

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 27th APRIL 2022

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[9:32]

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

PUBLIC BUSINESS - resumption

1. Draft Proceeds of Crime (Amendment No. 7) (Jersey) Law 202- (P.51/2022)

The Bailiff:

We now continue with Public Business. The next item is the Draft Proceeds of Crime (Amendment No. 7) (Jersey) Law, P.51, lodged by the Minister for External Relations and Financial Services, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Proceeds of Crime (Amendment No. 7) (Jersey) Law 202-. A law to amend further the Proceeds of Crime (Jersey) Law 1999. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

Senator I.J. Gorst (The Minister for External Relations and Financial Services):

Could my Assistant Minister act as rapporteur for this item please?

1.1 Connétable R.A. Buchanan of St. Ouen (Assistant Minister for External Relations and Financial Services - rapporteur):

We continue with great pace our preparations for the forthcoming MONEYVAL assessment and I am sure I do not need to remind the Assembly just how important a positive assessment is for the financial services businesses in the Island. Under the F.A.T.F. (Financial Action Task Force) methodology we will be assessed against ... we need to demonstrate that money laundering activities are prosecuted in line with our jurisdictional risk profile. For us, this means preventing criminals from exploiting some of the 33,000 companies registered here for money-laundering purposes. Additional F.A.T.F. methodology requires that penalties are not just applied against natural persons but also against legal persons, which in plain speak are companies. Therefore, this proposition, if adopted, creates a new criminal offence of a failure to prevent money laundering for legal persons which undertake financial services businesses. Individuals should only be in scope for the new offence where they themselves act as financial services businesses under the Proceeds of Crime Law. An example would be an accountant acting as a sole trader or where an individual consented for money laundering to be committed within a company. The proposition would enable a more appropriate attribution of criminal liability to companies where those companies fail to have prevented associated persons for money laundering. This of course means that for the offence to be triggered there needs to be proof of money laundering. It is important to note that with the introduction of the new offence, no new compliance requirements are required for the financial services industry to be introduced. All those requirements already exist. But for companies who do not adhere to those requirements, and therefore allow money laundering to happen, they will be in scope for the new offence and can be prosecuted. However, it is crucial to highlight the amendment provides companies with a reasonable steps defence by demonstrating, where money laundering has occurred, that companies adequately maintained and applied anti-money laundering procedures. This amendment has been subject to pre-consultation with representatives from the main Chamber bodies and Law Society of Jersey followed by a full public consultation during which no major concerns were raised. The new offence would help make better to meet the criteria under the F.A.T.F. methodology and presents a key building block to enhance the enforcement process and thus the overall anti-crime regime. I make the proposition.

The Bailiff:

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

1.1.1 Deputy D. Johnson of St. Mary:

This is the first of 4 financial services related propositions coming before us today and, if I may, I will make a generic comment now to avoid the need to repeat it. The panel is only too well aware of the image of the Island as one engaged in financial services activities, sometimes referred to as “tax haven” status, and I apologise for using that outmoded expression, and understands the importance of the financial sector in Jersey being compliant with international standards and meeting the regulations of F.A.T.F. It is pleased to have been a part of the numerous pieces of legislation this compliance brings and to have had the opportunity to present its various comments papers to the States. I advise that over the last 4 years the panel has presented a total of 15 comments papers to the Assembly in relation to such matters and, in addition to that, we have had briefings on even more pieces of legislation where we felt that a comments paper was unnecessary. The panel is extremely grateful to the officers for their work in providing detailed briefings to allow the panel to undertake its work. The panel is also aware of the upcoming assessment by MONEYVAL and the ongoing work that officers within the Financial Services Department still need to undertake. I would like to think that the panel has shown its commitment throughout its dealings to properly scrutinise all matters coming before us. To that extent, I am grateful to the Minister, the Assistant Minister, and the whole financial services team for their co-operation throughout this matter. I am also grateful obviously to my colleagues on the panel and to the previous chair of the panel and other members of the panel. Finally, and not least, I wish to record my appreciation to the present Scrutiny Officer and her predecessors for the work that they have done. Only last week she was involved in balancing the need to issue 3 comments papers along with other requirements and, as with her other counterparts in Scrutiny, we are already indebted to the fact that they go well beyond the call of duty in this connection. Finally, there was yesterday during the debate, reference to the role of Scrutiny and certain questions as to how it saw itself. Certainly, as far as this panel is concerned, I think we have demonstrated that we are indeed a critical friend, we have aimed to be constructive, and I would like to think that the Minister and his team have had no cause to doubt that. In addition to the financial services work, we have had to balance those requirements with other matters, particularly in relation to external relations, we do receive briefings as a matter of confidentiality. We very much respect that need and I do not believe there has ever been cause to doubt our sincerity in that respect. Again, I appreciate the efforts of the Minister in keeping us fully up to date on such matters and I would like to think we have discharged our duties appropriately.

[9:45]

To the matter in hand, we have issued a comments paper on this matter, which I hope the Members have had the opportunity to read. It is perhaps superfluous to say, but we very much endorse the rationale behind this proposition and urge Members to support it.

Deputy G.C. Guida of St. Lawrence:

Could I raise the défaut on the Deputy of Trinity?

The Bailiff:

Yes, the défaut is raised on the Deputy of Trinity. Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles I close the debate and call upon the Connétable of St. Ouen to respond.

1.1.2 The Connétable of St. Ouen:

I particularly appreciate the Deputy of St. Mary’s comments and I am a little disappointed that he feels that there should anywhere in the Assembly be any question mark against his panel’s integrity or commitment to assisting us because nothing could be further from the truth. We have received nothing but the highest level of commitment from his panel and his comments about being a critical friend are entirely true. He and his panel have raised a number of useful points, which we have taken

on board, and we have had a number of extensive discussions which have made our process in producing this legislation which is before the Assembly. From a personal perspective, I can only express my deepest thanks for all the help and commitment that he and his panel have given our team during this difficult time that we have had in preparing the extensive amounts of legislation for the MONEYVAL process. I would just like to thank him very much and his panel for his help and commitment. I have no other comments and therefore I call for the appel.

The Bailiff:

The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. Members remotely please participate in the normal way. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The principles have been adopted.

POUR: 39		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
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 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 L.B. Ash (C)				
Deputy G.C.U. Guida (L)				

Deputy of St. Peter			
Deputy of Trinity			
Deputy of St. John			
Deputy M.R. Le Hegarat (H)			
Deputy S.M. Ahier (H)			
Deputy J.H. Perchard (S)			
Deputy C.S. Alves (H)			
Deputy I. Gardiner (H)			

I take it, Deputy of St. Mary, your panel is not calling the matter in, in view of what you said.

The Deputy of St. Mary (Chair, Economic and International Affairs):

No, thank you, Sir.

The Bailiff:

How do you wish to propose the Articles in Second Reading?

The Connétable of St. Ouen:

With the leave of the Assembly I would like to propose them *en bloc*, if possible.

The Bailiff:

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak on the Articles or any of them? No Member wishes to speak then I close the debate. I propose to take this on a standing vote given the indication given on the last vote. Members in favour kindly show. Members against? I think Deputy of Trinity and Deputy Perchard should you wish to indicate a pour. I would be content if you put your hands up instead of standing, if you wish. Do you propose it in Third Reading, Minister?

