy I. Gardiner: .....	27
2.1.4 Deputy I. Gardiner: .....	27
2.1.5 Deputy J.M. Maçon: .....	27
2.1.6 Deputy J.M. Maçon: .....	27
2.1.7 Deputy M.R. Higgins of St. Helier: .....	27
2.1.8 Deputy M.R. Higgins: .....	28
2.1.9 Deputy L.M.C. Doublet: .....	28
2.1.10 Deputy L.M.C. Doublet: .....	28
2.1.11 Senator T.A. Vallois: .....	28
2.1.12 Senator T.A. Vallois: .....	28
2.1.13 Deputy R.J. Ward: .....	29
<b>PUBLIC BUSINESS - resumption .....</b>	<b>29</b>

<b>3. Jersey Consumer Council: Re-appointment of Chairman (P.97/2021) .....</b>	<b>29</b>
3.1 Deputy K.F. Morel of St. Lawrence (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur): .....	29
3.1.1 Deputy M.R. Higgins: .....	30
3.1.2 Deputy J.M. Maçon: .....	30
3.1.3 Deputy K.F. Morel: .....	30
<b>4. Minimum Wage Increase (P.98/2021).....</b>	<b>32</b>
4.1 Deputy G.P. Southern: .....	33
<b>4.2 Minimum Wage Increase (P.98/2021): amendment (P.98/2021 Amd.) .....</b>	<b>34</b>
4.2.1 Deputy J.A. Martin (The Minister for Social Security): .....	34
4.2.2 Deputy G.P. Southern: .....	36
4.2.3 Deputy R.J. Ward: .....	36
4.2.4 Connétable R.A. Buchanan of St. Ouen: .....	37
4.2.5 Deputy J.A. Martin: .....	38
<b>4.3 Minimum Wage Increase (P.98/2021) - as amended .....</b>	<b>39</b>
4.3.1 Senator S.Y. Mézec: .....	40
4.3.2 The Deputy of St. Martin: .....	40
4.3.3 Deputy K.F. Morel: .....	40
4.3.4 Deputy R.J. Ward: .....	42
4.3.5 The Connétable of St. Martin: .....	42
<b>LUNCHEON ADJOURNMENT PROPOSED .....</b>	<b>42</b>
<b>LUNCHEON ADJOURNMENT .....</b>	<b>42</b>
4.3.6 Connétable J.E. Le Maistre of Grouville: .....	43
4.3.7 The Connétable of St. Mary: .....	43
4.3.8 Deputy L.B.E. Ash: .....	43
4.3.9 Deputy M.R. Higgins: .....	44
4.3.10 Deputy M. Tadier: .....	44
4.3.11 Deputy G.P. Southern: .....	46
<b>5. Actions to mitigate the use of Palm Oil (P.99/2021) .....</b>	<b>48</b>
5.1 The Connétable of St. Martin: .....	48
5.1.1 Deputy J.M. Maçon: .....	49
5.1.2 Deputy K.F. Morel: .....	50
5.1.3 Deputy M. Tadier: .....	51
5.1.4 The Connétable of St. Mary: .....	52
5.1.5 Deputy G.C. Guida of St. Lawrence: .....	52
5.1.6 Deputy K.G. Pamplin of St. Saviour: .....	52
5.1.7 The Connétable of St. Martin: .....	53
<b>ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS.....</b>	<b>54</b>
6. Deputy C.S. Alves of St. Helier (Chair, Privileges and Procedures Committee) .....	55
6.1 Deputy J.H. Young: .....	55
6.2 Deputy J.M. Maçon: .....	55
6.2.1 Deputy M. Tadier: .....	55
6.2.2 Deputy K.F. Morel: .....	55
6.2.3 Deputy R.J. Ward: .....	56
6.2.4 Deputy M.R. Higgins: .....	56

6.2.5 Deputy D. Johnson of St. Mary: ..... 56  
6.2.6 Deputy C.S. Alves: ..... 57  
6.2.7 Deputy K.G. Pamplin: ..... 57  
6.2.8 Deputy J.M. Maçon: ..... 57

**ADJOURNMENT..... 59**

[9:32]

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

**PUBLIC BUSINESS – resumption**

**1. Provision of Affordable Housing Guidance (P.96/2021) - resumption**

**The Bailiff:**

We now continue with the debate on P.96. Does anyone further wish to speak on the proposition? Senator Ferguson, you have asked for a point of clarification. That would have been from the previous speaker, who was the Chief Minister, who spoke yesterday evening, is that right?

**Senator S.C. Ferguson:**

Either him or the Minister for Housing and Communities.

**The Bailiff:**

Well, I am afraid it can only be a point of clarification of the speaker who has just spoken because he has to give way technically, so it might be a ...

**Senator S.C. Ferguson:**

Okay, maybe I can ask a question of the Chief Minister. I have ...

**The Bailiff:**

Well, hold on a moment, Senator. Chief Minister, are you present? Chief Minister, are you present and do you give way for a point of clarification?

**Senator J.A.N. Le Fondré:**

Apologies, Sir. Yes, Sir.

**The Bailiff:**

You give way for a point of clarification?

**Senator J.A.N. Le Fondré:**

I think so. I am slightly puzzled on the basis that I had finished my speech, but yes, okay.

**The Bailiff:**

If people agree, we normally leave points of clarification until the end, but technically you still have to give way and if you do not give way then there cannot be a point of clarification. If you do, then there can.

**Senator J.A.N. Le Fondré:**

I will go for it, I will give way, Sir.

**The Bailiff:**

Very well. Senator Ferguson, yes, what is your point of clarification?

**Senator S.C. Ferguson:**

That is kind of him. I got the impression that provided we do not alter the 15 per cent affordable housing for South Hill that S.o.J.D.C. (States of Jersey Development Company) will be required to provide a significantly higher percentage for the waterfront and other States-owned sites. Can the Chief Minister confirm my understanding?

**Senator J.A.N. Le Fondré:**

I am not too sure if I can. What I can say is 2 things. One is that in R.139, which is the report that was published in September, we categorically state that we will ensure - and I think this was specific to South Hill - that in essence we can absolutely commit to doing this across all sites. That is what our intervention was, to ensure that a minimum of 15 per cent of units eventually constructed are provided for a first-time buyer shared equity scheme. So, we can guarantee a minimum of 15 per cent and we will do our very best to achieve more than that. The problem we have, particularly on the waterfront, is that if it is even at 30 per cent it basically makes the scheme - and I use the word - unviable to the extent that it will, in essence, from our perspective ... the information I have at this stage is that it would stop the scheme at 30 per cent. The danger there is that one then firstly is into redesigning the scheme. One is then into consultation because that is what planning policy requires. So the timeframe I have been informed would be at least an 18-month delay on what is meant to be a scheme for about 1,000 units.

**The Bailiff:**

Thank you very much, Chief Minister ... I am sorry.

**Senator J.A.N. Le Fondré:**

I hope that assists.

**The Bailiff:**

Thank you very much, Chief Minister. Very well, next to speak is the Connétable of St. Martin.

**1.1 Connétable K. Shenton-Stone of St. Martin:**

Do I think that there is a housing crisis? Yes, I do, absolutely. Do I think that this is a good proposition? Yes, I do. Do I think that it is well timed? Unfortunately not. I have really struggled with this proposition and in an ideal world I would like to vote for 30 per cent of housing on these sites, even 50 per cent, to be affordable. My problem is that there is a housing crisis and it is with us right now. The Minister for Housing and Communities has promised that the plans are ready to go. If I vote pour, the plans will go back to the drawing board. Millions, approximately £4 million, will be wasted and, vitally, homes will be delayed. As there is a crisis, I do not want and I do not think anybody really wants to delay. If I reluctantly vote against, I expect the plans to be submitted as soon as possible and building to commence as soon as is humanly possible. This is not a big ask or ridiculous expectation and I will be watching what happens with these plans. I am sorry to the proposer that I cannot vote for this proposition. I respect Senator Mézec. He is a really good Member of this Assembly.

**The Bailiff:**

Thank you very much indeed, Connétable. The Connétable of St. Clement. If you are speaking, Connétable, we cannot hear you. Connétable of St. Clement? Very well, I will pass you by, Connétable, and return to you after the next speaker.

**1.1.1 Deputy J.A. Martin of St. Helier:**

I am glad the debate went overnight because I was listening intently to what Deputy Higgins was saying. Deputy Higgins was saying he is all about representing the ordinary local working people of Jersey and this must go through, he must support. He supported the 50 per cent. If he had his way it would be 100 per cent, *et cetera*. I do not know what the Deputy thinks of these people who are actually living there. I am going to give you 3 stories. These are people that I have met. These are my people. This is my constituency. About 8 years ago, this young couple stayed at home in their respective homes. They were married. They had a very small wedding and they saved and saved and saved to get their foot on the ladder. They have now been there a few years and they have a young family. They still work, with the help of the parents that they lived with. That is how they do it. Then I met a single parent. The marriage broke down. They had one child. They were going to

lose everything, but the partner did not want anything to do with the home. So another really good, innovative decision was made. They moved the child into the bedroom with them and rent out the other room. This has been working now brilliantly for 3 years. The lodger is like a friend and it enables the single parent to do an extra job sometimes because the person is there and they trust them if they are doing unsociable hours. Then let me also talk about - these are real people - pensioners who had a home in one of the country parishes but they could not manage it anymore or they lost the partner who was the driver. They sold their house. They did not make loads of money, just enough to buy a one or 2-bedroom on the waterfront because it is lift accessible. It is all on one floor. These are real people that are trying hard and tried hard. They are not leaving Jersey and they want to be here. Senator Mézec is pitching the same people, who want to work hard and get their foot on the ladder, the same type of people.

[9:45]

It does not help anybody. The people who, if the scheme was up today, were giving up their 2 or 3-bedroom home in the country parish, did you listen to the Minister for Housing and Communities? They would have to sell to a family to get into the 20 per cent of the right sizing, and then there is the 35 per cent which is bought off plan. This will just keep on giving. These couples or single persons only need to find £2,000 and they can buy over the next years while the development is being built and then they get their keys and they have a home. In that time - and this happened to a good few friends of my family or my daughter's friends - in which they owned, the first generation to be able to buy, absolutely proud, and they did this on this scheme. So, that is that scheme, and then there is 15 per cent shared equity. So you cannot afford a deposit for the whole lot. You buy half now and you have the option over the next 25 years to buy a bit more, a bit more, as your wages go up, as your circumstances get better. Maybe the children do not need childcare so you are saving money there. All fantastic, innovative schemes for real people. These 1,000 people that already live there are the people that S.o.J.D.C. have been consulting with for the last 2 years. They have done their best to try and make sure homes will not be looked in, homes will not lose light. They have moved mountains to help this go through planning as smoothly as it can, the plans that are ready to go. They are ready to go. The public realm that is promised down there, if we shove in another 100 homes, what do we lose? The public realm is for the whole of the Island. Everybody can enjoy the waterfront when it is finished. These people have been living on a building site right from the beginning, from first when they built Victoria Place and Albert Place, 40 first-home buyers and 40 went to a homes trust. Then they built Millais House, Le Capelain and Harbour Reach. We had a meeting. We have had a few meetings down there, but we had a meeting about 6 or 7 weeks ago and they were your usual residents' meeting. They were not moaning that they had been living on a building site. They did bring up the opening times of the site on a Saturday, and the member from S.o.J.D.C. who was there listening said he would check that out because they should not be there before a certain time and they should be gone by a certain time. One gentleman in the audience asked if on 11th November they could shut the building site down for 10 minutes so they could have the proper one-minute silence. S.o.J.D.C. said that will be sorted. Nobody questioned that because they have such a fantastic working relationship with S.o.J.D.C. Now, I heard my Constable speak yesterday. He seemed quite sad because he has taken ... he said town will take ... he does not want ribbon development in the country Parishes. We will do our bit. We will do as much as we can but we want proper town planning and we do not want town ... **[Interruption]**.

**The Bailiff:**

I am sorry, Senator Ferguson, could you turn off your microphone, please? It is interrupting Deputy Martin's speech. Deputy Martin, please do carry on.

**Deputy J.A. Martin:**

Thank you. He wants proper town planning, not cramming, and this public realm that is being promised down there can be delivered. The plans are ready to go in. As I say, I have told you 3 stories of ordinary people, how they got there. They own probably a couple of bricks in their apartment at the moment. They will be paying for the rest of it over the next 20-odd years, but they have their foot on the ladder. I want everyone else to have a chance to get their foot on the ladder as soon as possible, and this scheme is ready to go with all those innovative things that S.o.J.D.C. and our Minister for Housing and Communities have worked on together to do. It really should not be sent back. We have another meeting with the residents on Tuesday. I do not think a lot of them even know that this is even being mooted or going on, but if you really want to vote for this today, you do not think they are real people, come down on Tuesday at 6.00 p.m. down the waterfront, meet them and tell them why you could not support the plans that they have been speaking about, that they have been promised. All the infrastructure, they know, they have lived down there, they want this a bit better. They have been listened to, but suddenly these are not the people that Deputy Higgins thinks he wants to represent because they are not hardworking local Jersey people. Oh, yes, they are. I meet them. I talk to them. They are my bread-and-butter people. When I knock on doors they let me in for a cup of tea and they tell me their life stories, and I have just passed on 3 of them. They are not just ordinary 3 stories, these are typical of lots of people. Do not stop the next lot of people getting on the ladder with the innovative schemes: 35 per cent off plan and they only have to find £2,000 and they get a few years to pay that deposit as their wages go up, et cetera. Please do not think these are not people that matter. They do matter. They are working hard and they really need to have their consultation listened to. It has been listened to. S.o.J.D.C. have tried to do everything they want and today, on a whim, I do not know why ... the Constable of St. Mary said yesterday he did not really understand what affordable housing was but he voted for the 50 per cent. Deputy Young wants the ground down there, he does not want it a concrete jungle, and he voted for 50 per cent. We are too far down the line on this to go back to the drawing board. Do not let these people down. They really are real people. They are living on a building site. They did not moan about that. They did not moan about a rise in building, just asking if sometimes on a Saturday they could not start so early and maybe finish a bit earlier, but they know. They said: "We have a home and we understand we need more homes, and what a beautiful place to live." They are not rich. Yes, there are a couple of penthouses, but go down those corridors. They are ordinary corridors with ordinary front doors, with ordinary Jersey workpeople behind them. Do not let them down today. Please do not move this to adjourn tomorrow. It really, really just will not work. Even if you do not believe the money argument, believe the human argument of these people. They deserve better. After all the building is done, they deserve the fantastic public realm that has been promised and then all of the Islanders can use. I will leave it there. I am so upset for these people and I am upset that they may lose out for something that may never be delivered.

**The Bailiff:**

Thank you very much, Deputy. I think the Connétable of St. Clement is still having technical difficulties, so I will try to come back to him later.

**1.1.2 Senator I.J. Gorst:**

This is, I think, a difficult decision now. For me, the 50 per cent was straightforward; the 30 per cent in comparison to a minimum of 15 per cent is for me slightly challenging. I want to start, however, by just correcting something for the record. There was a speaker yesterday stood up and gave me a good bashing. I enjoy that, I do not mind that at all, but when they are not quite accurate then I feel I need - not for my part, but for others' part - just to correct the record. The assertion was that in Governments which I have either led or been a part of, they have done nothing for housing. Of course, that is completely incorrect. Hopefully that word is allowed. Under those Governments Andium was created and every speaker today and in previous housing debates have praised Andium

and the freedom that they now have because of the structuring, because of the bond to invest in housing. Hundreds of homes have been built, hundreds of homes have been refurbished. They have a fantastic home-buyer scheme. They basically could build on more sites than are available. If that has not transformed housing in Jersey, then I am not sure what has. We are talking today about an S.o.J.D.C. project. The finance centre on the Esplanade was controversial in its day, but how pleased we are that we went ahead with it, because it has taken offices from elsewhere in town, put those businesses in the International Finance Centre and then these other offices have been converted by the market into residential accommodation, all things that happened under those previous Governments. We also brought forward a rezoning proposition. I am not sure whether the speaker supported those rezoning sites. I suspect not. One of them was controversial, Samarès Nursery, but right now there are homes and people living in homes because of those decisions of previous Governments that I was involved with, not to mention the deposit scheme, which granted families money to get on to the housing ladder. Having set the record straight, perhaps the question is: was that enough? I think as we look back, we can acknowledge and accept that it was not enough. It seems to me that all action on housing generally in the fullness of time is never quite enough. We have seen that situation get so much worse over the course of the last 3 years. For me, the question is ... and I know my Ministerial colleagues have been reminding me that it is no less than 15 per cent, but is 15 per cent enough? I do not believe it is. I really do think that we could get at least 20 per cent, probably 25 per cent, and we could redo some of those numbers to get 25 per cent. The challenge for me today is do I support the mover of the proposition, who is saying 30 per cent, because that gives an opportunity to deliver 25, or do I support my colleagues' minimum of 15 per cent? I wonder if there are other Ministers to speak who could give the Assembly greater confidence that we are going to reach 25 per cent and keep the application on the road and keep delivering the vast majority of the public realm improvement, because that is important. For me, 15 per cent just is simply not enough. In the words of the mover of the proposition, it certainly is not ambitious enough to deal with the issue whereby we need to create more availability of housing in that first rung of the ladder. Of course we need all the other tenures and all the other areas of the market to have increased supply as well. The other complicating factor for me in considering which way I vote this morning - let us hope it is this morning - is the proposal that is before us. I think we do have some very difficult decisions ahead of us as an Island around how high we build in St. Helier.

[10:00]

If we really did vote for the mover of the proposition and the 30 per cent was unobtainable and did require some stalling of the scheme or going back to the drawing board, I might be a single lone voice in saying this, but that might give us an opportunity to go higher, because once we have done this development it seems to me that it might be challenging to go higher elsewhere in town. That might not be the case, we might still be able to do it. We know that we have what is now an industrial site down at La Collette, which in due course will of course have the potential to be a fantastic new residential area of St. Helier, which could be a really appealing place to live, and we would need to use height appropriately there. But we have an opportunity in the base in St. Helier with sufficient public realm to go higher than we have gone in the past. That can keep us economically strong, it can help us to keep the population growth in balance and it can keep the green countryside and keep agriculture working. We can have the best, as it were, of all worlds. We know right now there are around several thousand vacancies in the employment market. That is putting challenges on our economy. Of course, it also does not seem to be having any slowing effect on the increase in housing prices, so we have to deal with this housing crisis. I am not sure I have come to a conclusion in these comments. I will wait to hear what others have got to say, particularly my colleagues and what they might say during the course of this debate. I will listen with interest to the summing-up of the mover as well.

## **The Bailiff:**

Thank you very much, Senator. Connétable of St. Clement, are you with us? We will try again later.