The Connétable of St. Ouen:

Yes, Sir.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? No Member wishes to speak in Third Reading. Then I close the debate and again we will do this on a standing vote. Members in favour kindly show. Those against? It is passed in Third Reading.

2. Draft Sanctions and Asset-Freezing (Amendment No. 2) (Jersey) Law 202- (P.53/2022) - as amended (P.53/2022 Amd.)

The Bailiff:

The next item is the Draft Sanctions and Asset-Freezing (Amendment No. 2) (Jersey) Law, P.53, lodged by the same Minister. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Sanctions and Asset-Freezing (Amendment No. 2) (Jersey) Law 202-. A law to further amend the Sanctions and Asset-Freezing (Jersey) Law 2019. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

The Bailiff:

Is your Assistant Minister taking this one as well?

2.1 Senator I.J. Gorst (The Minister for External Relations and Financial Services):

Not this one, we have 4 pieces and we are dividing it, as it were. Who could have imagined when we first started contemplating improvements to the Sanctions Law to ensure that there was further clarity, so that we could be confident that it was compliant with F.A.T.F. standards, that such technicalities and such a piece of legislation would be in the international headlines? I think that shows to us that even though these pieces of legislation can be technical and seem to be unrelated to Islanders everyday lives, when they are needed and when we face a global crisis, as we do, the reverse becomes apparent. It is absolutely imperative that we, in Jersey, have legislation to give effect to ensure that we play our part, together with the international community, as we have seen, in regard to the economic fight against Putin's regime. Indeed, we do. These amendments before us today will enhance that fight. They will provide further clarification to some descriptions. They will take pointers where we currently point to other pieces of legislation and put it on the face of Jersey legislation, that can only be right and proper, again showing ourselves to be co-operative international partners and playing our part. I hope that Members will see that this draft law enhances and adds directly on to the face of the law descriptions of owned, held, controlled. It also deals with civil immunity and makes that clear. It changes some of the powers to amend via Ministerial Order, it deals with the implementation of exceptions and grounds for granting licences, something which we know has become, again in the fight against Putin in Ukraine, extremely important. It enhances the meaning of terrorism. It allows for automatic terrorist asset freeze designations. It limits the de-designation of terrorism asset freezes by Ministerial Order and it expands reporting obligations in respect of attempts to breach or circumvent sanctions. I commend the principles of these changes to the law to the Assembly.

The Bailiff:

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

2.1.1 The Deputy of St. Mary:

Members will be pleased to know I do not intend to repeat the comments just made in relation to the previous proposition. We have on this occasion issued a comments paper that reinforces the comments just made by the Minister for External Relations and Financial Services, and the panel asks the Members to support this proposition.

2.1.2 Senator S.W. Pallett:

I just want to follow my Chair of the Economic and International Affairs Panel by saying that he mentions many other people who have been central to ensuring that this legislation and many other pieces of legislation have been properly scrutinised. I would just like to add, because the chair is always the one that seems to miss out, that the chair, and I have to say the previous chair as well, have been exemplary in the work that they have done with the panel and I think need to be commended for the work that they have done. I just want to add, because I know it has been brought up in the past that maybe we have not looked at detail at some of the legislation. I just brought along the proposition that we are debating right now, my copy, and as you can see it is full of orange ink because I wanted to fully understand from the Minister about what he was putting forward. He mentioned many changes in the legislation and we did, I think, grill his officers and the Minister in some depth. In fact, I cannot remember a briefing recently that has not overrun because of the time we felt we needed to fully understand what was being put before us. So if any Members feel that this is in any way a rubber stamp exercise, I can assure you it is not. As my chair has said, the work that the officers have done in regard to putting some of these Comments papers together, again they needed to fully understand what they were putting together. I thank them for their work as well. But I have to add, the co-operation we have had from the Minister and Assistant Minister over my 18 months has been - I used the word "exemplary" with the Chair, I will use the same with the Minister - have been exemplary.

2.1.3 Deputy G.P. Southern of St. Helier:

I will ask one of the questions I am prone to asking myself, but this time I will ask it publicly and see what the answers are. The question is: we are coming up to an inspection and therefore we are tightening up the laws and the rules around money-laundering, *et cetera*, why have we not done this 5 years ago? What have the money-launderers been getting away with for the last 5 years that we are now tightening up on? Could the Minister please explain.

2.1.4 Deputy K.F. Morel of St. Lawrence:

I note that for administrative reasons, and understandable administrative reasons, a particular link in reference to European Community regulations is removed, but I was wondering if the Minister could confirm please whether this affects in any other way potential for E.U. (European Union) sanctions to be brought in under the law, as is the case at the moment? It is just to confirm that this does not affect.

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

This may be a question for regulations but I think it is important to talk about it before we come to the regulations so we know what we mean. In terms of the definition of terrorism, it says that the Minister can define terrorism or a terrorist; I just wonder what definitions we are using. Are they international definitions, are they simply something that comes from the U.K. (United Kingdom) and we abide with it or will Jersey be able to define its own terrorist organisations? That is not a value-laden statement, it is a genuine question and I just wondered if we could address that.

The Bailiff:

Does any other Member wish to speak on the principles? No other Member wishes to speak on the principles. Then I close the debate and call upon the Minister to respond.

2.1.6 Senator I.J. Gorst:

I understand in my absence - I am sure it was not because of my absence but I was absent from the Assembly yesterday - that there were, during the course of some debate, some disappointingly disparaging remarks about the Scrutiny function. I have not heard them, I have only had them relayed to me but I know that the Chair of the panel that scrutinises me and my department alluded to them in his speech in the earlier proposition. I am disappointed to hear that because I hold the panel that has scrutinised me in the highest regard. It is currently chaired by a lawyer and I hope you will forgive me for saying this, he brings great technical and legal expertise to that panel but of course he is joined by other members who bring a great deal of common sense. We have just heard from one of his panel members about that common sense that he brings to scrutinising, what can be very technical pieces of legislation. But that being a critical friend, while it might be uncomfortable for those of us who are Ministers, is absolutely critically important for the good functioning of the democratic institutions of this Island.

[10:00]

I for one have never been in any doubt whatsoever that I could attend upon that panel and share the most confidential of information in a private setting and provide confidential documents to them and that it would never occur to them to do anything other than to treat them confidentially and with the respect that being a Member of this Assembly should bring to our functioning. As I say, it has not always been comfortable, there have been questions that we have had to go away and provide answers to. But I am extremely grateful to them for doing that function, I believe, as it was initially intended when this new system of Government was created. As I say, it is absolutely fundamental to the good governance of this Island. As uncomfortable as it is, it is not personal, it is about the legislation that Ministers are bringing forward. I say it is not personal because the former cman of that panel, who acted in the same manner as the current chairman, did not disappoint me with the question that he