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

It has been a very strange few days. The debate we had was very co-operative and there are alliances across the Assembly - dare I use that word - where people voted on assisted dying, and I find myself sitting here encouraging Senator Gorst to continue along the way he started in his speech. It is a rather strange one, but I am a little bit nonplussed by the fact, if I am honest, but it is pleasing to see. There is a reality in this debate that needs to be looked at and that is the reality of the genuine situation for people's accommodation on this Island. What has happened at the moment is that a strange mixture of forces has been put together to create discontent and fear, I think, for those who may vote for this proposition to say that first either the whole scheme will be unviable, that nuclear option, which we have seen so many times from this Government with the hospital, with Cyril Le Marquand House, with just about everything that has come forward. If we do not vote for it, then the whole scheme will fall and it is a sort of form of Chicken Licken politics, where the sky will fall in, which is a real shame because I thought we had some intelligent debates in this Assembly. Then we had this strange combination of saying that there are schemes available that make these homes accessible. I was coming in on the bus this morning and I thought: "Let us look up buying somewhere, a 2-bedroom place." I was thinking of a friend of mine who I met last night and my daughter, who I think: "Where is she going to live?" not that I do not want her living at home, I love her dearly, but she has moved away once and she might want to move away again, so let us look at the reality of prices. I do this because I asked the Minister for Housing and Communities can he give us an idea of the price of these homes on the waterfront and he could not answer that. He is now making an assumption about the affordability or their availability or their accessibility for these working people that Deputy Martin is talking about without knowing the price of them. So let us have a little look. There is a 2-bedroom apartment for sale. It looks like one of the waterfront ones, do not know, not much of a view, £565,000, over £500,000. There is another one, 2-bedroom for sale - oh, that has got parking - it is in town, there is no view, £595,000; a 2-bedroom apartment to purchase off-plan now, £540,000. This is £500,000, over £500,000. If you want to go into the 3-bedroom ones, you are talking £789,000, £865,000. Whatever scheme the Government produces of shared equity for these so-called working families that Deputy Martin is talking about, it is not accessible. The reality is that this foot on the ladder, this mythical foot on the ladder, is not going to happen for them. It takes Government to act to provide affordable homes, to say with the developer - which is a States-owned company on States-owned land, land that we own, and when you put it together in your head like that, it is mind-boggling that we are in this situation - to make the change and say: "We are going to have a principle of ... and we are asking for a minimum of 30 per cent, that is all." There are some clues as to direction of travel in terms of homebuilding and States-owned and the S.o.J.D.C. from the amendment that did not quite make it into the Assembly, which suggested a minimum - which very quickly becomes a maximum - of 15 per cent affordable on all builds. What we are getting here is a principle of property development, widespread, that is there as a cash cow for the S.o.J.D.C. and we do not know where that money is going. We are told that this is potentially destructive. Looking at the figures of 30 per cent, there is a difference of £5 million of profit. Let us look at that figure, let us analyse. I ask people, please look at that figure, because those are on benchmarks that were already set and they were not flexed in any shape or form, so what we are doing here, the analogy is building the house. The foundations that have been given in these benchmarks are within set boundaries and then we are building upon them, but when you are doing that, if you were to change those benchmarks or to look again at those benchmarks, the figures would be different. Given that we do not even know how much these homes are going to go for, there is no clue. If you look at the housing market at the moment, it is so inflated that you can only suggest that waterfront homes looking over the sea, a 2-bedroom flat for sale looking over the sea, £875,000. That is the reality of not building affordable homes. That is the reality of this situation. As for the reality of people who have worked and worked

and worked and lived with their parents, yes, I know so many of those people. I have friends, my own family who are going to struggle to do anything and they are working incredibly hard. They are well-qualified, they are one of the pulling up their socks people, like Deputy Martin would suggest, that others who cannot afford a home, perhaps she is suggesting they are not, which is quite sad. We need, in this Assembly, to be taking control of the situation. There was a very telling point yesterday from Deputy Russell Labey, the Minister for Housing and Communities, where he said repeatedly: "The S.o.J.D.C. tells me." Well, as Minister for Housing and Communities, perhaps you should be telling them a little more and setting the boundaries and setting the criteria and leading the way, rather than coming up with what was a rather convoluted and disjointed description of these projects that are cloud cuckoo land sometimes as to what is accessible. Let me set something that I am really concerned about out to this Assembly, which is important, I think. It is that what will happen if we just leave the 15 per cent affordable, that means 85 per cent, this Assembly is accepting, is not affordable to the majority, but we will put in some projects and hopefully they will work. They will not for the majority of people and so they will be left to be sold. If they are not sold to on-Island residents or people through those projects, they have to be sold to make the money because that is the principle that we have got here in building this. They have to go out to the market, and so in a couple of years' time when they are sold to people who are very wealthy and can buy them and then let them for high rents, and if they do not sell them to those, well, perhaps overseas investors might be necessary, and that is the slippery slope that we enter when we build these developments with so few affordable homes, because we are building on States-owned land with a States entity. I am sorry, I have got to keep a straight face when I say that. We are building homes that are inaccessible to the majority of our population and we are sitting here and we are voting for it. I cannot do that. I believe it is fundamentally wrong. When you look at the figures, those figures I believe are misleading in some ways because the criteria in which they are set comes with what I believe - and I think there is evidence for this from the amendment that came earlier - is the principle of Government. What we are starting with, the only leadership we are getting from Government on this is: "We will only build 15 per cent as a token gesture towards affordable. We do not have to define affordable and then we can go out to the public and say: 'Look, there is all of these homes available that we are building, thousands of them, and if you pull yourself up by the bootstraps, you can go and buy one, and if you do not, then it is your own fault because you are either feckless or lazy.'" That is the principle that we are seeing here, that is the reality of the politic of this. As an aside, it is very interesting that the Chief Minister can throw parties into this when it fancies him, but at other times we do not talk about parties, because this goes beyond party politics. This goes to the heart of what the problem is in this Island for housing for so many people. It is unaffordable and we have a housing crisis and we are going to deal with that crisis by supporting 85 per cent unaffordable homes. That is what people listening or looking at this debate are hearing. That is what they will see: "Well done, States Chamber, again you have voted for something that is going to fail the Island." That is what we need to look at and think about when we do this. We cannot be held to ransom by these questionable figures, by this principle that the only way we can build this is by doing this and making money in this way. I will say to the Constable of St. Helier, when he talks about: "Vote for this because it is ready to go" and the urgency of it, it is quite interesting that he has been Constable of St. Helier for a long, long time and we are still talking about the St. Helier realm and how we are going to build that. We still do not have the walk pathways and the other, we do not have a youth facility because the site that is available for that youth facility, there are obstacles that will not be dealt with. That is a really interesting approach from the Constable of St. Helier. I am disappointed in my Constable for not supporting this because there is another principle. Why is it that if we build more affordable homes we are stopping people getting an affordable home? I just do not get it. Only by stopping the affordable homes can we build these homes that are not affordable and let people pull themselves up by their bootstraps and in some way through some convoluted scheme, which means they are never really going to own their own home, they are going to own a percentage of it, they can work their socks off. I do not know, it does not make sense. There is one way to address this issue of affordable

homes, one of many ways. That is to build affordable homes. This is an opportunity to do it. It does not stop the project; it will not stop the project. You have got a choice. You either make slightly less profit. Well, the realm of St. Helier, the I.F.C. (International Finance Centre) is coming forward, there is so much other stuff there, and to be honest, nothing has happened anyway or very little or you go back and you make some changes. I agree with Senator Gorst that it is perhaps an opportunity to make that number larger, but the cynicism, the built-in cynicism of a minimum of 15 per cent is just astounding, because the reality is that we have a political drive to just throw unaffordable homes on to the market because they do not believe that the people of this Island ... in fact, no, I am not going to say that, I do not think it is parliamentary. But I make a plea to people, before you vote against this, think very carefully about what you are voting for. The notion that this project will stop that nuclear option, we have seen it so many times from this Government. It is the only approach they have got, because when you have got poor foundations - forgive the pun - then you have to come up with an argument that is destructive.

[10:15]

What we want to hear at the moment on housing is something constructive. Yes, 30 per cent affordable homes, we will try to make it more. Let us look at this project. There is no reason we have to stop it. There is urgency. The Minister for Housing and Communities should be leading this: "Yes, I will not let it stop." As for Deputy Ash, the Assistant Minister for Treasury and Resources, who says he has to agree it, and there is another gun to the Assembly's head: "I will not agree it if it is not the right type of thing to do." Well, there you go. I will not mention the ... in fact, no, I will not mention that. I am not going to bring party politics into this today because it is too important for our people. It is too important for young people. Selfishly, it is too important for my family and my children if they do want to stay here, do not have a chance of buying anywhere. Even though they are qualified and intelligent and beautiful human beings, they do not have the opportunity to get anywhere here. Now, that is fundamentally wrong. This is one step towards us being able to do more and produce more affordable homes. I think that this Assembly not taking this opportunity today is a huge error, so please, if you have been got at overnight with arguments that are flawed, please look at it again. Please think through what you are voting for today and look at the consequences of this long term. We will see these homes go to those who can afford them, and to do that you have to be able to invest, or companies or whatever and it becomes very convoluted, but they will not go to the families and people that really need them, that we need to support in our society. These developments, of course they need to happen. I do not believe that voting for this will stop them happening. That is fundamentally not the case, but we have an opportunity for this development to stop the drive towards building more and more unaffordable homes and flooding this so-called ... and this fixed market with homes that people cannot afford, which will end up with investors, inevitably. We just make the problem worse week on week and month on month and year on year. Let us take this opportunity today, let us vote for this. It is 30 per cent. It is going to make very little difference financially. It will not stop the project, but you have an opportunity to say to the people of Jersey that we are going to do something and we are going to start this now. Any other projects that come through that support housing I will always and we will always support. I urge Members to vote for this amendment and think very, very carefully about the outcomes if you do not.

#### **The Bailiff:**

Thank you very much, Deputy. Connétable of St. Clement, I am not going to call on you again. If you have solved your technical difficulties and would like to speak, please indicate a desire to speak in the chat and I will call you in your turn as that arises.

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

I questioned in my speech on the amendment the issue of loss in value at the South Hill site by agreeing to the proposed amendment before us now. Senator Mézec agreed, if I understand correctly,

that this was the case from a monetary point of view, but suggested we need to consider the value of supplying affordable housing to those in desperate need. This is, in my mind, the crux of the matter. Do we sacrifice this development by losing twice the monetary value? The Chief Minister suggested, I think, we could get 3 or 4 more properties in monetary value for each apartment as proposed. Site costs in addition are of course a consideration, but the Government does have sites, they have the capability to assemble land parcels and provide the necessary affordable schemes we desperately need. My perception is that the present Minister for Housing and Communities is being proactive in this and I support his ambitions. The cost of housing, whether to purchase or rent, has always been difficult and there will be many in this Assembly who have been through the struggles of getting a roof over our heads. There is no doubt in my mind that the lack of a migration policy and lack of supply are the crucial areas we must address now. I do think it would be wrong to stall the South Hill development. It is ready to go and we all know how long it takes to get to this stage. I have difficulty in supporting the 30 per cent proposal on this site and risk putting things off, but I am keen that the percentage of affordable homes in all other sites receive serious consideration in a short time.

**The Bailiff:**

Thank you very much, Connétable. I should perhaps explain that I appear to have done a thumbs-up sign on the chat, unintentionally, of a comment from Deputy Young. Obviously, I was not expressing any view at all. I had thought he was asking to speak.

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

Perhaps one day.

**The Bailiff:**

I thought he was asking to speak and I just wish to correct the record. Obviously I expressed no views at all on the outcome of any debate or on the force of any speech. With apologies for that, does any other Member wish to speak on the proposition?

**1.1.5 Deputy S.M. Wickenden of St. Helier:**

I think we need to go back to the beginning of the proposer's speech on this. I am going to talk about the multiverse that he brought up. I cannot believe some of the speeches I am hearing and I feel they are from a different realm. We have everyone agreeing that there is a problem with the supply of housing in this Island and we have a site that is ready to go, it has been through consultation, it gives good public realm and that is what we need to be doing as soon as possible. To vote for this proposition, as set out, will then mean that we have to go back to consultation: delay. We have to redesign and get ready and build something for planning in a different way: delay. It means that the financials, whether Deputy Ward says they are dubious or not, it is always ... you put the evidence in front of somebody. If they do not like it, they will tell you they do not think it is right. I am hearing it a lot recently. I will be interested to see which way this vote goes and how the headlines will be. If this proposition goes through, will it be more affordable housing for St. Helier or is it the States Assembly have kicked the can down the road and they are not delivering the housing required for this Island? Because that is what this proposition does, it kicks the can down the road, it delays and it stops delivering in the housing that everyone seems to agree is absolutely necessary. We are talking of a minimum of 15 per cent. That is the lowest common denominator in what will be provided onsite, but what we can say is that any changes have to go to consultation, delay, kicking the can down the road. I just do not understand how everyone stands up and says: "We need housing now" and then we are going to stop. Senator Moore yesterday talked about political direction. That has gone really well for us in the past, has it not, political direction and getting involved? We are going to give you a new steer. Where are we with the hospital because of political direction? When I first came to the Assembly it was a dual site and then it was a single site at Gloucester Street and now it is a single site up at Overdale through political direction. We have a site that is ready to go; it has

been consulted on. My constituents are waiting on it. I have a friend who is waiting to buy on that. He is looking at this site to buy so his family have somewhere to live. Let us kick that down the road further. We cannot delay any longer. We cannot turn around and say: "We desperately need housing and where is it going to be built?" and then as soon as a site comes up say: "Not quite this one, maybe not yet. Can we change it a little bit?" and then we will wait until the next Assembly comes and we change it a bit more and we end up with a Millennium Park, another hospital debate. Political direction sometimes is the bane of getting things done, not the helpful decisions that need to be done. If we vote for this the headlines in the *J.E.P. (Jersey Evening Post)* and *Bailiwick Express* should be: "Oh look, they have done it again, indecision, kicking the can down the road, changing their mind." It should not be anything like that. Please do not be fooled by these arguments that: "I do not believe the company that was doing the finances on this were doing it in the best possible way to give us the right information." The figures are the figures. This will cause delay. This will mean that there is not more money to put into other sites with more housing somewhere else. It reduces our ability and the effectiveness to deliver housing in this Island. Please do not be fooled by this idea that nothing will be delayed and this will not cause an effect to the hardworking people that are waiting to buy. These sites, when they are built with housing, are not going to lay empty for 10 years because nobody can afford to buy them. There are people that are waiting to buy houses right now and we should think about them too. Do not kick the can down the road, please do not vote for this proposition.

#### **1.1.6 Connétable P.B. Le Sueur of Trinity:**

I do not know if it is relevant that this debate has strayed into what is commonly known as Black Friday, but it appears to me that we are effectively being asked to support having a fire sale of one of our prime development sites. I am afraid I cannot agree with this proposition. It is beholden on us to achieve the maximum public benefit from any States-owned asset and we should be sweating South Hill and the waterfront to achieve the maximum return, as any right-minded undertaking would do. Profits realised from the development of these sites will then in turn be invested in the delivery of homes for assisted purchases in which the States can retain an interest and delivery of improvements in public realm. This option will deliver far greater public benefit and result in additional homes within this category than the quick fix offered by P.96 today. The best way for us to address the present housing shortage to maximum effect is by supporting the considered and structured approach being proposed by the Minister for Housing and Communities.

#### **1.1.7 Deputy J.M. Maçon of St. Saviour:**

It has been a very interesting debate and absolutely a relevant point brought up by Senator Mézec, but through all of this I really do feel that the Constable of St. Martin has hit the nail on the head on this one and she gave a very good, concise speech. This is the problem. This is about the development, and I am particularly talking the one down the waterfront, the development has been factored and put together on the basis of not only delivering units of accommodation but other public realm improvements. We heard the Constable of St. Helier speak yesterday about how desperate he is to ensure that that public realm improvement is delivered. I was very disappointed to hear from the Minister for the Environment yesterday, because I know in his heart of hearts he strongly believes that development can produce a wealth of public realm improvements through the planning application process and I do not think for a moment that he would want to jeopardise that, because I do not think, from my experience of his speeches, that is where his politics lie. I was surprised by the speech given by the Minister for the Environment because of that. I think it is so important to say that for those people down in that area, they do not need more uncertainty for this development. Deputy Martin spoke about the construction issues that they have been having to live with and of course whether it is now or later there will be construction delay and the process to go through, but let us have this sooner rather than later. We know that the planning application is ready to go in early December. It is ready to go in. It is just pending this particular vote. What I can say is I have a message from the Minister for Housing and Communities just to remind Members that it is a

minimum of 15 per cent and that discussions are ongoing to see if that can be increased. That is something that the Minister for Housing and Communities is actively having. We do not know, because of the figures that have been used in order to finance this particular site, and in order to get the independent financing from the banking sector in order to secure this development whether 30 per cent is something we can deliver on these sites, which Senator Mézec is being asked for.

[10:30]

But what I can tell Members is that the Minister for Housing and Communities is actively trying to up that percentage of what is delivered. But I do need to talk about semantics here, because it has been bandied around quite a bit. I think it is unfortunate that what has been used, which is a technical term, of affordable housing, which when that is used in government terms is to mean social rental or first-time buy or variance of that. I have never liked that and particularly for the semantic issue we have got into now, because then you can say: "Oh well, if it is not affordable housing, it must be unaffordable housing." No. What it means is the rest of it is at market rate, which we live in a capitalist society; that is how it works. I would agree with Members, my bone of contention here has always been we need a proper immigration policy in order to cool the market because if we carry on as we are, we will never, never, never meet supply because demand will always outstretch it. We have got to tackle demand as well as supply, and I look to my colleague, the Deputy of St. Peter, in that regard, and I think he is taking very big notes on this debate because everything we do in Jersey is always going to be related to the population on this Island. All I would ask Members is to think about the speech from the Constable of St. Martin. We cannot, I do not feel ... it cannot be right, down all this road to then at the eleventh hour pull the rug from S.o.J.D.C. to deliver these housing units, which is a cross-tender, it is for social rental, for first-time buyer and for open market housing for Islanders. I would love to be able to be in the position to back this to say: "Yes, 30 per cent, brilliant" but because of the particular modelling that has been done on this site and which has been looked at independently by qualified individuals, this is not what Deputy Maçon thinks about the financing, this is not what Deputy Ward thinks about the financing, qualified individuals have looked at this request and have said: "This really threatens the viability of this site." Today it is not something I can sign up to in its entirety, although I would really like to. It is more important for me not to stall the process. Can we just talk about the money that is going to be wasted if we have to go back to the drawing board? They have already spent £2 million on one site, £2 million on another site. Do we really want to go around in circles? No. This is something which has to be delivered for Islanders, not only for housing units but for the public realm improvements which go along particularly with the waterfront development. I urge Members to think of the speeches of the Constable of St. Helier and the Constable of St. Martin.

**The Bailiff:**

Thank you very much, Deputy Maçon. There is a point of clarification from Deputy Young if you are prepared to give way.

**Deputy J.M. Maçon:**

No, I am not. Thank you.

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

It is always a pleasure to follow the previous speaker. I agree with a considerable amount of what he said. I would like to take issue with one of the other previous speakers, Deputy Ward, who gave an emotive display, as he often does, and uses very emotive language, but one thing, and I think it is important we, as an Assembly, clear this point up, when he said that people have said - or he insinuated people have said - that if you cannot afford one of these properties you are feckless or lazy. I do not recall any States Member ever referring to anybody as feckless or lazy if they could not afford one of these properties. I thought I would just point that out. I was also delighted to hear

that Senator Gorst reiterated what I said yesterday, that Government have worked on housing over the last 8 years and that Andium have revolutionised much of our housing. In the spirit of what he said yesterday as well, that we all need to pull together, I think we need to revolutionise it a little bit further. I was very pleased yesterday when the Minister for Housing and Communities stated that St. Saviour's Hospital and Les Quennevais School will be available for development. I would say this to the Minister for Housing and Communities, that my daughter bought on one of these schemes. It is no different when you are in the south-east of England either to Jersey to get on the property map and the U.K. (United Kingdom) Government offered people a £5,000 deposit in order to do so. A couple of years ago she took up that option, but where she moved to was in Pembury, which is just south of Tunbridge Wells, in a development ironically built by our well-known friends in Jersey, Dandara. What they did is they have a fantastic mixed development. They have produced this: there are people who have downsized, there are a considerable amount of first-time buyers and there are people who have upsized and they are all different types of properties on this development, plus they put in shops, a community centre and a brand-new purpose-built primary school. This makes a great community in one place. I offer this now to the Minister for Housing and Communities, if he wishes to join me on a day trip to Tunbridge Wells - and I will throw in a pub lunch - he is welcome to join me in the New Year. I will throw that offer in to Deputy Gardiner as well, because she is very keen on putting a school on a site and I do not see any reason why we cannot combine a school and housing. There you are. That is just that I do think we all need to pull together and all put ideas out there, but let us come back to this proposition that we have in front of us to buy 30 per cent. The economic arguments have been made, we made them yesterday and the conclusions are there in black and white: 15 per cent shared equity is a balanced scenario and I, as long as I am a shareholder representative, will speak with S.o.J.D.C. to see how much we can squeeze that and get more from it. I will come to that point, because people have said: "No, you will not" and I will come to that point in a short while. But as it stands at the moment, anything above that can create an unacceptable risk and seriously jeopardises the viability of each development. Now, that is true whether it was 30 per cent or 50 per cent, as was mooted yesterday. Lenders will not support developments that are not economically viable. That is a fact. Try going to a bank and setting up a business, say: "I want to borrow this money." "How much money do you think you will make?" "I do not think we will make anything, I think we will lose year after year." The bank will not say: "Oh well, that sounds a jolly good thing. Have a couple of thousand and see how you get on." It is just not real in anybody's world, is it? Even in Deputy Ward's world, that is not real. We can debate all we like that Ministers and officers should allocate more time and effort, that they need to work harder to get a more suitable outcome, as this proposition requires. Fundamentally, we have had an independent review, it says the figures are not viable at 30 per cent. No amount of work or effort is going to change that regrettable truth. I want to also come back to comments Members have made in the briefing on 11th November and in this debate about the level of infrastructure and public realm improvements. I think other speakers have touched on this but there has been extensive consultation and engagement that has taken place with the public and planning on both developments but particularly the waterfront. The result of this process, and I think Islanders who have given their views are 100 per cent right, they are not interested in just creating a housing estate. As Deputy Martin said yesterday, you can create them. Broadwater Farm is a classic example there where if you get the train up through what is the Elephant and Castle in London, you will see the remains of what was the North Peckham Estate which, without putting a finer point on it, are hellholes and they were just awful places. I believe in fact that the man who created one of these, it might have been the North Peckham but it was certainly one in that area, when he saw what he created he killed himself. That was how bad these situations were, or how they became, so we do not want just a housing estate. Islanders were right, and they said they did not. They want a destination for our waterfront that can be enjoyed by residents and all Islanders alike, and that includes tourists and one that creates a community. They want beautiful, attractive landscaping. They value the planned communal facilities that are planned there: a sports centre and a new public parking facility. Now, attractive landscaping and communal facilities and

fountains, et cetera, are all very nice but they cost money and they do not generate money. We surely want communities served by extensive and modern amenities that contribute to the quality of life of Islanders, all Islanders, and that fits squarely within this Government's strategic policies. I would go further to say it should fit in any Government's strategic policies but all of that costs money and can only be achieved through returns generated on both developments. I would urge Members also not to be taken in, and someone else mentioned this as well, that if 15 per cent is affordable, that means 85 per cent is unaffordable. It is rubbish because we are putting some in for first-time buyers anyway. So let us be clear on what has been planned because we are hearing a lot about: "Oh, it is just 15 per cent. That is all that S.o.J.D.C. are doing, 15 per cent; the rest of it will sell to the highest bidder." That is not the case and it is absolutely absurd that people have suggested it. But let us first of all then have a look at the waterfront. Fifteen per cent, and, as I say, I will try to get that improved but at the moment it is 15 per cent, will be shared equitably. Thirty-five per cent will be sold to first-time buyers. Now, if my maths is right, that is 50 per cent will not be sold to anybody who just comes along. We have then got 20 per cent sold to households that are right-sizing and in that they will be selling hopefully their larger 3, 4-bedroom houses to local properties. Sorry, Sir, can you just bear with me one minute?

**The Bailiff:**

That rather depends why, Deputy.

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

I just had to turn the phone down. I will continue. So, 20 per cent to people who are right-sizing and that will be with assistance: stamp duties paid, removal costs paid, all by S.o.J.D.C. to try to encourage people to do that. On South Hill, they are focused on delivering and now this is what I said. They were asked by the Council of Ministers to deliver 15 per cent but they went away, they examined this, and they are delivering 20 per cent. Not the 15 per cent that was asked; they have worked it out and they can get to 20 per cent. So, they are going to deliver 20 per cent shared equity, 30 per cent to first-time buyers and 25 per cent to be sold to households that are right sizing. So, 75 per cent of those properties will not be sold just to the highest bidder. Now I appreciate that that message does not fit into a neat newspaper sound bite but perhaps S.o.J.D.C.'s efforts to help the housing needs of all Islanders, not just those served by social housing providers on Island, are another inconvenient truth. Sometimes I despair at times at the lot of S.o.J.D.C. because on one hand some Members bemoan the fact that they do not get enough returns but that forgets the fact that S.o.J.D.C. as an entity deliver significant public realm improvements on all their developments. They are over-and-above commercial developers to highest standards and, as in this case, and in the case of the College for Girls, do not just go out and sell it to the highest buyer because they have certain social responsibilities which they are fulfilling here. If Members want to vote in favour of this proposition, they need to be aware they are doing 2 things: (1) they are going to be ignoring the economic facts and (2) and it is a fact, they are going to be jeopardising the delivery of 1,100 homes; 1,100 of the much-needed homes that we are reading and hearing about so much, not just in this Assembly but in the press and on social media. I am going to conclude now but what I want to conclude with - and I know my good friend Deputy Tadier will like this because he is a great fan of the Monty Python's - what has the S.o.J.D.C. ever done for us? Well, they may not have delivered wine and aqueducts yet, I suspect we may get a proposition stating they should deliver an aqueduct as part of a scheme, but we have not had it yet, but they have delivered significant financial benefits to Government, £17.2 million since 2012. Since 2012, S.o.J.D.C. has declared cash dividends of £10.5 million of which £5 million has been ring-fenced for infrastructure projects such as the skate park that is hopefully on its way, improvements to Midvale Road which are hopefully on their way, and other projects which the money is there, we just need to have the go-ahead, such as access to Fort Regent via Snow Hill.

[10:45]

These are all things that are often forgotten. A further £6.7 million of benefits since 2012 have accrued from asset transfers and infrastructure improvements such as additional parking at Janvrin School, widening of Drury Lane to allow parking, Trenton Square, these are just a few of the examples of where money has gone in the public realm. Coupled with all this, S.o.J.D.C. have delivered modern and desirable office space in the International Finance Centre and they have delivered the outstanding conversion of the College for Girls' site. I ask Members, how long did that site just stand there as almost a monument to the failure of Government to do anything about it? Years until S.o.J.D.C. came along and improved that and put a considerable number of first-time buyers in it. They have also delivered high-quality accommodation at Horizon, South Hill and the waterfront will be similar success stories if we let them get on with it. I will just close with a word to Senator Ferguson who bemoaned the fact that many properties these days, and indeed the Horizon is one, have open-plan kitchens. I fully agree with her but many young people, such as my own children who are now in their 20s, all rather like the open-plan kitchen, but I am with Senator Ferguson on that one. Thank you very much and I really urge people to vote against this.

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

I did not really plan to speak for a second time but I have been prompted following the invitation of the previous speaker to visit and I will accept the invitation. It was mentioned several times through the debate and the comment from the Minister for Housing and Communities that I prefer school to homes. I would like to clarify that I do not prefer schools to homes but I would like to have schools next to the homes where the children need to go, but that was not the reason why I decided to speak. The previous speaker mentioned different percentages of the people who will be in affordable housing - first-time buyer, equity shares - so there is a high percentage. I am not sure how it cannot be recalculated quickly into the 30 per cent that Senator Mézec is requesting now. Also, Senator Moore offered a way forward which I can see that it can work, that we still have the Government Plan to debate and amendments can be put quickly within the next 2 days. Senator Gorst mentioned that we might be able to do 25 per cent. To be honest, I cannot see the difference between 25 per cent and 30 per cent. We might need to work a bit harder to find how we will work it out. What really struck me is the word "delay". Maybe it is only me that had a *déjà vu* feeling, as earlier this year when we were debating office accommodation where we did not have a choice, we had one bidder that left us, and the only bidder left has stayed. When Members raised why we would not build it where the I.F.C. is, we have been told it is impossible, it is all progressed, it will all be delayed. Later we are finding out we do not need too many offices, we might build houses there. The hospital, yes, some of the Members of this Assembly, because of the delay, agreed to sign off an extra £200-plus million and again we have delay. Maybe we should just stop justifying everything. The delay, we do not want to delay, but we need to have the option to review. With all previous speeches on both sides, also on the Government's side, I have a very big question about why we cannot meet 30 per cent. I understand the money is going into the public realm, we have a development of the waterfront which I also would like to see developed, and because it will happen in 2026, we might need to rearrange both of the projects. So for me the delay again, I feel we need to stop, we need to rethink and the Government does have time to rethink without making a delay.

#### **1.1.10 Connétable M. Troy of St. Clement:**

Coming in late I risk repeating some of the comments that various speakers have said before me. I am wholly opposed to the delay in the waterfront development and I will definitely be voting *contre*. It seems to me that Spiderman is about to slay the golden goose which is the States of Jersey Development Company. The States of Jersey Development Company will provide a world-class development with £150 million of free infrastructure. It seems crazy to me that we are letting the opportunity either be delayed or cancelled altogether. It delivers without doubt both affordable and social housing and opportunities for downsizers with a caveat to sell up to a local family. It is a win-win situation. Yet, some of us here who have not run so much as a tuckshop, never mind build one,

think otherwise. They argue with international bankers and the States of Jersey Development Company, with its committee of experts, and say that they know better. I do not understand it. A £700 million development is being taken over by people in the States of Jersey who frankly do not know what they are talking about. The formula is good and the formula is right. The bankers have set a target to evaluate their risk factor. If we take the 30 per cent, their risk is greater, it is really as simple as that. They may cancel or they may delay. The cancellation situation would happen if the factors risked their insurance by devaluing the profit margins to, say, something below 10 per cent. That is not somewhere where we should go. If the development is passed and goes ahead fairly soon, we will have more development, shops, cafés, restaurants, more employment, more taxes coming from that employment and social security. That will happen sooner than later. The flats will be built sooner than later. We know that we are on track to get our other developments up and running to fill the gap in the property problem. We have heard from the Minister for Housing and Communities and he has confirmed that he is on track to deliver 3,000 homes within the next 5 years. Why would we argue with that? If this is a cancellation, if the bankers withdraw funding because the margin of error becomes too tight and therefore the risk to them becomes too risky, we have nothing and we have all lost. I will be voting contre to the proposition.

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

There has been some question around what do we mean by affordable or unaffordable? Why would we be building unaffordable housing now? Do we have a need for unaffordable housing? We do not. Do we have a vital need and is it our duty as a Government to fill the need for affordable housing, putting roofs over people's heads? The answer to that question is yes, that is absolutely our duty. It is the right of our citizens to be housed in decent conditions and our duty is to supply that need. There can be no question about that. I have been questioned about what do we mean by 85 per cent unaffordable? Well, let us just do some quick sums. We have seen that 2-bedroom properties are going for £500,000 or £600,000, even more possibly. Let us look at the average family who wish to purchase that sort of property; a 2-bedroom house. Accessible, we would hope, but no. What are we talking about, average wage for one of those earners? Medium wage, £32,000, £35,000, thereabouts. A partner, perhaps part time, maybe £20,000. Let us look at the multiplier: total income something like £50,000. So multiplier of 10, that says that those 2-bedroom flats, those 2-bedroom accommodation are unaffordable for these average people. Only the wealthy end of our market can afford them. For most people, that is unaffordable. Nobody is going to lend you 10 times the going rate. We are told we have got, wow, £150 million worth of public realm coming along with this. What is that public realm going to be? If this time around we only build unaffordable, that 85 per cent, and we do not build some more affordable housing, then I will tell you what that public realm will be. It will be a shelter. It will be a homeless shelter down on the waterfront because we better tidy them up out of the way because there will be people made homeless by our policies. That is what will be happening. As seen today, the classic piece of propaganda, and yesterday, time and time again, kicking the can down the road. One of our Deputies managed to say that 4 times in 5 minutes today but it is the classic propaganda of taking a frightening situation, a fear situation, and saying it again and again and again until it becomes a known fact. That is what has happened with this delay/cost/we cannot do anything, we are committed to this. That is what has happened. Here we have people hearing that and repeating it. Classic propaganda technique. But let us just have a look at some of the costs that we are talking about, and I think some of the contributors have worked this out. If we are to have shared equity schemes that means uninvestment by S.o.J.D.C., that investment comes out of the profit for S.o.J.D.C. Downsizing for our older couples so that they have got the right size accommodation again requires some spend, it comes out of the profit. What is the difference between these unique and special schemes to give people "access" and accepting that we are going to build some affordable ... in fact we should be building more affordable accommodation with an impact on the profit margin. Either you do it one way or you do it another. Neither makes these schemes impossible. If we insist on building 85 per cent unaffordable housing then I believe,

yes, the next building that will be going up will be a homeless shelter. I firmly believe that. We cannot afford to miss this option and we should be voting for this amendment.

[11:00]

**1.1.12 Connétable J. Le Bailly of St. Mary:**

The crucial question is: are we going to address the affordable housing crisis or not? If so, affordable housing must take priority now. All States sites should be for affordable housing 100 per cent. That said, some sites are too lucrative to be used for this such as South Hill, so should be sold to a developer at a maximum price and the proceeds could then be used for infrastructure elsewhere. The States have other sites which are far more acceptable for affordable housing. We need to saturate the demand for affordable housing in order for other problems like lack of much-needed staff in all aspects of Island life to be catered for. By affordable housing, I would expect that figure to be £250,000 per unit. Voting for the proposition will achieve nothing at this stage apart from delay. We need to learn from this and maybe we will achieve better results in the future.

**1.1.13 Deputy S.G. Luce of St. Martin:**

I had not intended to speak but I cannot resist any longer. We have heard a lot about the unacceptable financial risk that this proposition poses about losing money. We have heard about significant delays if things are not progressed and we have heard about how the planning application at the waterfront is ready. It is unusual that in a debate like this if you wanted to promote something you would normally put those plans out even if they have not been submitted to planning for Members to see, to encourage them to show them what to do. It is a surprise really that if we are that close to a planning application that Members have not been given that information in the hope that it could help them decide and throw out this proposition. Members will have seen, if they have their emails open, a letter, a response to the Minister for the Environment from his director general, which indicates that while the application in principle, the outline application, may be ready to be submitted in the next few weeks it will be a considerable amount of time before this is built up and I quote: “Earliest construction may start in late 2023 and it is then likely to be a number of years to build out in stages.” Members need to be clear, this planning application on the waterfront is not a spade in the ground next spring. We have heard about the possibility of building houses at La Collette this morning from the Minister for External Relations and Financial Services. That is going to be even further away. We have heard about Les Quennevais. Deputy Tadier made a good point. We have not even converted the old school to use for a hospital yet and that would then need to be demolished and applications put through, consultation. We are in a crisis here and the Minister for Housing and Communities yesterday said he is looking after, or trying to look after, the needs of all Islanders and all Islanders’ needs are being dealt with, he said. Well, he needs to realise that not only are people leaving this Island because of the housing crisis but they are not coming here because of the housing crisis. People we need in health, in mental health, in education, doctors, it is a real, real challenge and we need to address it. On one hand we are told there is a £5 million difference between saying yes or no this morning to this proposition. The thing that spurred me to speak is that there is so much talk about finances to try to put this proposition to bed and consign it to the bin but surely Members need to realise, this is a problem which is so much more than just finances. The Government have got to realise, they have got to put their hand in their pocket now to solve this crisis. It is not about losing money or an acceptable financial risk. This is a situation where Government have to realise they have to share equity, they have to build property as economically as they can and not have these enormous prices that people cannot afford to spend. It really is time that we address this issue head on and I would urge Members to support the proposition.

**1.1.14 Deputy M.R. Le Hegarat of St. Helier:**

I have brought an amendment to the Island Plan to remove sites from the north of St. Helier which are used by a dairy farmer. At the planning inquiry a number of people spoke about the importance

of using all the brown sites that we have and make sure that that is to an optimum. We cannot continue in this fashion, to build affordable houses not on our own sites. Somebody this morning has mentioned finance and whether the bank will think this is affordable or not for S.o.J.D.C. should we change the criteria. Let us remind Members, shall we, that S.o.J.D.C. is a States-owned run company so therefore their debt is our debt; therefore, I do not see that there is a risk.