raised. It is not a personal issue, it is an issue that he feels passionately about. I can give him comfort this morning that despite perhaps initially during this process a desire to remove that ability to be able to implement E.U. sanctions, it remains within the law and there is no amendment before the Assembly today to take that power away. For all sorts of reasons here, and I disagree about whether we should or should not be implanting those sanctions or not, and I was questioned on that earlier in this sitting and I stand by those answers. Deputy Ward asked about the meaning of terrorism and what we do and will do in extending that definition or inserting a new definition. It is really around what we might think of as involved persons. For some the actor, as it were, at the scene of the crime, as it were, it is quite clear that they are terrorists. What is more difficult and needs the new definitions is really around involved persons, giving greater latitude to be able to capture involved persons in that definition. We follow the international standard definition, we are not sat in Broad Street sharpening our pencils and exploring the English language, it is an international definition and if it were not an international definition then I think that we would in actual fact fail in those regards when the international review has come to make sure that we are complying with the international standards. Deputy Southern likes to look at things through, from my perspective, the other end of the telescope and rather than welcoming these amendments to the latest developments in international standards wants to ask us what people have been getting away with while we were doing the consultation and the review and the law drafting. He and I have argued in this Assembly previously where we are bringing forward these amendments. I certainly do not accept the premise of his question because the majority of this piece of legislation - yes, the previous piece of legislation around failure to prevent - was a brand new offence in Jersey. But what that does, it allows a strengthening as a deterrent for those in the financial services industry to think very carefully about the processes that they have got in place to prevent Jersey and their institution being used for the purposes of financing terrorism and anti-money laundering. It is strengthening either existing provision ... this piece of legislation is strengthening and making it clearer. If there were any doubt, I do not believe there were any doubt, I do not believe that the current legislation allows those within financial services to get away with anything. But this and these amendments make it clear, and make it clear that we have in our legislation compliance with the latest international standards. I commend these regulatory amendments to the Assembly this morning.

The Bailiff:

Thank you very much indeed, Minister. Do you call for the appel? The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting and Members participating remotely to vote in the usual way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

POUR: 42		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Deputy G.P. Southern (H)		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
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 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 J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Greffier of the States:

Deputy Southern voted *contre*.

The Bailiff:

I take it, Deputy of St. Mary, that your panel is not calling it in in the light of what you have said. Very well. Minister, we come to Second Reading. You have lodged an amendment to your own Articles in Second Reading. Do you wish the Assembly to take those in Second Reading as amended by your own amendment?

Senator I.J. Gorst:

If I may, Sir, thank you, yes.

The Bailiff:

Members will have the opportunity of seeing the nature of the amendment and, therefore, I am assuming if nobody objects, then we will take the Articles in Second Reading as amended. How do you wish to deal with them as amended in Second Reading, Minister?

2.2 Senator I.J. Gorst:

Sir, I will take them *en bloc* if I may and speak to the amendment. What that amendment does is allow for designations under asset freeze by description, rather than just simply having to name an individual, which is currently that asset freezes work. I hope Members will see that what that does is, for example, able to capture a director which is a description of a function, for example, rather than having to be in a position to name all of the directors as currently would be the case if you wish to designate directors of a firm, for example. I will maintain them *en bloc* if I may.

The Bailiff:

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak on Second Reading?

2.2.1 Deputy R.J. Ward:

I welcome these actions to capture the proceeds, if you like, of terrorist activity and so on and recognise those designated terrorist organisations and terrorist groups and people. But what I want to know about is consistency, for example - it is (1e) part and I am going to have to scroll down, which is what I did not want to do because now I will lose my place - in Article 18(1e) which talks about a link to paragraph (1c)(h) and, again, we have this interlinked piece of regulation which takes time to go through. I compliment, again, the Scrutiny Panel on taking on that process. But it talks about as part (b): “‘coercive action’ means abduction, enslavement, forced marriage, rape or sexual violence.” What I would like to ask is, is this going to be consistent in jurisdictions where forced marriage, sexual violence, misogyny is rife? We seem to do business and take account and have investment from areas where that can be said to be happening and, in particular, one person’s opportunity for employment is another person’s enslavement when, for example, you have no rights to your passport while you are there and you are, effectively, working as a modern-day slave in some jurisdictions around the world. Therefore, I would welcome if Jersey’s Government had the clarity of thought and the cleanliness of its actions to say to these jurisdictions: “We are going to treat you in the same way as we would organisations that use that to fund terrorism.” Because one could say that state terrorism and the action of individuals could be viewed in the same way. I just want to know whether that part of the regulation would extend to those types of actions by nations. Because at the moment we can all be very clear and say that the actions of leaders in Russia, we are all very clear about how wrong they are and we are very clear about certain terrorist organisations that are very clear, that we can define. But there is a grey area here which is not a grey area, in my opinion, of the action on the individuals and the residents within certain nations where those things mentioned in these regulations, coercive actions, abduction, and there are situations that are reported in the media of abduction of particular members of families, for example. Enslavement, one could interpret the building of certain buildings around the world for international events as virtual enslavement of the workers. Forced marriage certainly is something that happens in some nations and rape and sexual violence has been a tool for nations to subject women for many, many, many years and still happens around the world. I welcome this but we need to be consistent and I would like the Minister to give some assurances that we will be consistent in our approaches to all parts of the world, regardless of whether they become financially beneficial for us as an Island.

The Bailiff:

Thank you very much indeed. The Deputy of Trinity, if you would like to speak from sitting you can.

2.2.2 Deputy H.C. Raymond of Trinity:

It is a clarification point more than anything else. It mentions asset freeze; with regards to asset freeze, does the person or persons have to be named? If they are not named as being part of something that is not right, can we still asset freeze the ... it is difficult without giving an example but I am just concerned that the asset freeze would be on anything dealing with anything that could be deemed to be part of Russia or is it just specifically to the individual people? If you could clarify that because there is an incident within the Island which just needs clarification and to clarify in the Assembly would be much appreciated.

2.2.3 Deputy G.P. Southern:

My eyes are drawn to a screen which is entitled: "Jersey and U.A.E. (United Arab Emirates) sign a treaty." Below a picture of our good Minister, who seemed to be looking particularly astute that day, I wondered whether that included "coercive action"; a source of coercive action, which means abduction, enslavement, forced marriage, rape or sexual violence included in this treaty with the U.A.E.

2.2.4 Deputy M. Tadier of St. Brelade:

I think to just extend that point. So, there is clearly a serious issue here and the previous vote showed that there is almost unanimous agreement on the issue that we should have the ability to take action on terrorist organisations and clearly one of those individuals in the world at the moment and in Europe or on the border of Europe is Putin.

[10:15]

We know that Putin is not just somebody who exercises a particularly harsh form of population control because there is a housing crisis in Russia but that he is a much more serious menace to the international community, including their neighbours or their close neighbours to Ukraine and Poland, whom we have had their Ambassador currently visiting today in Jersey, and I am sure he is most welcome and those international relations and strengthening of them are really important. But I think it does raise a fundamental question here because we have a Minister for International Relations, we have a Minister for International Development and the name sometimes change; they no doubt work in slightly different areas but closely together. Jersey does like to - and I think is right - try and increase its international personality and to exercise as much autonomy and decision-making for itself as it can whenever it can. But in certain other areas, so we automatically pass these bits of legislation, which, again, is part of the Realpolitik and I have no criticism of that, yet it does not give us the discretion that we would seek and like to exercise in other areas. The point is quite rightly someone like Putin and all of the oligarchs that it has to be said that we have been welcoming to Jersey in the past. There was active recruitment for stupidly rich individuals who are not just wealthy in their own right but can change the course of economies if they want to. They can buy up football clubs; that is the people we are talking about. We have rolled out the red carpet in the past not thinking about whether or not the chickens might come home to roost at some point. Because it is only now that Putin has become slightly deranged. Did we think that in the past he was a stable person with whom to do business? Clearly not because as a former Deputy in the Assembly, I think it was Deputy Trevor Pitman, somebody I miss greatly in this Assembly for his frank speaking; I think he made the comment that money has no smell but of course we know since that things have moved on. One does have to question about definitions; should not Jersey really be taking a look at who it does business with. Clearly, we do not want to be doing business with Russia at this point and we never should have been doing business with it. But I look at a headline, here it was in the *New York Times* and it says: "Dubai ruler imprisoned his daughters and threatened one of his wives, the U.K. court rules." These are not just allegations, a U.K. court has ruled that this is the case, these are facts. Yet only one year later we see a headline in the *Jersey Evening Post* with a big photograph of Senator Gorst there, the usual photo, it is a good photo, I wish they used such a modern one of me with my new Ian

Gorst glasses but I have still got my little wiry frames from Louis Theroux, which are now passé unfortunately and ...