**The Bailiff:**

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

**1.1.15 Senator S.Y. Mézec:**

I thank Members who have taken part in this debate. There is always a risk when a debate goes overnight that conversations happen in the evening or officers are set to come up with a rebuttal argument for Ministers based on what was said in the debate that day. It is always a very nervous experience when that happens. I note that in terms of rebuttal arguments being put together, that has not happened this morning. In my opening speech yesterday, I advanced 2 main arguments. The first was that the numbers that are provided in the O.A.H.N. (Objective Assessment of Housing Need) report which these developments are based on are out-of-date numbers that are no longer relevant. I also argued that the financial assessment provided on this was faulty because it was based on benchmarks which were set that did not have to be set that way and did not explore alternatives. I note today not a single Minister has stood up to contradict either of those points. The reason that they have not done that is because they cannot. What I said was simply factual. It is a fact that the S.o.J.D.C. is basing their building programme for homes on the O.A.H.N. report. I went to the Town Hall briefing and that is what they said at it and the O.A.H.N. is out of date. It understates the need for affordable housing and it overstates the need for open-market housing. If I was wrong when I said that a Minister would have stood up this morning and said that, but they have not because they cannot say that because it is true. Deputy Pinel, the Minister for Treasury and Resources, yesterday said at the start of her speech that she thought she was at risk of sounding like a broken record. I would say it was more than a risk, it was a certainty, because she reiterated the point that there has been an independent financial assessment of this and she urged us not to forget the viability demonstrated in that. What she did not do was give any indication of when that independent assessment was commissioned, whether there were any instructions given about what benchmarks and assumptions they were basing it on or whether there was any room for manoeuvre or any alternatives or flexibility in that. I presume that the reason she was not able to do that was because they were not offered that flexibility or those alternatives. So, this financial viability assessment we have before us which Ministers are using to say that, it is simply a matter of fact that what I am proposing is not viable is completely wrong. There were other ways of working out viability on this by looking at what the shared equity percentage is, looking at what the payback for the value of the land would be; there were ways of looking at this. They chose not to do that so do not be surprised when you end up with the numbers that you end up with. Nobody sought to contradict those points. So instead they have done what Deputy Southern very rightly pointed out, was that they have manufactured a propaganda argument against this and then simply repeated it *ad nauseum* in the hope that some people will fall for it. It is the argument that in adopting this proposition it will inevitably delay the delivery of some homes, whether they are the right homes or not, but it would delay the delivery of some homes. I resist the temptation to point out, or to spend time pointing out, that most of those who advance that argument were Members who voted against releasing Ann Court for housing. Ann Court, when that is released for housing, is going to cut the band 1 for one-bedroomed homes by half in one go, providing homes to people in our Island who are desperate for them, people facing homelessness, people in insecure accommodation. Some of these will even be people whose families are breaking up and they need to find their own places. Some Members were willing to delay it when it came to homes for our most vulnerable but when it comes to homes for the super-

wealthy in Jersey, as some of these homes will be, then a completely different standard is applied. So, I say to Deputies Martin, Wickenden and Maçon, keep making those speeches, keep making them, because they are from an alternative universe which people out there in this Island simply do not recognise. Deputy Martin in her speech, she said she wanted to talk about 3 stories. Obviously, she was inspired by the testimonies that I gave in my speech on this yesterday morning. I was listening to those testimonies - not testimonies because that is not what they are; they were her versions of these stories - she referred to one that was 8 years ago where somebody bought their home 8 years ago. I remind her that in the last year alone the price of an average home has gone up by £97,000. That is £1,865 a week. There are people who are living in homes that are earning more than they are from their wages, that is how bad the inflation in housing costs is, so a case from 8 years ago is really not relevant. Of course, she also spoke about the people in the waterfront area who have been consulted over this and she referred to a residents' meeting down at the waterfront a few weeks ago, which I attended, and her recollection of that meeting was accurate. But there has been no consultation with the wider public on the point; do we want to have 15 per cent affordable homes in this development or 30 per cent? There has not been a consultation on that point alone and I am willing to put a lot of money on it that if you did consult on that point that it would not come back the way that some of these Government Members are suggesting it would come back. You would have, I believe, a lot of people out there who would simply not understand why publicly-owned land was being used to build properties, 85 per cent of which would be unaffordable to the average person in Jersey. I say, as Deputy Martin was speaking, I received a message from somebody who lives at Castle Quay. It was not directly connected to this, but I messaged them back saying: "By the way, just as a resident of Castle Quay, what do you think about the homes that are going to be built in your neighbourhood? Do you think 15 per cent should be affordable or 30 per cent?" I do not need to tell you what he responded with because we all know what he responded with and that will be the wider feeling out there as well. So, I think on that they really are out of touch and that is why they have had to manufacture this argument about delay instead. In fact, it was the main basis of the Constable of St. Clement's speech. I know he has had trouble logging in this morning, he may have also had trouble logging into his emails because we have of course had an email now that comes from a director general of a government department confirming that the waterfront development is not ready to go and it is not even close.

[11:15]

This idea that in adopting this proposition today we are delaying the delivery of homes on the waterfront, potentially even forgetting it entirely, is just simply not true. The entire basis of the Constable of St. Clement's speech - I am sorry to say to him because he is a new Member - has been disproven by that one email that we have received. I hope on that basis he will be able to backtrack on it because we have now demonstrated that this is not the case for the waterfront. It is also not the case for South Hill for 2 reasons, I think. The first is, even if you are going to go by this financial assessment, at 30 per cent South Hill is still profitable. Still profitable so you can still go ahead with it. This talk about trouble securing loans for the S.o.J.D.C. to be able to do it, well there is still a reasonable profit margin on 30 per cent anyway. Let us not forget, the S.o.J.D.C. is owned by the Government. Banks like borrowing money to institutions that are backed by the Government because it is pretty safe money, so I do not think it would delay it on that basis. But also, they have got a planning application in to marginally alter it maybe, it is still a possibility at this point. I do not think that would take too long to do that, especially when you look at the benchmarks that were set in that financial viability assessment. They are saying that shared equity percentage should be 30 per cent of the homes that are sold. Andium only offers 25 per cent, so if it makes the numbers work out a bit better, have the S.o.J.D.C. be just as generous as Andium. That would help out, would it not? That is still an option. No need for consultation, no need to come back to us, they can get on with that and that makes it more financially viable. So, this argument that it is about delay is completely manufactured and simply does not hold up to scrutiny. The Constable of Trinity adumbrated the

argument that has I think been the most genuine and sincere one that I have had put to me, not just by him, but by others as well who have looked at my suggestion that we use South Hill to provide more affordable housing and has said that when you have sites like this, perhaps it is a better idea to try and make as much money as you can out of them so that you can provide affordable housing elsewhere. In fact, I made a note of how he said it, he said that the profits realised from these schemes could be invested into affordable homes which will offer so much more. That is a tangible statement: it will offer more. Well, my response to that is: prove it. Will it offer more? If somebody can say to me that by taking 10 affordable homes out of the South Hill scheme will present enough revenue to then provide 15 affordable homes elsewhere, that person would be taking some wind out of my sails. So, if they are capable of demonstrating those numbers, please go ahead and do it and let us see them, let us scrutinise them and let us see if they are credible. But they do not present those numbers, they just rely on this principle that you could use that money to provide more homes elsewhere without demonstrating it. I think that is because they cannot demonstrate it. Because when trying to provide those more affordable homes elsewhere, you would have to factor in the costs of land, land that we do not own, by profiteering out of land that we do own and could use for free if we wanted to. So, I do not think the numbers would add up if they put the effort into working out how much they could offer elsewhere. But then it goes back to this other point which is that we should not be arguing about doing this instead of, we should be arguing about doing this in addition to. Earlier this week the Minister for Housing and Communities announced the old Les Quennevais School site and St. Saviour's Hospital as sites for housing. He did not stipulate that those would be affordable housing but I presume we will get to that at some other point in the future. Bearing in mind that Les Quennevais School site will not be available for a very long period of time and it is dependent on the hospital project going well, which we all wish that it does go well, but it is possible that it does not and so there of course could be delays there. St. Saviour's Hospital could run into problems as well but those are completely unconnected to this. Philip Le Feuvre House is totally unconnected to this, Westaway Court is totally unconnected to this, Le Bas Centre totally unconnected. There are all of these other sites on government-owned land that we are able to proceed with if there is a decent plan coming forward on those that will not be affected one bit by this proposition. This can be seen in isolation in terms of its delivery but I am saying that we should not look at it as instead of, it should be in addition to. That goes back right to the points I made at the very start of this debate, our own projections for our need for affordable housing are understated in the official figures that these bodies are working from. The Minister for Housing and Communities, he used a couple of phrases that I think were very telling. He said on more than one occasion, I think he said this twice, he started a sentence by saying: "The C.E.O. (Chief Executive Officer) of the S.o.J.D.C. tells me ..." and then he also said that it had been said to him that the biggest threat to the plans of the S.o.J.D.C., to Andium, to the Ports of Jersey is us, the politicians. It is very telling, those phrases, because I think that that shows that the tail is wagging the dog here. The Minister for Housing and Communities says that the C.E.O. of the S.o.J.D.C. tells him; no, he should be telling the C.E.O. of the S.o.J.D.C. because we own it, it is ours, its entire *raison d'être* is to deliver on our ambitions as a democratically-elected body, elected by the people to serve out their hopes and aspirations for our community. It is not the other way around. It is not for the S.o.J.D.C. to tell us: "This is what we are doing. Please now go out and be our spokespeople for it." It is for us to look at their plans, examine them and when they are doing a great job say: "Yes, thank you very much. Keep going" and that is why they are arm's-length, so that politicians are not having to be involved in the day-to-day side of the delivery. But we are there to set the policy priorities and the high-level visions here. So when they say that we are the biggest threat to their plans, no, we are the saviours of their plans because we are the ones who are elected by the public and can ensure that what they then go on to deliver is what we want, not what unaccountable people decide is best for us; what we decide is best for us. So, if we say to the S.o.J.D.C.: "Thank you for your work thus far but on the basis that we have a housing crisis, on the basis that we desperately need more affordable housing for those people who are struggling and for those who otherwise would not have an opportunity to

own their own home that we would like you to do better. We think that you can do that and we will help you do that.” We can do that by amending these benchmarks that have been presented to us as if they are unamendable when they are not unamendable. We can do that and we can deliver better for the people of Jersey. We can deliver more affordable housing for them and we can hopefully in the process restore a bit of faith in this political process which I think is rock-bottom at the moment. Deputy Wickenden said he would be interested in the headlines that this would produce if this was adopted saying: “States votes to delay this again.” I tell him, if we adopt this, the headline tomorrow is going to be a positive one. They are going to say: “Great, after a couple of weeks where the dialogue about the housing crisis/challenge/problem has been pretty undignified, at least the States has done one good thing in committing to increasing the supply of affordable housing on the Island.” We will be thanked for this and not denigrated for it, so I think his judgment there is completely wrong. I think I have addressed most of the points there that this is feasible, it is doable, it is democratically possible to do because ultimately this Chamber is the body that is in charge, not the States-owned companies. The numbers which are being used to produce the current plans are out of date, they understate the need for affordable housing and overstate the need for open-market housing. The financial viability assessment which says this is not possible is flawed because a variety of benchmarks could have been set to give some flexibility to work out what the different options were. This does not delay it. We have had the email now demonstrating that that will not have to be the case for the waterfront and it does not really have to be the case for South Hill either because on whatever terms you look at it, it is still profitable, even with the 30 per cent. If there are any minor changes that need to be made to the planning application, they do not have to take that much time either. They have already changed them a few times themselves anyway. This proposition is feasible, it will not delay these schemes and it will see a delivery of a greater proportion of affordable homes, the homes that Jersey people need. When we are facing this housing crisis, I urge States Members to take action to deal with it and support this proposition and give that instruction to the S.o.J.D.C. to continue their work but to provide a greater supply to those people who genuinely need that extra support to get on the housing ladder. I have nothing more to say on that and I ask for the *appel*.

**The Bailiff:**

The *appel* is called for. I ask the Greffier to place a vote into the link, and I ask the Greffier to open the voting and Members to vote.

**Deputy G.P. Southern:**

I appear to have a glitch.

**The Bailiff:**

What way will you be voting ...

**Deputy G.P. Southern:**

I will be voting *pour*, if I am allowed.

**The Bailiff:**

If Members have had the opportunity of casting their votes, then I ask the Greffier to ... but before we do so, Deputy Tadier, is that a serious point of order?

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

I think there is a need for verification, it is not directed at any one individual, but when we are meeting online, and I noticed that we have not heard from ... I do not know, it is just that I certainly would not refer to myself in the third person and I just wanted to make sure that nobody is logging on on anyone’s behalf as a general rule. I know we have to trust Members.

**The Bailiff:**

Other Members do refer to themselves in the third person for clarification as to their vote. Not everyone is as familiar with I.T. (information technology) as others. There is no ...

**Deputy M. Tadier:**

That is fine, I will take that back. It was not meant to be ...

**The Bailiff:**

No. Which Deputy were you asking this of? Were you asking of the Connétable of St. Clement?

**Deputy M. Tadier:**

That is right. Sorry, yes, I got the name wrong, did I not, the title.

**The Bailiff:**

Yes. Well, the Connétable of St. Clement has spoken in the debate and he has done so recently, so I do not think there is anything to be done about that. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been defeated.

<b>POUR: 20</b>		<b>CONTRE: 27</b>		<b>ABSTAIN: 0</b>
Senator T.A. Vallois		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.W. Pallett		Senator S.C. Ferguson		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of St. Martin		Connétable of St. Brelade		
Connétable of St. John		Connétable of Grouville		
Deputy G.P. Southern (H)		Connétable of Trinity		
Deputy M. Tadier (B)		Connétable of St. Peter		
Deputy M.R. Higgins (H)		Connétable of St. Mary		
Deputy of St. Martin		Connétable of St. Ouen		
Deputy L.M.C. Doublet (S)		Connétable of St. Clement		
Deputy J.H. Young (B)		Deputy J.A. Martin (H)		
Deputy K.F. Morel (L)		Deputy of Grouville		
Deputy of St. John		Deputy K.C. Lewis (S)		
Deputy M.R. Le Hégarat (H)		Deputy J.M. Maçon (S)		
Deputy R.J. Ward (H)		Deputy S.J. Pinel (C)		
Deputy C.S. Alves (H)		Deputy of St. Ouen		
Deputy K.G. Pamplin (S)		Deputy R. Labey (H)		
Deputy I. Gardiner (H)		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy L.B.E. Ash (C)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy S.M. Ahier (H)		

[11:30]

## QUESTIONS

### 2. Urgent Oral Question

#### The Bailiff:

Very well, before moving on to the next item of Public Business, I allowed an urgent oral question to be put by Deputy Ward to the Minister for Children and Education. I will ask the Deputy to put his question and I will allow the same amount that I allowed for supplementary questions in the questions with notice on Tuesday, namely a maximum of 10 minutes for supplementary questions following the question given by the Minister. Deputy Ward, if you would like to put your question.

#### 2.1 Deputy R.J. Ward of the Minister for Children and Education regarding ...

I would like to start just by apologising to the Assembly for adding something else to the agenda but it is a duty of a Scrutiny Chair to pursue information. Will the Minister explain why we have not received any formal response, including the documentation requested, following the statement from the Children, Education and Home Affairs Scrutiny Panel on Tuesday and when this information will be forthcoming?

#### Deputy S.M. Wickenden (The Minister for Children and Education):

I was not asked to issue any formal response following the statement nor do I see need for one as nothing has changed. The panel made it clear to me last week they would issue a statement if I did not provide information for the start of the sitting. I wrote to the chair of the panel on Monday this week advising that the inclusion review is still in draft and is scheduled for further review and then sign-off at the Council of Ministers on 30th November this year. After this, the panel will then get the report. At a hearing with the panel on 1st November, the panel was advised that the school funding formula was not complete and I would share more information with them towards the end of December. Additionally, in questions without notice on Tuesday this week, I once again made my position clear within this Assembly. My decision to wait until the final draft of the inclusion review has been considered by my C.O.M. (Council of Ministers) colleagues is consistent with how we dealt with the school funding review in 2020. The panel requested early sight of that report too but the Minister at the time considered it correct that it could only be shared after it had been to C.O.M. I agree with this approach. In the case of the school funding formula, the panel are asking me to provide something I simply do not have. I cannot share unfinished work and I have advised the panel more than once that we plan to update on this towards the end of December. The information will be forthcoming in accordance with the previous commitments I have made to the panel and in recent applications outside and within this Assembly. I will share the inclusion review after it has been finalised and it has been to the Council of Ministers and I will share more information on the funding formula once work has been finalised towards the end of December.

#### 2.1.1 Deputy R.J. Ward:

Can the Minister confirm that he has seen and read the S.E.N. (Special Educational Needs) review and which part of the code of engagement with Scrutiny means that documents go to the Council of Ministers before they go to Scrutiny?

#### Deputy S.M. Wickenden:

I have read the inclusion review, I have had a briefing through N.A.S.E.N. (National Association for Special Educational Needs) and I am setting up a briefing for C.O.M. with N.A.S.E.N. I have offered a briefing with N.A.S.E.N., who did the review for the inclusion review, to the panel but they have not responded yet on whether they want a review or not. The code of practice, there is nothing in there that states that it goes to C.O.M. but as the Minister I have chosen that it is only fair to share it with my colleagues in Government before it goes to Scrutiny because that is when the finalisation of

the report will be done and that is when Scrutiny can ask me questions on the finalisation of the report and what the outcomes of the report will be.

**2.1.2 Senator S.Y. Mézec:**

Following on from that previous answer where he said he does not have to do it this way, that there would be options, does he not think that it might be at least helpful for the Scrutiny Panel, given that we really do not have a lot of time before the Government Plan is debated, and that making sure that there is appropriate education funding is something that is fundamental and that we all agree on? Does he not think that it might be helpful at least to share with the Scrutiny Panel in good time so they do have time to conduct their work and is there any option for even showing some draft findings or draft recommendations to them so that they have got some idea what they might be working with?

**Deputy S.M. Wickenden:**

As timing will show right now, as I have not finalised the report for the inclusion review and I do not have the funding formula, just by the very nature of the timings that they are not complete yet means that they were not part of the Government Plan considerations apart from a sum of money that was no different to the sum of money that was put in the previous Government Plan for the Early Years Policy Development Board work when that paper had not been delivered or published yet. Money has been put aside a block of money in the Government Plan for consideration after these reviews are finished, very much like the Early Years Policy Development Board. But these documents themselves were not part of what the Government Plan was set up in any of my submissions within the Government Plan. I do not see how their relevance to the Government Plan meet by the very nature of the timing of these reports.

**The Bailiff:**

Deputy Doublet, you have indicated a point of order. It would not normally be to have one during the question but what is your point of order?

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

Thank you, Sir. I am not certain and perhaps you can advise whether the Deputy is misleading the Assembly because he stated: "I cannot share unfinished work." Given that other Ministers that the panel scrutinises has shared unfinished work and work in progress has been extremely co-operative, I wonder if that is a true statement. I wonder if you could rule on that, please.

**The Bailiff:**

I do not think I can generally rule on whether or not someone is misleading the Assembly because I will not necessarily know what the position is and I will simply have had conflicting views. However, simply "I cannot share" does not necessarily imply a legal impossibility or a procedural impossibility of sharing. It may imply an entirely strong preference and, therefore, I do not think I can interpret that as misleading, even were I asked to do so or were it proper for me to do so.

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

I am sorry, Sir. I think perhaps the point of order is: is there anything within our Standing Orders or any of the codes of engagement that states that a Minister cannot share unfinished work or work that is still in draft?

**The Bailiff:**

I am not sure that is a point of order for the conduct of this debate and this hearing before the Assembly. It would require me to sit down and research the matter, which clearly would interrupt the answering of this question and I will not be in a position to do that. I am afraid I cannot rule on that at this time, even were it appropriate for me to do so.

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

I will change my question. I would like the Minister to advise that his inability to share, is it from his perspective legally bound or it is his personal preference?

### **Deputy S.M. Wickenden:**

I am choosing that the right course of action is for a report to be considered by Government, by my colleagues in the Council of Ministers with their recommendations and way forward so that it then can be scrutinised on the way forward and the document be shared; that is my preference. It was a preference of my predecessor quite clearly and I share it.

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

If I remember correctly, the Minister mentioned that the new formula will be introduced from January. If the formula is not finished, how would it be possible to introduce the formula from January and if not from January, when will it be introduced?

### **Deputy S.M. Wickenden:**

There are monies in the Government Plan to work towards what the formula is. If the monies are not enough, I have a right within my powers to go to the Council of Ministers and request that we put more monies in to meet with the formula. As the Public Finances state, an agreed Government Plan can only be amended by a proposition from the Council of Ministers and that is what I would seek.

### **The Bailiff:**

Very well. I should add that I have counted back in an additional 45 seconds to meet the point of order that had been raised.

### **2.1.5 Deputy J.M. Maçon:**

For clarity then, can the Minister confirm that the documents being requested because the Government Plan has been a long process, therefore, were not available during the time of the formulation of the Government Plan?

### **Deputy S.M. Wickenden:**

Yes, I can confirm that these documents were not available during the formulation of the submissions to the Government Plan. But as we have in the past, and my predecessor has in the past, we have put an amount of money aside within the Government Plan in recognition that these documents would be finished over the term of the Government Plan enactment.

### **2.1.6 Deputy J.M. Maçon:**

Given that that is the Minister's preferred process, is the Minister able to confirm that under the part B for the Council of Ministers, Scrutiny can request any relevant documentation?

### **Deputy S.M. Wickenden:**

Yes, that is absolutely correct, once that has been done through the Council of Ministers.

### **2.1.7 Deputy M.R. Higgins of St. Helier:**

The reason why this is so important is the panel has had evidence from schools that the schools are being underfunded by at least £23 million. Can the Minister indicate whether the finances he has put into the Government Plan allow for an increased cover for the overall funding shortfall, irrespective of what the funding formula says?

**Deputy S.M. Wickenden:**

I do not believe that the panel has received evidence. They have received an opinion from somebody that there is the £23 million but, as far as I am aware, no evidence has been requested by the Scrutiny Panel to back up that opinion.

**2.1.8 Deputy M.R. Higgins:**

Has the Minister been contacted by headteachers saying they are underfunded?

**Deputy S.M. Wickenden:**

I have not.

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

Could the Minister advise who has advised him not to release these documents please? What specific concerns does he have that that might happen if he does release them?

**Deputy S.M. Wickenden:**

I am the Minister, nobody has advised me not to release the documents. I have listened to what has happened in the past and I agree with the process that is being applied by previous Ministers for Education. I believe that it is only fair to my Government colleagues that they get to consider the document before it goes anywhere else and they have to agree on the outcomes. As a Government we work together, so nobody has advised me. I am the Minister, I choose the course of direction.

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

Just to clarify, the Minister is stating he has not taken advice from his officers on this matter.

**Deputy S.M. Wickenden:**

Yes, I have chosen the course of action.

[11:45]

**2.1.11 Senator T.A. Vallois:**

I wonder if the Minister could advise what he believes is an appropriate evidence base and, therefore, whether the announcement that there is going to be a deficit in school funding by £2.9 million by the finance officer in the hearing on 1st November, whether that would be considered a need under the Government Plan?

**Deputy S.M. Wickenden:**

Our finance officer agreed that schools have run at a deficit and that we have put £11.6 million into the Government Plan for directly into schools that will address the deficit that has been seen year on year through schools, plus additional monies of up to about £1.8 million. The evidence is regarding that schools have been running at a deficit year on year. We have taken that deficit into consideration, including about £2.8 million deficit spending due to COVID and once COVID goes away that £2.8 million will stay within the funding of the schools, and that is all clear and ready to be scrutinised on the basis of what has been put into the Government Plan.

**2.1.12 Senator T.A. Vallois:**

In terms of an evidence base, can I ask the Minister if it does determine that there is an extra funding requirement from the school funding formula where he would be obtaining those funds from within what is set out in the tables for the heads of expenditure, as per the documents in front of us on P.90?

**The Bailiff:**

I am sorry, Senator, that takes us too far outside the ambit of the urgent question, which was about the provision of information to the Scrutiny Panel and not generally funding, I am afraid.

**2.1.13 Deputy R.J. Ward:**

Can the Minister confirm that when the Education Reform Programme report was produced it was 2 months before the Government Plan and so, therefore, any outcomes could be acted upon? However, does he understand that by not having sight of any of these documents, the S.E.N. review or the school funding formula, it makes it almost impossible for the Scrutiny Panel to comment on the adequacy or not of funding in the Government Plan for next year's Education budget?

**Deputy S.M. Wickenden:**

I state again that these documents were not part of the formula of the funding within the Government Plan. The formula and the recognition of what is in the Government Plan is set out in the Government Plan. These documents will not address the decisions made in the Government Plan for Scrutiny.

**Deputy R.J. Ward:**

I am sorry, Sir, but I have to push this. Part of the Government Plan is demographic funding and if that is going to be on the new funding formula what has just been said is simply not true.

**The Bailiff:**

I am sorry, Deputy, your strong feeling that you have to push it I am afraid does not fit it within the question as such and the answer to the final supplementary has been given. It is adequate or it is not, as the case may be but it has been given.

**PUBLIC BUSINESS - resumption**

**3. Jersey Consumer Council: Re-appointment of Chairman (P.97/2021)**

**The Bailiff:**

The next item of Public Business is Jersey Consumer Council: Re-appointment of Chairman, P.97, lodged by the Minister for Economic Development, Tourism, Sport and Culture. For the purposes of this debate the main respondent will be the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to refer to their Act dated 2nd February 2011 regarding the Jersey Consumer Council and, in accordance with paragraph (b)(ii) of 'Jersey Consumer Council - future mandate' (P.182/2010), to approve the re-appointment of Mr. Carl Walker as chairman of the Jersey Consumer Council for a further term of 3 years with effect from 14th April 2021.

**The Bailiff:**

Deputy Morel, I understand you are rapporteur for this.

**3.1 Deputy K.F. Morel of St. Lawrence (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):**

That is correct, Sir. I am pleased to propose the appointment of Mr. Carl Walker as chair of the Jersey Consumer Council for a further 3 years until April 2024. Mr. Walker is well-known in the Island as a champion of consumer issues and to really put the Council in a leading role during the pandemic. Not only did he help calm panic-buying behaviour but he also, with the Council, helped establish the Bag of Basics initiative that saw essentials being delivered to Islanders' homes during the difficult period of lockdown. I would like to inform the Assembly this appointment has not gone

to competitive process because the law affords the chair the opportunity to extend their tenure for a second period of 3 years. However, the maximum Mr. Walker can serve is 6 years, so this will be the last of his 2 terms. I do hope the Assembly is minded to support the continuation of Mr. Walker's excellent work. Before making the proposition, I would also like to thank all members of the Consumer Council whose dedication to their work which, except for the chair, is on an honorary basis, is inspirational. As we are going through a period of inflation we will need a strong and effective Consumer Council to guide and protect Islanders and I believe Mr. Walker is the right person to lead that work. I move the proposition.

**The Bailiff:**

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

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

The Assistant Minister has just said that all the positions are honorary, with the exception of the chairman. In the financial and manpower implications it mentions that the grant funding of the Consumer Council is £87,000 per annum. However, can the Minister say whether this is the candidate's or the current chairman's sole role or is he also employed by the States of Jersey, either in the Communications Department or for the Future Hospital? Because I do know that he has been privy to a lot of the private briefings that States Members ...

**The Bailiff:**

Sorry, you have gone silent, Deputy. Had you finished? Deputy Higgins, we have lost your speaking. Had you finished your speech?

**Deputy M.R. Higgins:**

I am sorry, I do not know if Members heard the last of my question.

**The Bailiff:**

No. We lost your speech at around about the time that you were suggesting that the candidate might have been privy to a number of confidential briefings.

**Deputy M.R. Higgins:**

Yes. Just basically my question is quite simply for the transparency, is he employed by the States in other capacities and paid in those capacities?

### **3.1.2 Deputy J.M. Maçon:**

I thoroughly support this appointment. I think this individual and his team have worked incredibly well over their tenure so far. But, again, when we come to these types of roles I think attracting other people to these positions is very important. I wonder from this debate whether the Assistant Minister might take away as a constructive point, as a recommendation, is that on the annual report produced by the Consumer Council more clarity about the role and what exactly is undertaken by the chair in order that any potential candidates in the future have a really good understanding about the requirements of the role. Because I am of the belief if more people understand what these roles entail we will get more candidates coming forward. I wonder perhaps if the Assistant Minister will be able to comment on that.

**The Bailiff:**

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

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

I would like to thank both Deputy Higgins and Deputy Maçon for their questions. With regard to Deputy Higgins, Mr. Walker is employed elsewhere in Government and that is, as I understand it, a salaried role. I cannot comment on what briefings he has or has not received or gone into. As it states in the report, the position being spoken about today or being debated, so to speak, today receives a small stipend of £10,000 a year for the work which is undertaken by the chair, and so that would be in addition to his ordinary work, if I can say that, as an employee of the Government of Jersey. There was a question about whether that work in the Government of Jersey created a conflict and that is one of the reasons why this appointment was slightly delayed. I am very pleased to say that the Consumer Council, which, as I mentioned earlier, except for the chair, is entirely voluntary. The Consumer Council itself wrote to me and then met with me without the chair being present, explaining that, firstly, they had spoken with the chair about any perceived conflict and put measures in place to make sure that where a conflict arose the chair would excuse himself from those discussion points. Also, to give - and I think this is extremely important - their full and unconditional support to the reappointment of Mr. Walker as chair. I, and I know the Minister, have full confidence in both Mr. Walker and all members of the Consumer Council to continue working extremely well in their positions. With regard to Deputy Maçon, I think the Deputy has a point with regard to clarity in the role. One of the things that I would absolutely attribute to Mr. Walker's chairmanship of the Consumer Council is that he himself has helped define that role through the activity over the past 3 years. I will take on board Deputy Maçon's comments because I think especially as we move through this term of 3 years we will need to find somebody else to do the role in 3 years' time. I think it only right that they have a very clear definition of the task they expect them to undertake and how they are expected to lead the Consumer Council into the future. With that, I make the proposition.

**The Bailiff:**

I ask the Greffier to put a voting link into the chat and open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The appointment has been made, the proposition is adopted.

<b>POUR: 44</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Deputy J.A. Martin (H)		

Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

#### **4. Minimum Wage Increase (P.98/2021)**

**The Bailiff:**

The next item of Public Business is Minimum Wage Increase, P.98, lodged by Deputy Southern. There is an amendment to this proposition lodged by the Minister for Social Security. Deputy, are you minded to accept the Minister's amendment?

**Deputy G.P. Southern:**

No, Sir.

**The Bailiff:**

Very well, I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion (a) to request that the Minister for Social Security, when prescribing the minimum wage or referring matters regarding the minimum wage to the Employment Forum for consideration in accordance with the Employment (Jersey) Law 2003 (as relevant), ensures that any such decision or consideration takes into account the view of the Assembly that from January 2022 the minimum wage should be set at an hourly rate of £9.45; (b) to request that the Minister for Social Security, when prescribing the minimum wage or referring matters regarding the minimum wage to the Employment Forum for consideration in accordance with the

Employment (Jersey) Law 2003 (as relevant), ensures that any such decision or consideration takes into account the view of the Assembly that by October 2022 the level of the minimum wage should be lifted to the hourly rate of £10; and (c) to request that the Minister for Social Security, following consultation with the Employment Forum and other stakeholders as appropriate, devise a scheme to be brought to the States by the end of 2022 to convert the minimum wage over time to a living wage (as set by Caritas), including any legislative changes that may be necessary.

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

I rise to my feet once more with a smile on my face because this is a familiar position for me. I am suggesting that this Assembly gets political and helps to decide what the level of the minimum wage should be. I believe this is a political decision that we should not be leaving to others in its entirety but can adjust as we see fit. This year I am suggesting we have got extra reason to suggest minor changes and that is because the usual method of consulting the Employment Forum has not taken place this year. Instead the Minister has done her own survey and consultation over what the level should be and has come out with her own answer for the level of the wage in 2022.

[12:00]

That fits with an old measure that we put into the legislation back in 2018, which says that the minimum wage should be set at 45 per cent of the average, that is the mean earnings, by the end of 2020 and we have met that particular target; somewhat late, we have met it finally. In the meantime, however, we have seen 2 things happen: that the market for jobs has moved substantially in recent months in that in the low-paid sectors particularly you cannot find a sous chef, you cannot find a barman, you cannot find a low-paid worker because wages have gone up, the low-paid workers seem to have disappeared. When devising my proposition my 45 per cent or £9.45 is seen by many in the sector as being not enough and way behind the mark. What we are faced with is chasing what the reality of the market is, which is that the minimum wage appears to be somewhere of the order of at least £12. As one person said to me: "I do not get out of bed for less than £12, it is simply not enough." Nonetheless, despite that my proposition says that instead of the old standard, which relied on the average mean earnings, what we should do, as recommended by the U.K. Low Pay Commission, by the O.E.C.D. (Organisation for Economic Co-operation and Development), is to set the wage in relation to the median wage being not affected by a number of high earners and 60 per cent of the median wage defines the relative low income level, which says that you set to 60 per cent of the median weekly wage and then what you get is a rate of £9.45. This compares with the Minister's estimate of £9.22 and only a small difference between the 2 but I believe that is an important one. I believe that we are playing catch up and trying to get to what many of us believe is the true position, that what we should be doing is setting the minimum wage at the living wage. What my attempt is, is to get closer to the living wage so that when we come to considering a living wage, that that is the right level, that that gap between what we are paying on the minimum wage and that level for the living wage is not too great. What we have got here are 3 paragraphs, which I believe can all be taken separately, independent of each other. Can you just confirm that, Mr. President? Can you just confirm that all 3 paragraphs ...

#### **The Bailiff:**

They can and there is no reason, I think. I would just like to reflect on it, if I may.

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

By all means.

#### **The Bailiff:**

Yes, they can be taken separately.

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

Thank you, Sir.

**The Bailiff:**

That is a matter for you indeed, Deputy.

**Deputy G.P. Southern:**

Yes, Sir. What we have got then is 2 propositions in front of us. My own, which talks about a minimum wage of £9.45 and breaks that to being progress of raising the minimum wage into 2 stages; one in January 2022 and one in October 2022. I am suggesting that we move to £10 in October of next year, getting ready to get close to the living wage, which currently is at £10.96 and will be going up in the near future, I think, to something like £11 and, who knows, perhaps £11.20, that sort of order. The Minister's method, which has come out with a figure of £9.22. I believe that mine is the better figure and I stand by it and I wait to hear the reasons why the Minister believes otherwise.

**The Bailiff:**

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

#### **4.2 Minimum Wage Increase (P.98/2021): amendment (P.98/2021 Amd.)**

**The Bailiff:**

There is an amendment lodged by the Minister for Social Security and I ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 2, paragraphs (a) and (b) - for paragraphs (a) and (b) substitute the following paragraph and redesignate the remaining paragraph accordingly - "(a) to set the objective of raising the minimum wage to two-thirds of median earnings by the end of 2024, subject to consideration of economic conditions and the impact on competitiveness and employment of the low paid in Jersey and to request the Employment Forum to have regard to this objective when making its recommendations on the level of the minimum wage to the Minister for Social Security." Page 2, paragraph (c) - for paragraph (c) substitute the following paragraph - "(b) to request the Minister for Social Security, further to the Act of the States dated 20th April 2021 (in which P.11/2021 was adopted), which requested the Minister for Social Security, in accordance with Article 19(1) of the Employment (Jersey) Law 2003, to refer for examination to the Employment Forum the potential for the minimum wage be set at the level of the Jersey living wage and if this were considered feasible, when the minimum wage could be set at that level and following consultation with the Employment Forum and other stakeholders, as appropriate, to examine the feasibility of devising a scheme to be brought to the States to convert the minimum wage over time to a living wage, including any legislative changes that may be necessary."

##### **4.2.1 Deputy J.A. Martin (The Minister for Social Security):**

Yes, my first amendment would replace a specific figure in the Deputy's proposition with a proposal that the Assembly agrees the new target of two-thirds of the median wage for the level of the minimum wage within a fixed period of time and to achieve this by the end of 2024. The Assembly gave me authority to set the minimum wage rate from 1st January and I have announced that this will be £9.22 an hour, achieving the 45 per cent target set some time ago by this Assembly. In deciding on the new rate we did not pluck a figure out of the air. We did the analysis of all the economic data the Employment Forum would usually rely on and we had discussions with relevant bodies. Businesses are already gearing up for this rate. In contrast, the Deputy provides no evidence to support the figures he sets out, a rise to £9.45 from 1st January and another increase to £10 from October. This figure, I think, is mentioned in the Reform Jersey manifesto 2018 but much has changed since then. The Deputy provides no information about the impact of these increases and

whether they are sustainable. It would be foolish and reckless to ignore the fact that some sectors of our economy are still in a perilous state, sectors which are often most impacted by increases in the minimum wage. To ask businesses to absorb a further increase at the rate the Deputy is proposing would for many of them be gambling with their future and the future of their employees. The Deputy refers to involvement of the Forum. The reality of his proposition is that there would be no role for the Forum if the Assembly takes the decision that the minimum wage should be specifically bigger on a certain date. In that situation you might ask, what is the point of having an independent body if we tell them what the answer is? My amendment would enable the Forum to maintain a degree of flexible work and reflect the actual economic position in the Island at each review date. It is vital the Forum is able to gather evidence and analyse the economic situation at the time of each review. If approved, my amendment will set a bolder, higher target for the minimum wage, allowing for flexibility about how this is to be achieved. By agreeing this new target the Assembly can make a clear commitment to improving the minimum wage rates without binding the hands of the Forum in its future consultations. If the Assembly agrees to the new target it will be reflecting the position in the U.K. and be in line with other international low-income measures. I just want to recap on this, we were asked in P.121/2017, which was debated in 2018, to get to 45 per cent of the average earnings by 2020. We all know what happened in 2020, a pandemic happened. We were putting millions of pounds into businesses to keep them employing people. We have deferred G.S.T. (goods and services tax) and we have deferred social security payments; they are to be paid back over the next 5 years, money that these companies have to pay back and struggling at the same time. It is as if I met the target that was set by Senator Mézec, as soon as I set it they did not just move the goalposts, they ran away with the ball and it has just been thrown out of the window. I will go on to the third part.

**The Bailiff:**

Sorry, Minister, we are not ...

**Deputy J.A. Martin:**

Sorry, Sir, I am just going to go on to the second part, which is the third part, which I am trying to amend and I will explain why. So far as the third part of the Deputy's proposition is concerned, my second amendment reflects more clearly the agreement of the Assembly in April this year to ask the Forum to carry out a feasibility study in relation to the minimum wage versus the living wage. Members will recall that we have already asked to instruct the Forum to undertake a major review on the use of zero hours contracts next year. This will be in addition to the minimum wage review to set a rate for 2023. Zero hours work is important, the Assembly has said it is and I know it is very important to Deputy Southern. I am not prepared to compromise the breadth of that review to squeeze in an extra piece of work looking at the living wage rates before the end of next year. There will be a new Minister next year who will make the final decision but my recommendation to them would be to start the work on the living wage rate, which is likely to be very technical, after the zero hours work is completed. My amendment will give the Forum the flexibility to manage its workload next year and maintain the importance the Assembly attaches to both topics and the issue of zero hour contracts. The Forum, in my research, all the industries want the Forum to go back and do the research. They are non-paid, they are voluntary but they represent employers, employees, unions and they have been doing this for a long, long time. Deputy Southern said in his opening remarks he now wants to make the minimum wage political but nobody answered those questions in my consultation. Did we not want the Forum involved anymore? The questions were there. I emailed States Members twice to get some input, nothing happened. We are where we are. We have the Forum, industry wants the Forum and industry will get behind this. We are being bold. If we are to set this rate, two-thirds of the median in 2018, we would have been at £10.50 today. I know States Members want to make a better commitment to getting the minimum wage up and higher and I am absolutely doing that. I took this to Council and every single one in Council is behind me as well. I maintain the amendment and I will try and answer any questions.

### **The Bailiff:**

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

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

What I want to do is just confirm whether the Minister has come to the position whereby the median earnings will be the benchmark and particularly two-thirds of the median earnings will be the benchmark and whether that strictly is by 2024.

[12:15]

The Minister has put in a slightly higher bid to my bid by £7.32 but deferred any changes until 2024, so slowed the whole process down. I would argue that given what is happening in the market to the low paid that we ought to be moving as quickly as we can to get comparable with what is happening in reality out there for the low paid. But significant that she has come round to the median earnings and two-thirds of the median earnings, as will be the marker looking at how we progress. Secondly, she says that we should not have an absolute sum of £10 put into the process and suggests that her way forward is better than mine. I object to the extension to 2024, I do not believe that is the right move. I would vote against that, although I am glad to see, as appears to be the case, that she has come round to looking at the median wage rate, rather than the mean wage in her text and, in particular, two-thirds obviously gets a slight boost that is not in mine. The other thing that is involved in what she calls the third part, I have added a timescale by which the Minister must report to the States on the living wage process. I want, as ever, a time to process to say how we react to that in terms of the living wage, moving to the living wage. What is her timescale for making a decision on that? I think that is an important addition to what is in her amendment than mine contains.