The Bailiff:

Deputy Tadier, I am not entirely sure that your choice in glasses is particularly germane to the debate. If you could perhaps focus a little bit more.

Deputy G.P. Southern:

On the contrary, Chair, I find it fascinating.

The Bailiff:

It may be fascinating, but it is not germane. Please, do carry on.

Deputy M. Tadier:

I did not say it was Germane, Sir, I said it was Louis Theroux. **[Laughter]** But I do not know who this Germane character is. That notwithstanding I accept the invitation to come back to more salient matters. The point is here there is only a year between the 2 facts and we have Jersey signing a treaty with the U.A.E.; it is a business treaty. It is again saying, okay, let us get some U.A.E. money and we know that there are things that are not just dubious but that are demonstrably proven and have been to the court in the U.K. with what some of these people do. These are not just questionable things which are hearsay, it is there in black and white: "Dubai ruler imprisoned his daughters and threatened one of his wives." We have all seen the video that one of the daughters sent and it went out virally on social media. I am just asking the question, and I hope I do not get shot down for it, what happens if in 5 years' time you get something that ... what if the U.A.E. decides that they want to proliferate in their region, if they want to invade a country and then there are international sanctions? Is it only then when we wait for the letter to come down from Whitehall and they say: "By the way, these people are now in the terrorist organisation." We say, okay, let us rubberstamp that. We had our suspicions before but now because you tell us that we have to do it we will do it, even though clearly in our law we can define who the terrorists are and even though this particular individual is sailing very close, I would say, to the definition of what a terrorist is. Certainly he fulfils the traditional English definition of somebody who is not a particularly nice bloke and it is not somebody or particularly a jurisdiction that I am comfortable doing business with. I do not need to have a letter from Whitehall to tell me in the future that we should not be doing business with some of these people just to absolve our consciences.

Senator L.J. Farnham:

No, Sir, thank you.

The Bailiff:

Sorry, I thought you indicated, it was Deputy Perchard.

Deputy J.H. Perchard of St. Saviour:

I have a question for the Attorney General, please. The question is in the context where a treaty has been signed between 2 nations, what is the impact on that treaty of the introduction of sanctions? If there was a conflict of content or even intent or the spirit of a treaty was somehow compromised by the introduction of a sanction, which one takes precedence?

The Bailiff:

It is a question about the contractual effect of a treaty as against the exorbitant jurisdiction of a sanction.

Mr. M.H. Temple Q.C., H.M. Attorney General:

Obviously in terms of international law the U.K. is responsible for our international relations, so we would need to get authority to enter into the treaty and then it would need to be ratified and extended to us on our behalf. Obviously, it is quite a hypothetical question that the Deputy is asking but, in general terms, if there were to be a conflict between the terms of the treaty and the terms of sanctions, my instinctive answer is that the sanctions would take precedence. I would think that there would be provisions within the terms of the treaty to deal with these sorts of situations and, for example, how disputes between the parties to the treaty could be dealt with. Normally there are a series of provisions whereby the parties endeavour to negotiate differences by negotiation and then it goes from there up to international arbitration. There should be mechanisms that deal with such a situation in the treaty but in general terms my view is that the sanctions should prevail.

The Bailiff:

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

2.2.5 Senator I.J. Gorst:

I will try and steer us back to the Second Reading of these amendments, if I may. Sir, you have been very generous with the Assembly's time this morning. Perhaps I could just say, however, that I am certainly now looking forward to in a way I never envisaged seeing Reform Jersey's election manifesto and lots of photographs of the Ian Gorst glasses and my sartorial style on their leaflets, bearing in mind the comments that they have just made. I think we are going to enjoy this election, let us just say that. There were some serious questions that were made. If I could start with Deputy Ward, who asked about the reach of this legislation and I think he knows the answer before he asked it but he just wishes me to confirm it. There is no extra territorial reach in this legislation. It can only apply to individuals or companies registered or based in Jersey, as would be normal legislative process. The Deputy of Trinity asked about designated persons and it is correct that sanctions law envisage designated persons or companies being designated and they are the ones, the individuals designated or the companies designated to which the freeze takes place. I know there has been commentary locally about family members, about connections, and of course what my officials and those across the agencies are doing in the taskforce is making sure that the designated persons do not receive any benefit directly or indirectly from connections. On the surface it is straightforward but we know that individuals with such magnitude of wealth are able to structure their affairs in various manners and it is important that we ensure that there is no circumnavigation of the sanctions regime perhaps in the way that the Deputy was indicating in his question. I am not sure that this was really the point to debate Jersey's common external relations policy. I think that will come when there is a new Government and a new Assembly sitting in this place and, therefore, I will not rise to the challenge that my colleagues to my left have set for me this morning, rather I will maintain these amendments in Second Reading.

The Bailiff:

Do you call for the *appel* in the circumstances?

Senator I.J. Gorst:

If I can, Sir.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting and Members participating remotely to vote in the usual way. If Members have had the opportunity of casting their votes and I ask the Greffier to close the voting. The Articles have been adopted in Second Reading.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
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 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 of St. Mary				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you move the matter in Third Reading, Minister?

2.3 Senator I.J. Gorst:

If I may, Sir, thank you.

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

2.3.1 Deputy K.F. Morel:

It is just a question, a technicality really. With regard to the situation in Russia it is understood that large amounts of money have been moved from, say, European nations where financial services are well-known to other nations that offer financial services but are not in Europe or the U.S.A. (United States of America). Is the Minister satisfied that when that movement of assets takes place and that Jersey is in a position or our financial services sector is in a position to ensure that we do not inadvertently end up with linked structures in some way in those third countries? I am talking about money moving from Europe to other countries in the world ...

The Bailiff:

Deputy, I must interrupt you. Is this about whether this law should be adopted in Third Reading? Because if it is not about that that is the limit on the debate.

Deputy K.F. Morel:

In which case, Sir ... I thought it was, but maybe ...

The Bailiff:

No, if it is, if you could tie it to whether this law should be adopted in Third Reading.

Deputy K.F. Morel:

Yes. It is whether these amendments will indeed help us trace those or whether we can in fact uphold these sanctions, given the difficulty taken in tracing assets when they are moved around the world like this. Does this law help us with that?

The Bailiff:

Thank you very much. Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, I close the debate and call upon the Minister to respond.

2.3.2 Senator I.J. Gorst:

I do not want to side-track but the Assistant Minister points to a very important issue with regard to the economic war against Putin's regime.