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

I want to just ask a few questions with regard to the amendment as much as anything. It is somewhat confusing really. This is a very strange little debate in a way because the reality of what is happening in Jersey at the moment is that the figures mentioned of £9 and £10, which I am pleased to see and two-thirds which would be £11, really have already been overridden by companies recognising that if they want to attract and keep staff at all levels you have to pay a reasonable wage. The living wage of around £12 or £11-something which was quoted, I would like to see how many companies are not paying a living wage. I know somebody quite well who works at a large company here and I do not think I will be giving anything away by saying it is a cleaning company who employ 200 or 300 people, I think, and they are paying a minimum of £11.40, £11.50, I think it was, an hour just to get any staff and giving huge flexibility in the working hours. My question is, and I think I have asked the same question to Deputy Southern in his main debate, is that the reality really is that we are missing an opportunity here as an Assembly. This is a gap, a chance in our society and in our employment to say: do you know what the Government is saying, that we are going to have an economy that is not going to be built upon, wages that simply cannot be survived on? Because companies are paying more we are going to put this benchmark in right now. I would like to ask the Minister a genuine question and I hope she can be a little bit more positive in her responses: why are we waiting until 2024 when the reality of what is going on out there is way beyond this anyway? Are we not to some extent contemplating our navel here in terms of wage? Because I would also ask whether anybody in this Assembly could live on £10 an hour. Because as we have just seen from other debates, the cost of housing and the cost of living is so extraordinarily high. Yes, we have a huge issue but that issue needs to be driven by Government and Government needs to say and to perhaps even impose in our economy a basic level of pay, which then creates a level playing ground for employers. You cannot have people undercutting others. You cannot have people saying we are going to pay less. The reality of that at the moment is it is not going to work anyway because no one is working for that. This is what I mean by the strangeness of this debate. I personally would have liked to have seen this at £12 or £14 or £15 an hour. Because the reality is you could just about

probably survive on that but even that would be a struggle. The viability of businesses, I have to ask the question of the Minister, does she believe that if a business has to pay wages of such a low level in order to function, is that a viable business in a modern economy? That is a really difficult question, it is a difficult thing to face up to. But when we talk about realities, as we did in previous debates of supposed realities, I think we have to answer that question. I would ask the Minister whether waiting until 2024 is the right thing to do and whether that will be successful in the current climate of our economy in trying to keep, attract, retain and even train people in jobs across the spectrum. Let us be honest, we are talking about those jobs which ... let us be frank, we have seen they are way more essential than we realised during the pandemic, people working on these low wages have suddenly become heroes. But they cannot be heroes on one side but then not be paid a reasonable amount on the other side. I would ask the Minister, really is 2024 too long to wait and can we not be a little bit more positive and take an opportunity that we have got at the moment and just go for it and then build on that further? I am pretty sure that a good Employment Forum will come up with that conclusion anyway. That is about it.

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

For a change I was pleased to follow Deputy Ward; no disrespect. He made some good points and I think both propositions have been overtaken by the marketplace and changes since we have left the E.U. (European Union). But we are still required to choose between 2 of them and, frankly, I am very much in favour of the Minister for Social Security's proposition, for the main reason that it includes a great deal of consultation with the Employment Forum and other participants in the industry, and that for me is key. I am sure Members do not really need reminding but the people that are paying these wages are the businesses and at the very least if we want to impose a minimum, and I accept what Deputy Ward says about that being surpassed and the same for Deputy Southern's proposition, we do need to speak to the participants in the industry and get their views and make sure that what we are proposing fits in with what they are trying to do and where their businesses are. I think we need to remember that we have spent billions of pounds supporting industries where they have suffered dreadfully in the pandemic and those are the very industries that are employing workers that are on lower wages. The finance industry has not had that problem but I can assure you in St. Ouen the agricultural industry is facing some severe challenges at the moment. For example, the price of fertiliser has gone up by some 75 per cent since the beginning of the year, so there are some big challenges out there. But as a general principle we should be paying people the living wage, we should be paying them enough to survive and more than survive, to be able to afford housing and food without the state having to come in and help them. I think both propositions have their merits but I am inclined very much to support the Minister for Social Security's proposition because it includes a high degree of consultation with all the forums involved. I think that is the best way to arrive at a satisfactory conclusion for all concerned.

#### **The Bailiff:**

Thank you very much, Connétable. Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment, then I close the debate and I call upon the Minister to respond. People are playing very fast and loose with the timing. The ruling I have given on earlier occasions, when I say I close the debate that is the end of the matter but I have taken people of course at their word if they indicated a desire to speak prior to saying that. The Deputy of St. Martin has indicated that he did not do that. Senator Mézec, when did you press the button?

#### **Senator S.Y. Mézec:**

It was a few seconds before that you had said you were closing the debate. I do not know how quickly it takes to come up on the system.

#### **The Bailiff:**

No, well it certainly came up ...

**Senator S.Y. Mézec:**

I will accept your ruling either way.

**The Bailiff:**

I beg your pardon?

**Senator S.Y. Mézec:**

I will accept your ruling, yes.

**The Bailiff:**

I am afraid I cannot encourage a situation where people leave it to the very last minute before pressing the button. I realise people do desire for perfectly reasonable tactical reasons to speak last in a debate but that makes it extremely difficult to manage on occasion, therefore, I think we have to call upon the Minister to respond.

**4.2.5 Deputy J.A. Martin:**

To Deputy Southern, I have not come around. I wanted to make sure that I was given an alternative that would be better than we were before. We were chasing 45 per cent of the average earnings, we arrived at that, yes, a year too late. I have taken soundings from the Assembly on different debates we have had. I listened to industry and I have taken soundings from the Council of Ministers. What I wanted is put the trajectory of the minimum wage to go higher and higher and get to the living wage. It might overtake the living wage, it is two-thirds of the median, absolutely. It will, I say, by the year 2024. If it can be achieved before, all well and good, absolutely. To Deputy Ward, I mean he would have liked to have seen about £12 on the living wage but neither of the propositions or the amendment has got that in it. It is £9.45 today and £10 in the future in Deputy Southern's or mine is setting a trajectory out where we take businesses with us. I know you say it has all been overtaken by wages, people are paying more than this, but not all industries and not all companies are. I do not know if everybody saw the comments by the Chamber and the Chamber say: "The Minister's amendment to the proposition gives a clear direction to the Employment Forum to have regard of the objectives of moving the minimum wage to two-thirds of median earnings and focusing their attention too on reaching a living wage." This is from Chamber, things are moving out there. The realisation is that we want to pay people more and more but it has got to be affordable. You cannot be putting businesses out, you have got to take businesses with you. It is not today, it is a good trajectory. I just would love everybody to get behind this and vote for this amendment, which replaces parts (a) and (b). There was not a lot of support for part (c) but it is very, very important that we let the Forum do their work. I think there were 8 parts on the minimum wage, one part we are doing for next year on inclusivity but one part we are doing and then they have to go out and it is very technical; as I say, they are all voluntary, at the same time that you will be discussing the minimum wage. If they have time and they can fit in some more work, so be it; it may well be done. I am saying please do not tie their hands, we already made this decision in April this year, it will be done. We will get there but just give the Forum and the companies that need to pay these wages a bit of time. We are laying down the gauntlet today and we are saying we want more people to pay more wages and we will get there. I make the amendment.

**The Bailiff:**

I ask the Greffier to place a vote into the link and I open the voting and ask Members to vote. The vote is for whether or not the proposition should be amended by the Minister's amendment.

[12:30]

If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The amendment has been adopted.

<b>POUR: 36</b>	<b>CONTRE: 8</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Senator S.Y. Mézec	
Senator L.J. Farnham	Deputy G.P. Southern (H)	
Senator S.C. Ferguson	Deputy M. Tadier (B)	
Senator J.A.N. Le Fondré	Deputy M.R. Higgins (H)	
Senator T.A. Vallois	Deputy of St. John	
Senator K.L. Moore	Deputy R.J. Ward (H)	
Senator S.W. Pallett	Deputy C.S. Alves (H)	
Connétable of St. Helier	Deputy I. Gardiner (H)	
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		

#### **4.3 Minimum Wage Increase (P.98/2021) - as amended**

**The Bailiff:**

We now resume debate on the proposition as amended. Does any Member wish to speak on the proposition?

#### **4.3.1 Senator S.Y. Mézec:**

I thought I had better go early there, rather than risk what just happened previously. It is to say that obviously we should vote in favour of this amended proposition. I voted against the amendment because I thought it was kicking it into the long grass and it will end up taking us longer to get where we ought to be. But setting this new target is better than the status quo, so on that basis have to support it. I would not vote against it out of spite at this point just because I did not support the amendment. I would, therefore, take the opportunity to say that in accepting this and in accepting this better target from where we are now it is still inadequate. It still does not get us to a living wage as quickly as we ought to. I listened to the Minister for Social Security's speech in proposing the amendment and she did ask us to consider the businesses struggling in this economic situation. I ask people to consider the workers who are struggling in this economic situation. Poverty pay is not inevitable. It is not something we have to tolerate as the cost of doing business. It is something that ought to be factored in right from the very start, so that if you are employing people you pay them enough to live on. That is not a radical principle, it is not an unreasonable principle. Many businesses do not get other things provided to them, subsidised by taxpayers so they can have it below market rate but they do get their workers subsidised through the benefit system, and that is wrong. I look forward to the day where we can say that Jersey's statutory minimum wage is a genuine living wage, that we have abolished poverty pay in our society. I think there will be significant economic benefits from that, as well as the social benefit of simply giving people dignity in work by paying them properly. I support this amended proposition, will vote for it but it is inadequate. This is making a political point here but next time round we will do better than this and we will certainly be pushing for that.

#### **4.3.2 The Deputy of St. Martin:**

Can I start immediately by apologising for my late request to speak in the amendment debate? I was expecting more people to speak but anyway there is no excuse and I was late. I want to speak now and it will probably be the same speech I would have made at the amendment debate but I am going to support this amendment. It does some things which I want to do. The last 18 months or so I have been backwards and forwards on minimum wage and living wage debates and I find it very difficult. On one hand I want to increase the minimum wage and I want to get us to a position where we pay the living wage. But at the same time recognise that our farming industry, particularly our farming industry, struggles with minimum wage increases and they have made the case a good case - increasingly good case - that they, unlike other industries, do not have the ability to just increase the prices they receive for their goods and they really, really struggle with minimum wage and living wage increases. We know that is because multiples, large supermarkets and other outlets, pretty much dictate the price their product is sold for. On one hand I want everybody to be paid better and on the other hand I really want to make sure that our agriculture in Jersey stays competitive and our countryside stays beautiful because it is the farmers and landowners that keep our countryside looking so good. I am going to support this amendment today, as I say, because a target at 2024 is a little way off but at least it is going to address the issue and it is also going to address the issue of taking the minimum wage up to the living wage standards and just need to consult as to where that might be. As I say, we are heading in the right direction but Government really needs to come out with a plan to help farming through this increased wage crisis because they cannot, as has already been mentioned, sustain very much more of this.

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

I shall speak in a similar vein to Deputy Luce. I fully support and have done throughout my time in the Assembly a move towards the living wage but it needs to be, there is no question, a structured

move. Because quite simply one industry is suffering as a result of many different pressures and that is the agriculture sector. As Deputy Luce quite rightly said, the agriculture sector is not just about doing business and making money, it is about the actual shape of this Island, the way it looks, the Island that we all 100 and so many thousands of us are able to enjoy. To lose the agriculture sector would be more than just to lose a business, it would be to lose the way we maintain this Island. I absolutely refuse to put that industry at risk. The industry though is at risk, there is no question. Costs associated with Brexit mean that employing workers from outside the Island, just the cost of bringing them to the Island in terms of permits, in terms of all the bureaucracy, the extra flights, the extra distance for the flights, you have the extra cost. It means £1,700 per worker on every single worker that has to be brought to the Island is costing an extra £1,700. Or just in case I am misleading, is costing £1,700 but I believe it is extra. That is a staggering amount. The rise to £9.22 I believe is putting approximately £1 million on the wage bill of the sector, particularly as a result of those migrant workers. That is £1 million in a sector, which made, across the sector, a multi-million pound loss last year. That is the second year in a row I believe where there were losses. That is not feasible. It cannot be sustained. As a result of that, I am, as Deputy Luce has requested, working at the moment within the department to create a package of support to help with some of those costs. I am also working with Deputy Martin to try to find changes to the way Social Security is dealt with, with regard to those workers, in order to alleviate those costs. But that needs to be done first before we can subject that particular industry to a living wage. It is incredibly sad but that is the way it is. A living wage at this moment would destroy the industry. That is why I voted for Deputy Martin's amendment because it is about doing this in a structured manner. We are working and I will continue to work as the person with the responsibility for the rural economy to get that support to the farmers quickly. But we cannot afford to lose farmers in Jersey and I do not believe there has really been as much pressure on the industry right now as there is. That is one industry, and I appreciate that the argument could be made that is one industry that is holding back all the rest of the industries. Well, what I would say in that respect is, number one, the Minister for Social Security has given a clear roadmap with her amendment as to how she is going to get us to a living wage. I am working with her and others to make sure we support that agricultural sector. But also what we are seeing quite clearly is wage inflation in most sectors across the Island. That wage inflation is happening regardless of what the Government does with respect to the minimum wage and, in itself, is pushing more and more workers' wages up above the living wage level. That wage inflation is likely to carry on beyond the year ahead. So, to be honest, and I really must do the analysis, but it is highly likely that well before 2024 pretty much most workers in Jersey will be being paid the living wage, irrespective of what legislation we have in place. But the agriculture sector, particularly the growing element of the agriculture sector, will not be able to match that pace unless we are able to support it. That is what we are doing. So I thank Members for agreeing to the Minister's amendment because it was the right thing to do to meet this living wage. It is not just me; I was really pleased that when I first joined the department very senior officers in the Economy Department were quite clear Jersey is going to the living wage. That is where we are going. We are all set on this course. We have now accelerated it, perhaps not as much as Deputy Southern would have liked, but unfortunately his proposals would have caused enormous damage to the agriculture sector and that is not something that I can agree to.

**The Bailiff:**

I have at least 2 other Members listed to speak as well of course as the rapporteur to respond. Rather than call on the next speaker ...

**Deputy R.J. Ward:**

I am quite happy to keep it short.

**The Bailiff:**

In which case, if you are not going to speak for long, Deputy, Deputy Ward.

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

Yes, just very quickly. I would say I agree with the issue with regards to the agriculture sector. When I met with the Farmers Union there was obviously an issue there. But I am afraid what we have done here is we are passing the buck a little and I just want to get this clear about the political nature of the minimum wage. It is a political thing. Because Government set up the framework within which the Forum make the decisions on the minimum wage. If we have the structure set up where industries that are struggling are supported appropriately and sensibly and intelligently and thoughtfully, then the minimum wage can come through and be driven through by the Forum. At the moment we do not have that so we seem to have a catch-22 situation regards those decisions and yet again we are passing it on to 2024. Two things I will finish with. First, I apologise for all those people who will have to wait until 2024 to have a decent wage and that this Assembly cannot push it through quickly. I really would like to pass on my apologies as an elected Member, I would not support that. Second, I am not a betting man, but I wonder what will come first, a decent living wage or all the properties at South Hill, the majority that cannot be sold, will go to buy-to-let investors and then they will be paying high rents on them. That is a priority by this Alliance Party Government.

#### **The Bailiff:**

Thank you very much, Deputy. Is the adjournment proposed?

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

My speech is about 2 minutes or a minute.

#### **The Bailiff:**

We can go right up to the margin for 12.45 if you want, Connétable.

#### **4.3.5 The Connétable of St. Martin:**

I echo Deputy Luce and Deputy Morel's sentiments re agriculture. The farming industry is at risk, which means that the look of our Island history and identity of our Island is very much at risk. Our countryside therefore is at risk. I will be supporting the amended proposition and urgently ask that this Government looks at ways to help the agricultural industry now.

#### **The Bailiff:**

Thank you very much indeed. Now would be the time that I would ask for the adjournment as to whether the States wish to continue.

#### **Deputy J.A. Martin:**

Could I also propose that lunchtime is shortened please to one hour if possible?

#### **The Bailiff:**

The short answer is you are able to propose that, Deputy. But clearly there is some resistance to it.

#### **Deputy J.A. Martin:**

I will withdraw that.

### **LUNCHEON ADJOURNMENT PROPOSED**

#### **The Bailiff:**

The adjournment is proposed. The Assembly stands adjourned until 2.15 p.m.

[12:44]

### **LUNCHEON ADJOURNMENT**

[14:16]

### **The Bailiff:**

We continue with the debate on P.98. Minimum Wage Increase, Deputy Southern's proposition, now amended. Does any other Member wish to speak on the main proposition?

#### **4.3.6 Connétable J.E. Le Maistre of Grouville:**

I totally agree with the other speakers this morning who have highlighted the importance of farming in the Island, not just in monetary terms, but also the damage that raising the minimum wage will have on the agricultural industry. It has always stuck in the craw for me not to be able to support a higher minimum wage and even the living wage, but I simply cannot do so until the farming industry is properly supported by the Jersey Government. At the Farming Conference, Deputy Morel who spoke this morning - and again I was encouraged by what he said that he was trying to do something for farmers - put up a graph highlighting the level of support various Governments of developed countries give their agricultural industries based on their gross incomes. Only New Zealand and Australia support their farmers less. Obviously, they are the furthest away examples you could find. Australia is not that far behind the Jersey Government. Just to put it into perspective, that graph showed that Jersey supports farmers to around 3 per cent of their gross receipts, but the E.U. figure is 22 per cent. I simply cannot see how the agricultural industry is going to compete, particularly with higher and higher minimum wages. So, I am afraid I simply cannot support this proposition as amended today.

#### **4.3.7 The Connétable of St. Mary:**

We must remember that the figure £9.22, as suggested by the Minister for Social Security, is minimum. This has to be set by our Government as there are employers out there who would pay less. There are some desperate people who would have to take far-lower wages. A good employer will pay more in order to give job security to the employee, which will also guarantee that they have content and reliable staff. Of course, wage depends very much on the nature of the job, skilled or unskilled, but in general employers do pay more in order to retain staff. Hardest hit is always the agricultural industry who have to bring people into the Island to do the job because locals will not do that work. It could be that locals could be paid more as they would not cost the employer to bring them in or the need to offer accommodation. They would also pay tax, which would benefit the Island. Until that has been addressed, we need to insist on a minimum wage as put forward by the Minister for Social Security.

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

I was not going to speak again, I have done enough speaking over the housing, but I did have to respond to a few points Deputy Ward said. It is always interesting when he speaks, he wanted £15 or he would like to see a £15 minimum wage, so he would be putting on the agricultural industry a third extra, a 30 per cent rise, maybe a little more, on anybody who was employing people on the current wage, which I would hazard a guess would put many people out of business. But away from that, as I also addressed with the housing, we get a lot of negativity in the press and not enough of what we have done. So, if we allow that negativity to go on past, as we could have done here, with Deputy Ward apologising on all our behalf, which was very good of him, it would have been very, very wrong. So, we need to look when this Government - and I do not even call it this Government because these decisions are taken by the Assembly - when this Assembly was elected in 2018, and we have not seen roaring inflation or anything like that, when it was elected in 2018 the minimum wage was £7.50. In January 2022 it will be £9.22. That is an increase of just under 23 per cent in less than 3 years. It is above the cost of living and the average wage increases during this time. We also have to remember that during that time what we would call the lowest level of tax, where you would pay tax, has risen from £14,900 to, at the end of this year, providing it is passed, £16,550, keeping in touch with inflation; it is not above inflation but it keeps it in touch with inflation. When we look at other jurisdictions where people say they are paying more, their minimum wage is higher.