[10:30]

There is not a straightforward answer. It would be wrong of me to suggest that these issues are straightforward. What is important and is happening is that Jersey service providers, where they have a nexus to a designated person, that they put in place the freezes under the sanctions regulation. What the agencies through the created taskforce is doing is doing further work along the lines that the Deputy is alluding to and also working with partners globally. But of course a war is a war, whether it is a military war or an economic war and we need to make sure that the sanctions are in place appropriately and that we are ensuring also that there is no circumventing of those sanctions, which is the area that I think the Deputy is alluding to. There is some strengthening around circumventing provisions or clarity in that regard. But that really is the work that my officials and others right across all of the arms of Government are undertaking on a daily basis and that is what their full-time job is

and it is what we have provided additional resource for them to do. I maintain these amendments in Third Reading and will call for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members to return to return to their seats and ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The law has been adopted in Third Reading.

POUR: 37		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Lawrence				
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. 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 of St. Mary				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

Deputy I. Gardiner (H)			
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3. Draft Limited Partnerships (Amendment No. 2) (Jersey) Law 202- (P.54/2022)

The Bailiff:

The next item is the Draft Limited Partnerships (Amendment No. 2) (Jersey) Law, P.54, lodged by the same Minister and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Limited Partnerships (Amendment No. 2) (Jersey) Law 202-. A law to amend the Limited Partnerships (Jersey) Law 1994. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

Senator I.J. Gorst (The Minister for External Relations and Financial Services):

Sir, could I ask my Assistant Minister to act as rapporteur for this item? Thank you.

3.1 The Connétable of St. Ouen (Assistant Minister for External Relations and Financial Services - rapporteur):

The Draft Limited Partnerships (Amendment No. 2) (Jersey) Law is a priority piece of financial services legislation. The amendment law fulfils 2 key policy objectives, one to ensure it is fit for purpose for our funds sector and continues to provide an attractive and competitive legal framework within which our international funds business can operate and, secondly, to enhance the supervisory and enforcement powers of the registrar to meet the necessary improvements required from our next MONEYVAL assessment. The amendment law will play an important role in ensuring Jersey remains competitive with other financial service centres which specialise in fund businesses. The Jersey limited partnership is the preferred legal structure for fund managers and promoters to use for international funds managed out of Jersey. Our fund sector is a core pillar of our financial services industry and a key growth area with over £460 billion in global assets under management. Jersey is recognised internationally as a jurisdiction of choice for alternative fund businesses, primarily private equity. The amendment law captures those changes identified by industry which are needed to ensure that Jersey maintains its competitive position. Certain changes reflect recent enhancement made to our competitors' limited partnership legal frameworks and to resolve ambiguities which have been identified in our law over time. A key ambiguity industry identified was around the process for terminating a limited partnership. The current process allows for dissolution to take effect first before the limited partnership is wound up. This has left the limited liability status of the underlying investment fund as limited partners unclear. This new amendment law, if passed, clarifies this. It does this by setting out a new statutory process for the termination of a limited partnership. This process overrides any provision in the limited partnership agreement or the customary law or ordinary partnership. Under the amendment law a limited partnership now must first be wound up and its assets distributed and its creditors paid off before it is terminated. Only the registrar can do this by cancelling its registration. This is done upon receipt of a request made on behalf of the limited partnership or on behalf of the exercise with the registrar's new powers to cancel the registration with a limited partnership if the general partner is in continued default of its statutory obligations. Where the limited partnership is struck off with continued default of the general partner, the amendment law protects limited partner's liability and the general partner's power is restricted so that it can only be acted on to wind up the limited partnership or have it reinstated. By introducing this new statutory termination process due consideration has been taken as to the potential harm which could be suffered in cases where a general partner has refused to act unreasonably or where a limited partnership has mistakenly been dissolved without realisation of all its assets. The amendment law introduces a reinstatement process which gives the court full discretion to deal with its reinstatement as it sees fit. Furthermore, this new statutory dissolution process reflects the position already adopted by other

jurisdiction. The effect of this new termination process, together with the introduction of an annual confirmation obligation, ensures that the register will be kept up to date and accurate. This was an issue which has been identified by the registry team following a review of Jersey's limited partnership regime. It was found that a significant number of limited partnerships on the register were in default of their statutory obligations and believed to be inactive or fully wound up, where their registration had not been cancelled. Under the current law the registrar has inadequate powers to remove them from the register and would enforce the statutory penalties contained in the law. This amendment law, if passed, addresses these issues. More importantly of all it will allow the registrar to demonstrate that he has exercised and implemented those new enhanced supervisory and enforcement powers by removing those limited partnerships which have been in default for years on by removing them from the register. This will be critical in Jersey's upcoming MONEYVAL assessment. It will also benefit those investors whose monies have been tied up, whether as a general partner refusing to act, as they will now be able to take action through the statutory process and enable their locked funds to be released. The overall effect of the amendment law will be that it ensures that investors are not disadvantaged in any way by their funds being invested in a Jersey limited partnership and the industry will be better held to account for their management of these structures. This will protect and enhance our funds industry. We have consulted extensively in the preparation of this amendment law. Industry has been engaged throughout the policy development through a Jersey finance-led working group. This group included representatives from the Registry, Law Officers' Department, the Regulator and Government. We also wrote to every single registered Jersey limited partnership to ensure that all relevant persons affected by the changes were aware of them and its public consultation. A public consultation, a virtual Town Hall event, was held and attended by industry to go through the changes in the amendment law 2. All concerns raised during this process have been addressed. The amendment law will allow Jersey to modernise its limited partnership framework for funds businesses, align it to our competitors' jurisdiction law and help with Jersey's ability to demonstrate its compliance with international standards and the requirements of MONEYVAL. I propose the principles.

The Bailiff:

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

3.1.1 The Deputy of St. Mary:

May I take the opportunity to thank the Minister and the Assistant Minister for their kind comments addressed to myself and the panel as a whole in the previous debate? May I also thank Senator Pallett for his kind intervention and, by way of response, can I say that the panel has undoubtedly benefited from perhaps the unusual situation with having 2 members on it with Ministerial experience? I thank him for that. As to this matter, I did previously say that the panel has had briefings on a number of matters throughout its term, not all of which resulted in a comments paper; this is one such. We did have a briefing, we prepared our own internal memorandum on it and taken note of the consultation process and we are happy to endorse the proposition. I do urge Members to support it.

3.1.2 Deputy G.P. Southern:

Yes, I just raise the question of where in the bankruptcy process where these companies come and where indeed their workers come. Is there any need for further protection of workers in circumstances whereby they would normally be receiving redundancy payments or the like?

The Bailiff:

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

3.1.3 The Connétable of St. Ouen:

If I can address the Deputy of St. Mary's helpful comments first. I thank him for his panel's engagement on this subject, which was helpful in pulling all this together. If I can come to Deputy Southern, I am a bit confused by his question; these structures are fund structures so they would have multiple investors. I am unclear as to how this could affect individual workers' rights because the companies are run by firms in the financial services industry in Jersey and they are protected by Jersey employment legislation. Unless he is able to clarify his point in Second Reading, that is about as far as I am able to answer it at the moment. With that I ask for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting and Members remotely to participate in the usual way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

POUR: 32	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator T.A. Vallois		
Senator S.W. Pallett		
Connétable of St. Helier		
Connétable of St. Lawrence		
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 G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy of St. Mary		
Deputy L.B. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		

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

I take it your panel does not wish to call the matter in.

The Deputy of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):

You are right, Sir, we do not, thank you.

The Bailiff:

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

3.2 The Connétable of St. Ouen:

I would like to take the Articles *en bloc*, please, Sir.

The Bailiff:

Is it seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no one wishes to speak in Second Reading, I close the debate and I will take this on a standing vote. Members in favour kindly show. Those against? It is adopted in Second Reading. Do you take the matter in Third Reading, Assistant Minister?

3.3 The Connétable of St. Ouen:

Yes, I would like to take the matter in Third Reading. I will just make a couple of quick comments of a more personal nature perhaps and I am sure you will correct me if I am wrong in making these comments but this is my last appearance in this Assembly with a piece of legislation and I should just like to thank Members for their understanding and consideration in presenting this to them. With that I ask for the *appel*. **[Approbation]**

The Bailiff:

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

3.3.1 Senator I.J. Gorst:

My Assistant Minister has rather taken my thunder, as it were, but I did just at this opportunity want to record publicly my personal thanks to him for the work that he has done in External Relations and Financial Services throughout this term of office. As he said, this will be his last item presented and I am extremely grateful. I hope he is proud of his service in my department and I will sorely miss him, whether I am in this Assembly or I am just loitering around L'Étacq. I believe that he will be missed in St. Ouen as well, so I would like to record my thanks. **[Approbation]**

The Bailiff:

Does any other Member wish to speak in Third Reading? I call upon the Assistant Minister to respond.

3.3.2 The Connétable of St. Ouen:

I am slightly pink with embarrassment. While this has nothing to do with Third Reading, as I am sure you will appreciate, I should so like to express my great pleasure working with the External Relations Department, they are a very professional and brilliant team and the Minister is incredibly helpful and supportive.

[10:45]

It has been a real pleasure to work with him and present the legislation that I presented, which I think has made a real difference in places to our financial services industry. I ask for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting and Members participating remotely to vote in the usual way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The law has been adopted in Third Reading.

POUR: 34		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Connétable of St. Lawrence				
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 L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

4. Draft Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law 202-(P.56/2022)

The Bailiff:

The next item is the Draft Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law lodged by the same Minister, P.56 and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law 202-. A law to amend the Non-Profit Organisations (Jersey) Law 2008, the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 and certain other enactments in relation to non-profit organisations. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

4.1 Senator I.J. Gorst (The Minister for External Relations and Financial Services):

As the Greffier has just read, these draft amendments are concerned with non-profit organisations or N.P.O.s, as we refer to them, a sector which include those organisations who operate within Jersey and who raise or distribute funds for the benefit of others and include registered charities. Globally it is recognised that terrorists and terrorist organisations may exploit the N.P.O. sector to raise and move funds or otherwise support terrorist organisations and operations. Protecting the N.P.O. sector from terrorist abuse is both a critical component of the global fight against terrorism and a necessary step to preserve the integrity of the N.P.O. sector and donor community. Unfortunately, recent events in Ukraine has seen a surge in scams where criminals masquerade as legitimate charities. Ensuring that all N.P.O.s are registered will assist in shifting the genuine from the criminal and help to prevent criminals from taking advantage of an unfolding tragedy. The proposal is that over the next few months there will be consultations with the N.P.O. sector about the changes to minimise impact. Nothing will change until September but given that we are about to enter the election period it is prudent to start the legislative process now. It is worth noting as well the F.A.T.F. recommendations are aimed solely at criminal or terrorist activity and should have minimal impact on legitimate N.P.O.s going about their activities in good faith. While most of the changes are relatively minor, for example, amending the definition of a non-profit organisation to include legal person and arrangements or as to better align with the F.A.T.F. standard. Some of the other changes are as follow: the J.F.S.C. (Jersey Financial Services Commission) will be designated with a full range of powers and mandate of an N.P.O. supervisor under the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008. The £1,000 per annum threshold for registration will be removed, so as to capture all N.P.O.s, including those just starting up. A new power whereby the Minister for External Relations and Financial Services can impose obligations on vulnerable N.P.O.s by order. A public consultation will be conducted again later in 2022 to determine what the appropriate obligation may be, as well as what will qualify as a vulnerable N.P.O. will be introduced. The J.F.S.C. will be permitted to supply information which is not available to the public but has come into the J.F.S.C.'s possession when carrying out its obligations under the N.P.O. law to the Charities Commission and the Jersey Gambling Commission, as well as other competent authorities, both domestic and international. The J.F.S.C. will only be able to supply information to these bodies mentioned if the J.F.S.C. is satisfied that the information will be used by the bodies solely in the exercise of its functions but are similar to the functions that the Commission may exercise under this law. Once again, I am grateful for the work that Scrutiny has undertaken in regard to these amendments. These amendments are important. They will affect the N.P.O. and the charitable sector but, hopefully, as I have indicated and as Members will have seen in the questions and answer paper and the risk analysis work, we will do that or the department and the incoming Minister will do that in partnership with the N.P.O. sector because this is about protecting them from the possibility that those who wish to subvert their good intentions and their raising of funds are not able to do so. I commend the principles to the Assembly.

The Bailiff:

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

4.1.1 The Deputy of St. Mary:

Very briefly, this is yet a further matter where we received a presentation, as a result which we did issue a comments paper. As the Minister has just said, helpfully the department issued a question-and-answer paper only yesterday, which, hopefully, is of benefit to Members. Just to summarise what we said in the comments paper, we very much support this and we hope Members will do so as well.

4.1.2 Senator S.W. Pallett:

Just very briefly about 2 particular issues, in the proposition it mentions towards the end that: "Should any N.P.O. find any difficulty in obtaining a bank account to contact the Minister." It is not exactly an N.P.O. but there are certain organisations that seem to find it very difficult to open bank accounts in Jersey and one of them seem to be political parties. For the democratic process in Jersey it is important any new parties can open bank accounts. I would urge the Minister to maybe meet with me at some point and see if we cannot come to some solution to that. We have a U.K. bank account and it functions very well but that should not need to happen. The other one around thrift clubs, and we have got a very strong community of social engagement in thrift clubs within a lot of pubs in Jersey and various other organisations. It is important that that carries on. I am really keen to ensure that any new regulation or red tape is not too heavy-handed in that. Many people put in money into thrift clubs throughout the year so that they can cope and deal with some of the stresses and strains, financial strains around Christmas time. I just want to know what the Minister's thoughts are around ensuring that those can carry on.

4.1.3 The Deputy of Trinity:

It gives me an opportunity to follow the previous speaker. A lot of the sports clubs and charity clubs get caught with regards to changing of the Treasurer and I would just like that to be brought in. What I do not want to lose, the vast of majority of these organisations are done by people, let us say, who are retired, getting into their late ages. There is quite a lot of paperwork to get involved with. As long as we make it easy and as long as everybody understands where they are coming from, I just wanted to make it clear that it is not only, as I say, sporting bodies, it is also charities as well. There are a lot of small sporting bodies and charities. All I say is if we could just follow up from what the previous Senator said, that we try to make it as easy as possible so that everybody knows where they are coming from.

4.1.4 Deputy K.F. Morel:

Very much in the same vein, I appreciate this, we are passing a law and it will only be when the order comes in that the law takes effect, practical effect anyway. But I note that the Minister is stating that stakeholder consultation will take place between now and September when the order is expected to be signed. I am particularly interested on understanding what stakeholder consultation has taken place up until now because I know the Minister is very aware that whether it is local businesses, which I know are not covered by this or charities or thrift clubs, there is often a concern in Jersey that those organisations which operate purely locally are burdened by regulations which are designed to protect our international reputation quite rightly. I am just interested in understanding how the Minister has engaged with stakeholders to date to ensure that this law, even now before it is brought into force by order, does not affect local organisations.