Guernsey's tax threshold and the U.K.'s tax threshold is substantially lower. For some people, and it has been a criticism of Deputy Southern on this, but it is not because I can cast some light, people say that he is just plucking the figures out of the air. Where does this come from? Where does this £10 come from? He has not plucked it out of the air because the figure comes from the Reform Jersey Manifesto of 2018. So, it is a goal of his; it is laudable that he has followed up his goal. It is laudable that people are trying to keep promises in their manifesto. I admire him for that. But there is no economic reason behind that figure other than trying to keep a manifesto pledge. So, I just wanted to put out there a few of the facts of this debate. I will of course be voting for this amended proposition.

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

I was not planning on speaking but I will just make a few comments based after the last 2 speakers. Can I just mention agriculture first? One of the reasons we have never been able to get a minimum wage through is because of the agriculture industry would claim, perhaps rightly, that they cannot afford these higher wages. However, I am more than happy to support the farming industry and increase the level of subsidies to them providing we get the evidence. I have asked repeatedly of Government Ministers and others for data showing the level of support we give the industry, who gets it, how much they have, what it is for, this, that and the other. If all that was set out and Members could see the economic case the farmers are talking about then I would wholeheartedly support them, if the evidence showed it. So, please, let us be open and let us talk about these things. I do not believe that the States should be supporting employers who are paying less than minimum wage or very low wages. In addressing Deputy Ash's comments, he talks about inflation, inflation has not been that high. I am sorry, Senator, just look at house price inflation and rental inflation in more recent times. So what I would say is that, yes, we have a problem, we have many problems in this Island; housing being one, population being another, and low wages being another. We need to address these by having proper surveys and data given.

#### **The Bailiff:**

Thank you, Deputy. Will you give way for a point of clarification from Deputy Morel?

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

Yes, I shall.

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

Can the Deputy clarify whether he has asked me, as Assistant Minister with responsibility for rural affairs, for the figures that he says he has requested? Because I would be happy to provide them to him.

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

I would say in answer to that I have not asked him personally but I have asked the department for them and I have had written answers that have been inadequate. So, I would be more than happy to sit down with the Assistant Minister because, if we have the facts, we can come up with proper solutions and I support that.

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

I hope too, like Senator Mézec, that we do not have to be in a constant perpetual groundhog day where we seem to debate the minimum wage, amendments to the minimum wage, and then people say: "We should be working towards a living wage." I want to be in the position where the living wage is the minimum wage and that we do not have to then send the Employment Forum off to try to find out what that should be. We should know what the living wage is, accepting that it might vary and need to increase year on year, and that figure should apply across the board. Similarly, while I have sympathy of course for farmers, we cannot find ourselves in a situation perpetually

where we are held back from increases in the minimum wage, let alone aspiring towards a living wage, because there is an industry that has very real issues in terms of competitiveness. A couple of observations here is that it is unusual in normal times for businesses to tend to ask for Government intervention. They traditionally, we are told from conservative elements in the Assembly, but also from various lobbying we have, that Government should keep its hands off and let the invisible hand of the free market resolve all the problems. But, of course what we know, when it comes to our farming industry, is that the capitalist system is broken and simply the economics of it do not stack up. Now, we do have a particular radical policy, one radical policy, which has developed over time, when it comes to the farming industry, which would probably be very problematic and may be almost ideologically unthinkable if it were to be introduced today. That is in regard to the dairy industry where we have said you cannot import any other milk into Jersey. Pretty draconian that as a general principle in terms of free market, is that the only type of milk you can buy and sell in Jersey, apart from Flora, Omega 3 enriched milk, is Jersey milk. I wonder what would happen if we did that for other products like potatoes; if we said the only potatoes you can buy in Jersey are Jersey Royals, you cannot import any other potatoes to be sold here. You cannot do that with carrots. You cannot do that with fish. All the fish you buy locally has to be locally caught fish. It is a really radical proposal and I am not sure that many Members would support removing the protectionist stance that we have for milk. Because, even though it is very bizarre, it seems to work in a strange kind of way. Because it means that the dairy farmers get a fair price for the milk that is sold locally. I do not think they necessarily make a fortune on it. It is not necessarily cheap in terms of the fact that you can probably buy alcohol in some cases cheaper than you can buy milk. You can certainly buy a huge bottle of Coca Cola a lot cheaper than you can buy a litre of Jersey milk. But nobody tends to question that. The point is that there is a correlation between the product, the labour that has gone into it, and the fact that for it to stack up you need to have some kind of rules to make sure that the product you are selling reflects the labour, the work that has gone into it. Not just the pure raw work, if you like, from the labourer, but also the additional processing and industrial costs that go with it. Now this is something we do not have with agriculture. I am wondering what the economics of it are. Because I remember a few weeks ago, and Senator Farnham gave a good accurate answer of what the situation is with regard to fisheries.

[14:30]

It might make more sense if local people, supermarkets, restaurants, bought local fish. But if restaurants can buy fish cheaper from the U.K., for example, and import it, and if Jersey fishermen can get a better price by exporting their fish, then that seems to work for everyone. But of course it does not make sense in so many other ways. Because we are moving fish around the world, in this example it is fish, but of course it could be potatoes, it could be asparagus, cauliflower, or whatever. Not to take into account the environmental impact that has and the fact that the logistics that go with it, it does not seem to make any sense. The bottom line I am getting to is that we probably need to rethink our economic model when it comes to farming, fisheries, whatever it is, to make sure that we are not putting in those extra air miles, moving products around the world where they cannot possibly be as fresh as they would be, as if we were eating our own produce that was grown here. That might mean, and this applies to other areas, that we might need to be prepared to pay more for our produce. It might mean that we do not have to import so many things into the Island with plastic packaging, for example, when we can just get it from a few metres or miles down the road, locally produced. It might mean that we have to pay more for it. It might mean that we, as consumers, expect to pay more money when we go out to a restaurant and that we do not go to restaurants quite as often. I have been quite surprised because Jersey traditionally has always had generally good restaurants and quite cheap. But it is probably not normal to expect nowadays to have a meal for £10 and to eat out several times a week when that is not commonplace in other parts of Europe. It might mean that when we go out for a meal we do it half as often and expect to pay perhaps one 1½ times or 2 times as much money. So those are some considerations there. I suppose the last point I want to make,

and this should be seen as a challenge rather than a criticism to what passes as the left in Jersey, in particular to my trade union comrades, is that one of the things that we need to tackle in the Island when it comes to the minimum wage, especially in farming and hospitality sectors, is to make sure that the membership of the unions is reflective of the bottom of society as well. Certainly, if I were in a head of leadership role within any of the unions that applied to those sectors, I would make sure that I was out in the field, literally if necessary, with some union representatives who spoke the relevant languages, Russian, Romanian, whatever it is, in the hotels and restaurants. I would be unionising those workers irrespective of whether they are here for 6 months, 9 months, 5 or 10 years, to make sure that those voices are heard and to make sure that labour is valued. I know that message will be heard and I acknowledge the hard work that goes on from all of these sectors, whether it is from the workers at the coalface so to speak or the managers and those in the industry who are struggling at the moment.

**The Bailiff:**

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

**4.3.11 Deputy G.P. Southern:**

I will propose that the 2 paragraphs are adopted *en bloc* but I make a few passing comments in the meantime. What we have here is a very tiny baby step forward in terms of the minimum wage. We do not appear to be getting any nearer to transferring into the living wage as our marker. The Minister for Social Security has given herself all the wriggle room in the world to come back to us and say: "Well I was too busy so I have not done it." That is something that I predict will happen. She has also avoided a deadline that I built into the third paragraph for reporting back on how and when we might do a transition to the living wage. That has been avoided as well so there is no deadline in there, which is again an excuse for doing nothing. I just received some criticism for the fact that our minimum wage has gone up by faster than the cost of living. But that is because there is a motivation behind it. We are trying to reduce income inequality by lifting those at the very bottom, those on the minimum wage, up by greater than the rest of the workforce, and thus promoting equality. That is why we see occasional high values on the increase in the minimum wage. The fact is that the Department of Economic Growth has been promising a productivity scheme for the past 3 years and has singularly, spectacularly, failed to deliver one, despite assuring us time and time again that one was on the way. Nothing done at all. So we keep on having this blockage by the farming industry saying: "We do not have enough help and you need to support us, otherwise we are going to go to the wall." That will continue to happen time and time again until we do something about it and I call on the Minister to get something done. Let us see something concrete from this. Finally, I shall be returning to the issue of the minimum wage in 2022, not least because sometime in 2022, we do not quite know when yet, we are going to see an income distribution survey done for the first time since 2005. So we will have some hard data about what has happened to all sectors of our economy, but in particular to those at the bottom end, in the bottom 2 quintiles, who are our poor. I believe that their fate, they will have been made vastly worse off as a result of COVID and Brexit than they otherwise would be. The wages at the bottom end are likely to have got significantly worse than anything we have seen so far. We must do something about that. I for one promise that I shall be back with those sort of figures on which we can base some constructive, positive way forward in terms of reducing income inequality and transitioning to the living wage rather than a paucity, which is the minimum wage, which is simply not enough to live by on this Island. I will be back. Thank you, *en bloc*.

**The Bailiff:**

Thank you very much, Deputy. I ask the Greffier to place a vote into the link and open voting. I ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 41</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		Connétable of Grouville		
Senator T.A. Vallois		Connétable of St. Mary		
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				

Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## 5. Actions to mitigate the use of Palm Oil (P.99/2021)

### The Bailiff:

The final item of Public Business is Actions to mitigate the use of Palm Oil, P.99, lodged by the Connétable of St. Martin. There is an amendment to the proposition lodged by the Minister for the Environment. Connétable, are you minded to accepted that amendment?

### The Connétable of St. Martin:

Yes.

### The Bailiff:

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

### The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) that there are global environmental issues caused by palm oil farming practices and to request the Council of Ministers to take the necessary steps for the Government of Jersey to lead by example and only use and procure products that contain credibly-certified sustainable palm oil where practical and appropriate; (b) to request the Minister for the Environment to bring forward legislation, in a timeframe deemed reasonable by the Minister, to the effect that any food item produced in Jersey is labelled with a clear statement of whether the food item contains palm oil or any palm oil derivatives; and (c) to request the Minister for the Environment, in a timeframe deemed reasonable by the Minister, to consult with local businesses and organisations, consumers, schools, charities and community groups to develop an Island-wide palm oil campaign that raises public awareness of the issue of its use.

### 5.1 The Connétable of St. Martin:

This has been a long and emotionally fraught week and I for one am relieved that we have reached the last item on the agenda. I hope that this proposition will be viewed as straightforward and uncontroversial. I will say at the outset that I am happy to accept the Council of Ministers amendment. It sits well with the proposition and I am grateful to the Minister for the Environment and his officers for meeting with me. What this proposition aims to achieve is to get us, as both an Assembly and as an Island, to start thinking more about the resources we use and their environmental impact. This proposition looks at our wider impact and asks how we as an Island can move towards becoming a more sustainable society. As a product that has caused immense damage to the environment it is grown in, palm oil provides an excellent starting point to begin this journey. At the core of this proposition is a question about how we resource our Island and take responsibility for the products we buy. If we adopt this proposition we can begin a journey to become a sustainably resourced Island. There is no denying that the rapid expansion of the palm oil industry over the past 30 years has had a catastrophic environmental and social impact across Southeast Asia, South America, and Africa. Consumers all over the world have been absolutely horrified to learn about the destructive practices rife within the industry. The orangutan has become an emblem for the struggle between industrial expansion and conservation. The tropical areas suitable for palm oil plantations are particularly rich in biodiversity. Oil palm development therefore has a significant negative impact on global biodiversity as it often replaces tropical forests and other species-rich habitats. Globally, palm oil production is affecting at least 193 threatened species according to the I.U.C.N. (International Union for Conservation of Nature), the red list of threatened species. It has been estimated that palm oil expansion could affect 54 per cent of all threatened mammals and 64 per cent

of all threatened birds globally. It also reduces the abundance of most native species. For example, it has played a major role in the decline in species, as I have previously mentioned, such as orangutans and tigers.

[14:45]

In turn, slash and burn practices linked to palm oil production are often blamed for annual Indonesian forest fires that create a thick haze in skies over large parts of the region, including Singapore. This proposition, as amended, calls for certified sustainable palm oil to be used. Clear product labelling should be put in place to enable consumers to make informed choices of what to buy. Product labelling of items that are produced in Jersey and sold in Jersey should be an achievable goal. In practical terms, a change in labelling requirements should be introduced over a specified period of time to give producers reasonable opportunity to update their packaging and labelling and at a minimal cost. By adopting this proposition, we will also be joining a number of jurisdictions and organisations across the world in working to improve the sustainability of the resources we use. In Singapore, the World Wildlife Fund Support Asia for Sustainable Palm Oil movement has worked to raise awareness of the link between the slash and burn practices used in the production of palm oil and haze pollution and enlist public support for a switch to sustainable palm oil. In tandem, the people's movement, the Stop Haze movement in Singapore, has also been working with local businesses to commit to only using green and ethically-produced palm oil as part of a green push to tackle forest fires and air pollution in Southeast Asia. The goal is for the entire city state of Singapore of around 6 million people to switch to sustainable palm oil by 2023. If they can achieve it, I am sure we can. The movement was itself inspired by the work of the city of Chester, which has been named a sustainable palm oil city following a campaign led by Chester Zoo to commit businesses and other organisations to change the way they buy palm oil. So far more than 50 local organisations have made this commitment. Who is to say that we in Jersey cannot go further. As you will have read in the report, it is my belief that the action on palm oil could be the first step we take towards a wider goal, the development of a sustainably-resourced Island where we develop a more sustainable and environmentally conscious society, one that recognises the value and impact of our everyday purchases. The potential creation of a sustainably-resourced Island could warrant worldwide recognition and carry a positive and real impact on the Island's culture and global standing, inspiring other jurisdictions, including our neighbouring islands, to follow suit. Indeed, we can already see that this Island is already moving towards a more sustainable future. Jersey Dairy is the first dairy industry in the world to achieve the global sustainability accreditation known as L.E.A.F. (Linking Environment and Farming). We should all be immensely proud of this globally-important achievement because it shows just how achievable a sustainable Island is and the potential Jersey has to lead the way in sustainability. I have been extremely grateful to have received a number of communications from Islanders, the majority I am delighted to report have been very supportive, with only a couple voicing their concern. I am grateful to Members and the public who have voiced their support and acknowledged the debate in conversations we need to have regarding unsustainable palm oil and the adverse environmental impact it has on our planet. Finally, I would especially like to thank my daughter for encouraging me to bring this to the Assembly and for her excellent research that catalysed this proposition. Special thanks to research and project officer Emily Thomas for her help, which has been invaluable. It is my hope that this Assembly supports this proposition and moves us closer to becoming a sustainably-resourced Island, which will benefit our own environment, the world's environment, and enhance our global reputation.

**The Bailiff:**

Thank you very much, Connétable. Is the proposition seconded? **[Seconded]** I open the debate.

**5.1.1 Deputy J.M. Maçon:**

I thank the Constable of St. Martin for bringing this proposition. It is a very thought-provoking one and she is quite right to bring it because what it does is it concentrates our minds on supply lines, which is effectively what this debate is about. It is about the end use of a product that we use as consumers and how it originates and the impact that the creation of that product has on the environment and the people from which it originates. It is absolutely something where all of us are going to have to think more clearly in those ways. It is very difficult sometimes for a consumer to know exactly what is in a product. Sometimes when you are looking at food substances, products, you almost need a chemistry degree to understand exactly what is in there, never mind where those ingredients have originated from. So, I understand completely the points about labelling. I would hope that the Constable would wish that to be in what is known as the plain English campaign, so consumers really do understand where palm oil is coming from. Of course, the wider concern is, in these situations, if you ban one product, all that simply will happen is the producers will just switch to another product and the achievement you want, which is better farming practices, which is better impact on the communities where these products come from, gets lost in the process. That is something we all need to be vigilant of. It is a really interesting point to say we are doing this because we want to care about the environmental consequences in other places. There is a whole debate to be had around lithium and cobalt, which falls into exactly the same arguments as the Constable of St. Martin is presenting us today. Of course, we know that those metals are key requirements in our digital computing equipment nowadays. So, it is a really important philosophical and ethical proposition that the Constable of St. Martin has brought forward. While it will not necessarily solve the problem that the Constable is bringing to us, I agree with her that this is certainly a step in the right direction in the way that we as a community, and the business community in particular, have to think about the products that they are promoting to Islanders. With that, I am able to support this proposition, but I just wanted to bring to Members' attention the wider themes that we clearly do need to be thinking about, not being concerned with just palm oil, but of course the whole supply chain for all the products that we use.

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

I would also like to thank the Constable of St. Martin for bringing this proposition. It is much needed, if only to highlight the issue of palm oil and the destruction that its many growers cause to particularly rainforests around the world. Jersey has a particular connection to the issue of palm oil and that is through Durrell. Many of us have visited Durrell specifically often to see orangutans at Durrell. At Durrell they have for many years now had as part of that exhibit education about palm oil. So this has been a matter of concern, and known concern, for many years. So Jersey is right to take something of a lead in this area. If I could widen it out, the Constable of St. Martin's proposition is excellent, but probably by her own admission it is restricted in terms of its scope and its focus on local products in the main. Obviously, most of us buy products from outside the Island on a daily basis to feed ourselves and our families and it is those products where we really need clear labelling on this matter. As with so many parents in this Assembly and in this Island, palm oil is an area where I have been educated and led by my daughter, who has banned us from buying products that contain palm oil. That is fantastic and I wholeheartedly agree with her diktat within our family. But what I have discovered is how difficult it is wading through all the products that you buy on a regular basis to weed out those that contain palm oil. So many of them do contain palm oil and I can tell you now, if you do not want to consume palm oil, you are going to give up eating biscuits. Because almost every single biscuit of known biscuits, the famous brands, the famous varieties, contain palm oil. In the supermarket where I shop regularly I found 2 biscuits, which do not contain palm oil, all of the others do. I wish our local supermarkets would help us in highlighting those products with easier labelling to show us which contain palm oil. I doubt they will because, as I have just pointed out, 90 per cent of the products contain palm oil. It is that bad. So, I wholeheartedly support this. It is an excellent proposition. I would ask our supermarkets to join us in this and see how they can help us, whether it is setting aside areas of their stores for palm oil-free or sustainably sourced palm oil

products so we can easily go there. That would be a great help if labelling is too much for them. But there is no question; I will support this proposition.