The Bailiff:

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

4.1.5 Senator I.J. Gorst:

I saw some nodding of the heads when Senator Pallett was asking about bank accounts for political parties, so perhaps he needs to speak to the bankers of Reform Jersey, they might be able to help. But it was a serious point and I appreciate that, that small organisations, that charities are struggling now to open bank accounts because of all of the compliance issues, which was not the case a decade ago; it has gradually got more difficult. I think we all understand the reasons that it has got more difficult. In fact, we market ourselves on it being difficult to open bank accounts in Jersey for the very reason that we are meeting the highest international standards of compliance. But I am more than happy to meet with the Senator and with any other party who is struggling likewise. There are currently 900 N.P.O.s registered with the J.F.S.C., 83 per cent of those have no activity outside of the Island and, therefore, it is expected that it will not be necessary for the J.F.S.C. to require any more detailed information from them. There has already been stakeholder engagement. We in the department, and I suppose the Ministerial team in particular, thought long and hard about where this responsibility for supervising A.M.L. (anti-money laundering) and C.F.T. (combating the financing of terrorism) of the N.P.O. sector should sit. On balance and having consulted with both the Regulator and the Charity Commissioner for all of the reasons, hopefully, that Members will understand, it was decided that the expertise required from a supervisory perspective of these matters sits already with the regulator and if we were to give these powers to the Charities Commissioner then we would be replicating the powers, the expertise which were already engaged and employed in the regulator. Being involved in the charity sector in a personal capacity, I do understand the concern of particularly smaller N.P.O.s about the burden that our compliance with international standards might be bringing upon them. Of course, looking at the other side of the argument, this is about protecting more vulnerable N.P.O.s from being used and abused by criminals. It is the right thing for us to do to make these legislative changes and to continue with that stakeholder engagement and consultation before the order is signed in due course. I, of course, cannot speak for any potential future Minister but I would expect them to take these matters very seriously indeed and to wish to be fully appraised of the feedback from the N.P.O. sector and to fully understand the implications and, just as importantly, the support available to the N.P.O. sector before giving effect to this order in due course. I maintain the principles and call for the *appel*.

[11:00]

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and Members participating remotely to vote in the chat. Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

POUR: 38		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of Grouville				

Connétable of Trinity				
Connétable of St. Mary				
Connétable of St. Ouen				
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 L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

I take it as usual, the Deputy of St. Mary, your panel does not wish to call the matter in?

The Deputy of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):

You are correct. No, we do not, thank you.

The Bailiff:

How do you wish to deal with the matter in Second Reading then?

4.2 Senator I.J. Gorst:

If I could take the Articles *en bloc*. I have alluded to their content in the principles opening speech and I will endeavour to answer any questions as there may be.

The Bailiff:

Are the Articles seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading then I close the debate. Do you

call for the *appel*? I am prepared to take this, in light of the previous vote, on a standing vote. Those in favour kindly show. Those against? It is passed in Second Reading. Do you move it in Third Reading, Minister?

Senator I.J. Gorst:

If I may, thank you.

The Bailiff:

Is it seconded for Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading I close the debate and again ask Members in favour to show. Those against. The law has been adopted in Third Reading.

5. Havre des Pas Lido (P.61/2022) - as amended (P.61/2022 Amd.)

The Bailiff:

We now come to the Havre des Pas Lido, P.61, lodged by the Connétable of St. Helier. I ask the Greffier to read the citation. There is one amendment lodged by the Minister for Infrastructure. Connétable, are you accepting the amendment? I think you indicated you were.

Connétable A.S. Crowcroft of St. Helier:

Yes, I am.

The Bailiff:

Are Members content that we take the proposition therefore as amended by the amendment from the Minister for Infrastructure? Very well, I 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) to ensure that the Property Holdings Department, in consultation with the steering group established in paragraph (b), upholds its full obligations as landlord of the Lido at Havre des Pas with immediate effect, including to make reasonable endeavours to maintain the facility as watertight in respect of rainwater penetration through the roof (barring extremes of weather) and ensuring that the public toilets at the pool are available all year round; (b) to establish a steering group to maximise the benefit of the Lido to the community and to resolve any issues arising in future, with the steering group to meet quarterly and its membership to include political representation from the Parish of St. Helier; and (c) to initiate negotiations with the current operator of the Lido facility for a new 9-year lease, with standard break clauses.

5.1 The Connétable of St. Helier:

Because this proposition has been accepted, there is an opportunity for the Assembly simply to approve it and allow matters to proceed. Clearly, if Members want to spend half a day discussing the Lido and their relationship with it that is a matter for them. But I am conscious that we have a busy agenda to deal with. I will, in any case, attempt to answer any questions raised by Members. I do have one question myself, which I would like the Minister to answer when he speaks, as I expect he will. I had a useful meeting with the Minister at the beginning of this week at the Lido and we are very much of the same view that this is an amazing facility that Jersey and St. Helier are very lucky to have and it is being used increasingly, both as a flagship venue for events, and our tourism industry needs places like this for events to be held. Members who may admit to watching the “Desperate Housewives of Jersey” will have seen the venue featured in that programme. It has been receiving many bookings for events involving incoming tourists as well as local people wishing to have anniversaries, parties, weddings, and the like, on the venue. So it is a very important venue in the hands of the current operator and it is being used very well. I should also stress that the current tenant

has really done a great deal to involve the community in the future of this building, so much so that the monthly meetings of the Havre des Pas Improvement Group, which used to take place at the Ommaroo Hotel and which had to stop due to COVID, have now been relocated to the Lido and we meet there every month for a discussion about how we can improve Havre des Pas as a district for residents, but also for visitors and Islanders in general. The tenant has been happy to host those meetings and it is a very appropriate venue in which they take place. I do not propose to go into the background of the breakdown of relationship between the tenant and the landlord. This is, if one will excuse the pun, water under the bridge. We need to move forward. I am very pleased that the Minister agrees with me that forming a steering group with the key players after the election will be a way forward and that any future issues that arise can be resolved around a table and that we will see the venue go from strength to strength. I am mindful that the venue is well used by local swimmers all year round. As Members will know, there is an increasing trend of people to throw themselves in the sea in January first thing in the morning. It is important that, despite the storm protection measures that have to be taken to protect the Lido during the winter months, the public toilet facilities operated by the States are kept going as far as possible all year around. That is why that is in the proposition. Together with a commitment that all reasonable steps will be taken by the landlord to keep the building watertight because the tenant has in the past seen lots of money invested in the building, in the interior of the building, wasted when water has come in through the roof. But I believe that matters are well-advanced by Property Holdings to make sure that the building is going to be fit for purpose and I know that there has been considerable investment in the safety railings around the structure, which of course are very important to ensure public safety. The other aspect of this is the importance of a sustainable budget, but clearly that cannot be agreed by this Assembly, but certainly it is something that I hope the next Government Plan will make provision for. Because we do not want the Lido at Havre des Pas to suffer the same fate as some other venues, such as the Opera House, where insufficient funding for maintenance is laid up. I would hope that this important venue for the Island has a bright future in the hands of the Government, working in association with the Parish and indeed with the community. I make the proposition.