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

Similarly, I would like to congratulate the Constable of St. Martin for bringing this issue. I know it is sometimes difficult when it is quite a specific issue, which some would say is on a relatively narrow point, to decide when and whether to bring it forward and in what manner. But nonetheless it is really important because sometimes we can get swamped by the big things in society and in politics. I am not saying this is not a big thing because it is certainly a big ecological issue, which we have known about for quite a long time, and which has received some renewed focus in recent months, not least from Sir David Attenborough on one of the many programmes that he has used to raise these kind of issues. Quite fortunate in Jersey, in our Parliament, to be able to fast-track these kind of things, whereas elsewhere I suspect it would be confined to a minor debate without any vote at the end of it. So well done, Constable, for that. I also do not think it is necessarily as complicated as Deputy Maçon makes out. This is simply that the Constable has identified a problem and a way to try to take steps to resolve that issue. I have referred to it in previous speeches in fact, the frustration of having to go around a supermarket, and this is of course only perhaps in relation to buying food products, we know that palm oil, which is not sustainably sourced, is found in a whole variety of other products that we might buy unwittingly or without looking at the labels. For example, I can just only talk about what I do as a shopper. I tend to often look at labels for food purchases, but I do not tend to do that for other purchases, for example if I am buying washing detergent, et cetera, or clothes even. I do not tend to and maybe I should, I hold my hands up here, I should be more concerned about the provenance of those products as well as the ingredients or materials used therein. But I do with food because I know it is more tangible and I am often looking on the back of labels in supermarkets when I do want to treat myself to a packet of biscuits or chocolate: "This one contains palm/shear, I had better put that back." Even though I should know the products, you pretty much get to know that McVitie's is a no-no, that Cadbury's is a no-no. It will always contain palm oil. You still pick up that packet every time in hope that maybe this particular line of their product will not. No, it does contain palm oil, I will put it back. The sheer amount of time you take just looking through the shelves often in vain. I guess this is where the devil is in the detail because paragraph (b), if I remember rightly, asks for clear labelling. But of course you could say that already has clear labelling. If you go to the back of the pack it is clear, it is just very small. So who defines what clear labelling is? What I would want to see is twofold, obviously the ultimate goal is I want the shops to stop importing and selling products that contain non-sustainable palm oil. That is the position that most of us would want to get to, sooner rather than later in my case. I would want the products to be labelled very clearly, almost with a warning, like you do for cigarettes, a big "P" for example saying: "This product contains palm oil (i.e. do not buy it if you care about the planet, if you care about orangutans)."

[15:00]

The men of the forest, and we do care about them and we know a lot about them in Jersey because of Durrell and we are quite lucky because of that. So I am concerned of course that what we are voting for today is very much dependent on who we have in Government next time and whether they decide what is meant by this is what we all feel it should be and whether they stick by the spirit of what is being asked for. But I would ask the local suppliers, we hear a lot about corporate social responsibility, the Co-op, for example, who are a co-operative I suspect only in name now, sold out their democratic values in the Channel Islands a long time ago I fear. But in theory they should be controlled by their shareholders who are us, the shoppers and the members of that society. If we say to them, for example, we do not want you to be stocking products with palm oil in it, unless it is proven to be sustainably sourced palm oil, then we will not shop at your shop anymore. We will take our business elsewhere. It is quite interesting that Iceland have a whole range of their own products

that they got rid of palm oil quite a long time ago. Of course they still sell other products of their non-home brand, which might contain palm oil, but at least they have made the change. They decided to do that. Why have Waitrose in Jersey not done that? Why has the Co-op not done that? Next time a store is asking for planning permission to expand their portfolio in the Island so that we can literally have one of their supermarkets squeezed into every corner of the Island, of course with a petrol station attached to it as well, even if they do not have proper checkouts in those outlets, it is important that whoever is giving the planning permission should be looking at this holistically and saying: "Tell us a bit more about the products that you are selling. Are you selling palm oil? Are you going to carry on selling petrol?" We need to get to the point where ideally we should not need to be saying to private businesses: "Do not sell these products, label them better." They should be listening and responding to consumer pressure. But it is really difficult for consumers to do that when they do not have the facts in front of them. That is why labelling is so important. If you had something staring you in the face, which said: "Palm oil in this product" I better not buy it then. In the same way as free trade, people want to make the right decisions when they are shopping, and that is often dependent on price of course as well, but people want to make the right decision and labelling is clearly a key area of that. So I will conclude there by saying of course we can support this today but we should not presume it is the elixir that it might be. We do need to take personal responsibility as shoppers, but put pressure on those shops as well. Also to pay tribute, because I know that, including in my constituency, or in St. Brelade certainly, there is an individual who has been campaigning for a long time for palm oil awareness. I would like to pay tribute to all of those who have been doing this for a long time in Jersey to get this up the political agenda.

#### **5.1.4 The Connétable of St. Mary:**

This proposition is unquestionably the right thing to do providing the alternative does not do as much damage to the wildlife, as the cleared land will need to either be returned to nature or farmed in an alternative way in order for those people who farm this product to survive. Our vote for this will have far-reaching implications. But for global warming issues this is the right thing to do.

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

I would like to thank the Constable for bringing this proposition here today. We are all well aware of the impact that palm oil production has on the natural environment across the world. We must do what we can, even if our impact is small, to mitigate the unsustainable use. The Environment Department is fully behind her.

#### **5.1.6 Deputy K.G. Pamplin of St. Saviour:**

I will be brief as well. I just wanted to say, and this is not for the first time, what a credit the Constable of St. Martin has proved to be in this Assembly. It bears repeating her speech earlier this week in the Assisted Dying debate will live long in the memory. On this particular subject, again, like the Constable mentioned, and also Deputy Morel, I am able to speak about this proposition because it is of huge interest to my daughter as well. I just wanted to raise a couple of points to help those who will be working on this. One is we use an app on our smartphones called Giki, which is recommended by the W.W.F. (World Wildlife Fund), not the wrestlers obviously, the conservation charity. It is a simple barcode reader so you can go into your shops and you can barcode certain items and it will give you the information of what products it is using and especially around the subject of palm oil. There is an issue about what is sustainable palm oil. Many conservationists are concerned about the nature of what is sustainable. Some manufacturers do not even go as far as to put any labels on fearing that people will not buy their products. But, as Deputy Morel said, it is a lot of products. You are talking all things from ice cream, soap and, as he mentioned, biscuits and at this time of year we know how much we like those. However, we cannot call for a boycott because doing that would shift problems to different parts of the world, but we can take a stand, much like Chester did in 2016 when they became the first sustainable palm oil county in the United Kingdom. We can do that as

well in Jersey. Just using things like the app, and if the Government could use their influence to do that and help promote that with all the various local people, it is another area, and not for the first time this week we can show that we can lead the way in some things. That is all I wanted to add to the debate.

### **The Bailiff:**

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

### **5.1.7 The Connétable of St. Martin:**

I thank all the speakers for their very positive reaction to this. Firstly, Deputy Maçon, this proposition is just looking at food produced locally to be properly labelled and I will make sure that it is in, as he says, plain English. It would be lovely to have all the supply lines that come into Jersey sustainable palm oil, but that is for another time and another debate probably. We just have to take this step by step. Deputy Tadier mentioned that Iceland, the supermarket, have committed that all own-brand products only use sustainable palm oil or no palm oil. So I do not see why the other large supermarkets like Aldi, Marks and Spencer, Tesco, Waitrose, cannot follow along the same lines as Waitrose, I hope that they do. He did go on wider beams and, as I said, I thought the only way of getting this through the Assembly was to not be too ambitious. I do this in a step-by-step approach. I would like to thank Deputy Kirsten Morel. I have been in contact with Dr. Lesley Dickie of the Durrell Zoo and I meant to put that in, it has been a really long week, and I am glad he mentioned it because it should have been in my speech that the zoo does not use any palm oil in either of its restaurants and it tries as hard as possible not to use palm oil at all, even sustainable palm oil, in any of its products. I understand it just uses them in a couple of animal feeds where they cannot find an alternative. If a large zoo like Durrell can do it, then other businesses over here can do it as well. With Deputy Morel, I am hoping if Jersey adopts this, more cities, countries, do. We can reach a time when all products that come into the Island are clearly marked. I thank Deputy Tadier, and I should have said that a couple of years ago I was speaking to Deputy Tadier in the coffee room and he and I both mentioned palm oil together. So I thank him for his support because I know that he has been very interested in this. I am glad that he mentioned David Attenborough and I will unashamedly put on record that David Attenborough is a real hero of mine. I have followed him for years and read his books and they are brilliant. I am also pleased that he mentioned about corporate social responsibility because businesses over here can do a lot to help mitigate the use of palm oil. As I said, he mentioned Iceland who do this and hopefully Co-op, which I did not mention with the other large supermarkets, can start moving towards having their own sustainable palm oil products. If all these supermarkets did then a lot of the supply lines that come into the Island will be sustainable. I would like to thank the Constable of St. Mary for his very good short speech and just to say to him that, if you are using sustainable palm oil and it is R.S.P.O. (Roundtable on Sustainable Palm Oil) sustainable palm oil, the World Wildlife palm oil, which a lot of them are moving towards, then there is no wastage with farming. What we have to do is make sure that the way the farming is carried out is sustainable and it helps all the communities over there. To Deputy Guida, Assistant Minister for the Environment, he has been very helpful with other areas such as the Ecrehous and everything. On this occasion I really do thank him and the Minister for the Environment and the Environment Department for fully backing this. I am really appreciative of it. Deputy Pamplin, thank you very much, and I thank him for his kind words. I did not know anything about the app. I am not a geek in that area. But I am really interested to know about it and if it is World Wildlife Fund approved, I will be downloading the app after the debate is finished and if I cannot manage it I will be asking somebody to help me. I just feel at the end of this that, if Chester, Oxford, et cetera, can achieve sustainable palm oil status and a country as large as Singapore can do this, then Jersey really can. It would be fantastic and very positive for Jersey to be known globally as a sustainably resourced Island.

So I would just like to thank everybody who has taken part in this debate and hopefully everybody will vote for it and I would like to call for the appel.

**The Bailiff:**

The appel is called for. I ask the Greffier to place a vote into the link. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 32</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				

[15:15]

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Bailiff:**

Very well, that concludes public business for this meeting and I invite the chair of P.P.C. (Privileges and Procedures Committee) to propose the arrangements of public business for future meetings.

**6. Deputy C.S. Alves of St. Helier (Chair, Privileges and Procedures Committee)**

The only changes to the arrangement of public business since the Consolidated Order Paper was published are the lodging of various amendments to the Government Plan, all of which have been listed for next time. With the deadline for amendments falling next Tuesday, I suspect we will see a number of further amendments come through by then as well. There has been no decision yet about whether to sit Monday afternoon for questions for the next sitting but this would be wise, so can I ask Members to contact me over the weekend if this poses a problem so that a decision can be made early next week. With that, I propose the arrangement of public business for future meetings.

**The Bailiff:**

Thank you very much, chair of P.P.C. Does anyone have any observations to make on the arrangements of future business?

**6.1 Deputy J.H. Young:**

I just wanted to flag up at this stage a situation I have written to the chairman of P.P.C. about. As a part of our post-Brexit arrangements we are under some pressure to bring in what is called the O.C.R. (Official Controls Regulation), which are really technical rules, which we are required to have. I had expected that we would have lodged this during this sitting. In fact that was imminently likely, but unfortunately it has not happened. I am under pressure to get these in for next year. If I were to do that it would require me to ask the Assembly to shorten the lodging period. At the moment I cannot do it because we do not have the final draft but I just want to warn Members that situation may arise. That is a situation not of my making, but I am afraid it is part of the post-Brexit situation.

**6.2 Deputy J.M. Maçon:**

I appreciate the comments of the chairman of P.P.C. But I wonder if I can propose to the Assembly now that we sit on the Monday at 2.00 p.m. for question time of that week.

**The Bailiff:**

You are entitled to make that proposition on the arrangements for future business. Is the proposition seconded? **[Seconded]** Does any Member wish to speak on that proposition?

**6.2.1 Deputy M. Tadier:**

We are seeing a lot of this, what I would call ad-hocery, going on, saying can we meet on Monday instead of Tuesday, can we have an hour lunch, and I do not criticise any of those suggestions, they are probably pragmatic. But we cannot be acting like this as an Assembly and giving short notice. People may have made arrangements. I have not personally, but people do have. I intended to keep Mondays, for example, for constituency work. It is something that I do. It does not mean I will not be able to make it. I tend to have constituency work Monday morning as well as other times. As a result, we are doing this more and more often basically, because we have decided to move to a 3-week cycle. Whereas before we knew where we were with 2-week cycles where we could tend to fit everything into a week and still have a breathing space normally on the Monday and Friday. It does not serve anybody, including the public, that we have tried to cram things in once every 3 weeks just so that some Members can have an extra week off. I would like this to seriously be considered by P.P.C. and to stop these short-term requests coming in for moving the Order Paper around. I do not think it is helpful.

**6.2.2 Deputy K.F. Morel:**

Yes, it is really just to agree with Deputy Tadier. The move to 3-weekly sittings is the reason we are having these problems. It does not work. It has reduced accountability. I fear that post-elections we will see even more attacks on our democratic rights in this Island, including attempts to reduce scrutiny, attempts to reduce questions in the Chamber, things like this. The ad-hocery, what a wonderful term - I am going to have to start using that from now on - is a direct result of this. One way to change it would be to say that all States Assemblies now are Monday to Friday. That may be a way to do it that would be easier. But as it stands the 3-weekly sittings do not work. I am in favour of sitting on the Monday in question and I will vote that way. But I really ask P.P.C. to realise the folly that is the 3-weekly sitting cycle.

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

I just want to say there is really not much of a choice. Because we are sat here, the Government Plan debate is going to be long and detailed, so starting on the Monday is the logical thing to do. I agree with regard to 3-week sittings, they do not work at all. If we are not careful we will get to the end of things and make bad decisions because of it, because of fatigue and people not considering, particularly with the hybrid sittings, it is so difficult because it is not the same. There are 7 or 8 of us here and it is really difficult. But could I also say that, at the moment in my calendar, the deadline for oral questions is the 9th, which has been sent, and I do rely on that calendar and I thank the Greffe for sending me those reminders. Because I do not know about other Members, but my calendar drives my week completely. So if we are going to move to the Monday and that date is going to be set, can we please have that reminder? If it is not, could I ask you to be flexible in accepting questions, because missing those deadlines, I know we should all be on top of it, but there is an enormous amount going on, particularly with amendments to the Government Plan and particularly with Scrutiny reports that we are trying to produce. Let us not go into that again. It is quite difficult to know, in terms of time, when these things are changed. If we are going to do this we do need to arrange it today so that we are all aware of where we are going to be in those few weeks. Because the other thing is as well, we are all trying to fit things into our calendar, our constituency work and Scrutiny and meetings and meetings with groups and trying to write propositions and amendments and all of those things that we are trying to do. It is a busy time. I am not complaining about that. But let us get this change done as quickly as we possibly can.

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

I will come in on this. I have said it is a separate topic, but it is linked. I also feel the 3-week cycle does not work. We are having more and more of these almost complete-week sessions because we are trying to cram everything in. I would support a review of the 3-weekly cycle. However, what I wanted to raise, and it is relevant, I will mention it now. I am going to ask P.P.C. to look at February. My understanding is, unless I have misread the calendar, we have no sitting in February because it is half-term. With the amount of work that we have now between now and the election, we all want to see business finished, we should have a sitting in February.

### **The Bailiff:**

Thank you very much, Deputy. Can I remind Members this is a discussion as to whether we sit on the Monday afternoon?

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

Simply to give some balance to this part of the debate, as long as I can recall the debates on the last session before Christmas, the Government Plan or M.T.F.P. (Medium Term Financial Plan) as it was, has frequently required a Monday afternoon devoted to the oral questions beforehand. I simply make the point that I do not think this request on this occasion is due to the cycle 2 weeks or 3 weeks switch. I give no opinion at the moment. It is something we have got used to already and I wish to put that forward.

### 6.2.6 Deputy C.S. Alves:

I would like to thank the Deputy of St. Mary for highlighting something that I was going to highlight. This was already happening when we were on a 2-weekly cycle, so I just want to address the 3-weekly cycle. There was a consultation period and we had a trial on this and it was a democratic decision that was taken in this Assembly, whether there are Members who agreed with it or not. At the time, the first time I voted in favour, but then I voted against. Asking for this to be reviewed again would be a waste of time because we have already had the vote. I am happy to take on board the suggestion that maybe in future we just make Monday a part of that sitting as well going forward. But this did happen before when we were on the 2-weekly cycles when we had weeks that consisted of having long debates like the Government Plan. I just want to address Deputy Higgins's question there about the sitting in February. There is a sitting scheduled in February, it starts on the 8th. So I think I have addressed everything there, thank you.

### 6.2.7 Deputy K.G. Pamplin:

Just to be brief, I shall stay away from the 3-week cycle argument, this is a good idea to do it early because in 3 weeks' time on the Friday of that week is when the schools break up from school. Those States Members and those of the staff who support us, from the Scrutiny officers to the Greffe staff, with children, there is much planning in advance to plan for that week. Just in case we do extend into the following Monday, that is why I think we should do as much as we can to support everybody's well-being for a 3-week term. So fully supporting of the starting Monday afternoon.

#### The Bailiff:

Does any other Member wish to speak on the proposition that the Assembly meet on Monday afternoon? If no other Member wishes to speak, then I close the debate and call upon Deputy Maçon to respond.

### 6.2.8 Deputy J.M. Maçon:

I thank Members for their contributions, in particular the sensible contribution from the Deputy of St. Mary, who reminded the Assembly that this is convention, the normal practice for these types of debates, to sit on the Monday afternoon. I did it precisely so that Members know in 3 weeks' time exactly where they are, instead of waiting, what, another week for P.P.C. to canvass opinion and come back again. It is much better the States know what they are doing now. Members can make their decision whether they want to sit on the Monday or not, it is entirely up to them. Some Members do not like the 3-weekly cycle, some do. As the chairman of P.P.C. said, we had a democratic debate and those who do not like the decision of democracy, that is down to them. I maintain the proposition.

#### The Bailiff:

I will ask the Greffier to place a link into the chat for voting. I open the voting and ask Members to vote. A vote pour is a vote to sit on Monday afternoon. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The proposition has been adopted.

<b>POUR: 35</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. Lawrence		
Senator S.C. Ferguson		Connétable of St. Brelade		
Senator J.A.N. Le Fondré		Deputy M. Tadier (B)		
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of Grouville				
Connétable of Trinity				

Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Therefore the Assembly will sit on the afternoon of the Monday. Deputy Higgins, do you have a separate matter to raise in the discussion on future business?

**Deputy M.R. Higgins:**

No, it is all right. I am sorry, I had trouble getting back into the system. No, I have mentioned what I wanted to say and I have been corrected.

**The Bailiff:**

Thank you very much indeed. Does any other Member wish to speak on the arrangements for future business as proposed by the chair of P.P.C.?

**Speaker:**

Sorry, just my comment in the chat, is it 2.00 p.m. for the Monday?

**The Bailiff:**

On the Monday it will be 2.15 p.m. in the normal way.

**Speaker:**

Sorry, the proposer distinctly said 2.00 p.m. Thank you.

**The Bailiff:**

I am sorry, I did not hear that.

**Deputy J.M. Maçon:**

I am happy to leave that detail to the Greffe.

**The Bailiff:**

Yes, we will leave the matter to the States Greffe, if you would not mind, because they have to check the calendar for other obligations on that day. Does any other Member wish to speak on the arrangements for future business as proposed by the chair of P.P.C.? Very well, no further debate, I will take this on a standing vote unless someone wishes to have a vote put in the chat. In which case I will take this as adopted by the Assembly on the arrangements as proposed by the chair of P.P.C. That concludes the business of the Assembly and the States is now adjourned until Monday, 13th December.

**ADJOURNMENT**

[15:31]