The Bailiff:

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

5.1.1 Deputy K.C. Lewis of St. Saviour:

I will begin by thanking the Constable for accepting my amendment to his proposition and for joining me at Havre des Pas Bathing Pool on Monday morning for a site visit. While we were inspecting the roof of the Lido, there were several brave souls who took the morning dip in the pool, reminding us that this is indeed an all-year-round venue. The Constable and I declined to join them. The public conveniences are currently operated on a seasonal basis. This is in keeping with the rest of the facility to protect from storm damage and, sadly, vandalism. I appreciate the swimming community would benefit from access to the public conveniences during the winter months, so working with my officers I will commit to finding a solution for our sea-swimming community to have access to the public conveniences over the winter months before the next winter season begins. Turning now to the maintenance of the facility. A small team of contractors, as the Constable has just mentioned, were on site Monday morning and have been there for some time, working on the bathing pool. This team are there to ensure that the wider fabric of the structure, the boardwalk, the sluices, the steps, and the toilets, are maintained for public safety and enjoyment. The team have been performing a deep clean of the exterior areas and in my opinion the facility appears well-maintained. While some will accuse my department of neglecting this facility, I am more than satisfied that we are maintaining this facility to the best of our ability using the budget allocated within the current Government Plan. I will say no more about the maintenance. I will however just remind Members that this is a Victorian structure with several extensions and additions, dating back to the first half of the last century. The facility is enveloped by the sea twice daily and battered by severe storms throughout the winter. Jersey Property

Holdings are allowed to manage this facility in accordance with the mandate set for them by this Assembly. I will support part (b) of the proposition to establish a political oversight group for the Havre des Pas Bathing Pool. It will be for the next Minister for Infrastructure to work with the Constable and the political oversight group to look beyond the current Government Plan to ensure funding is secured to develop and maintain this facility for the benefit of future generations. I will conclude by stating that I also accept part (c) of the proposition. However, I will not be commenting on part (c) as it relates to the commercial interests of the small business owner and I do not believe it is appropriate to discuss this matter in the Assembly.

Deputy R.J. Ward:

May I have a clarification?

The Bailiff:

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

Deputy R.J. Ward:

The Minister just referred to point (b) and said a political oversight group. The part (b) is to establish a steering group. To me they are different things and I wonder if the Minister can clarify whether they are one and the same thing or different things, as the membership would be very different I think regards political oversight groups in this Assembly and the next. Just for clarification, thank you.

Deputy K.C. Lewis:

I am content it is a steering group. I would suggest it be made possible to be part of the Havre des Pas group, which is already set up. I am content with that.

5.1.2 Deputy J.A. Martin of St. Helier:

I will keep it brief because of the acceptance of the Constable. I just wanted to add a few extra lines about the area and the pool. It is a shame it has got to this. Being that I represented Havre des Pas for a while and now the newly-formed waterfront, the residents feel, and it is the heart of the Havre des Pas, the jewel in the crown is the Lido, is being forgotten. Just like everything else around this area where you just compare gaslighting to new L.E.D. (light-emitting diode) lighting on the waterfront. I go a bit far there but we have literally just changed from gaslighting down at Havre des Pas, or that is what the residents feel. So I really am sorry that it had to get to this, but having listened to many of the residents and the people that use the pool, the Constable was left with nowhere else to go. It looks like we do have a solution, but I just wanted to mention this steering group will need to be set up, whoever represents down this area, and it needs to really come back with some force and some budget for the whole area and not just the Lido. I will leave it there.

[11:15]

5.1.3 Senator S.W. Pallett:

Again, listening to the Constable, I will keep this brief. Everybody wants the Havre des Pas Lido to be successful, which is why I am going to be supporting this proposition. One of the things that we do need to do, and the Constable mentioned it, is commit funding. It is a heritage site. Our record, I am afraid, with heritage sites over the last 2 decades has been abysmal. We do need to find sufficient funding. This is one of the sites that it should not just come from the Infrastructure budget; we need to find it elsewhere and ensure this building is looked after properly. I know from my time as Assistant Minister with responsibility for sport - I went there on numerous occasions - it is a very difficult building to keep watertight, but nevertheless we do need to make sure that whoever operates it can operate it successfully and to his needs. I am glad that Deputy Ward picked up on the point about the steering group, because a political oversight group just will not hack it. It needs to involve the community. It is a community site and I absolutely accept that it is something that should be

central to that part of town and Deputy Martin just made that point. My last point is around sport. It is a very historic pool of which it was our main pool for many decades. Over recent years it has moved away from sport into more of an events-based type venue, and that is the right thing to do. It does need to have a wide use, or a wider use, so that it is used all year round. But there are many clubs that use the pool, open water, you have Polar Bears Club that use it on a regular basis all year round, water polo use it, Jersey Swimming Club do use it occasionally. You have the Green Island to Havre des Pas Swim. It is still very much a sports-based venue where it is used on a regular basis. It is important, because there have been tensions in the past between users and the operator, around that the sports side of it is respected and those clubs can operate at times of the year when they need to. Changing space is important and it is important that, as an open-water swimmer myself and somebody who likes swimming less and less in the cold the older I get, nevertheless it is good to have toilets on a site when you do go for a swim. So I support this. It is absolutely the right thing to do. But the States and Government have to commit to looking after this building in the next political term. It cannot just fall on the shoulders of the Minister for Infrastructure.

5.1.4 Deputy R. Labey of St. Helier:

I agree completely with the last speaker, Senator Pallett. First of all I would like to thank the Minister for Infrastructure for his helpful amendment and interventions here. He has my sympathy because he has so much call on his budget and this is an expensive but very special part of the Island. It needs special allocation of funding and special treatment. It is another building, I feel, that we take for granted in some respects, or have taken for granted in the past. But it is extremely important. Of its kind, it is globally in the top 10 Lidos around the world anywhere, maybe even the top 5. While it was a Victorian structure to start with, the later additions, which I think might be 100 years old this year, in 1922, they have merit of their own too because they are classic and iconic of the Art Deco period. So we all know it is absolutely stunning. The aerial shots of it are used so often to advertise Jersey. It could be a huge asset. But it is desperately in need of major T.L.C. (tender loving care) and I do appreciate the difficulty with the leaking roof and that structure. But we have to look after it. It is our duty to look after it for future generations. Let this generation enjoy it refurbished. So I look forward to working on that too.

5.1.5 Deputy K.F. Morel:

I am concerned about the costs here. I am delighted that the Minister's amendment has been accepted by the proposer. But I would like to have a better understanding of the costs that are going to be involved. Not just for maintaining, as the proposition says, the rainwater penetration through the roof; so maintaining the roof and the public toilets. But, as I understand it, until the exterior render of the granite blocks that support this Lido are dealt with, then anything we are doing is throwing good money after bad, so to speak. Effectively every year we are going to have to be redoing this. So the work that needs to be done is to change the render on the structure of this building and that is a many multi-million-pound project. This is not being dealt with here at all. That concerns me a great deal. I fear that we are in danger of patting ourselves on the back and saying: "Look, we have all maintained the Lido," when we will not have maintained the Lido. We will have maintained a couple of structures on top of the Lido and the Lido itself will continue to rot underneath. So I appreciate this is one of those opportunities where I would love the Minister to be able to respond again, but I appreciate he cannot. But anything the Constable can say to enlighten the Assembly as to those costs, because the Constable's proposition says: "Existing revenue budgets." Well that means something is not going to be dealt with within the existing revenue budgets for a start. But I am concerned that this is a very, very short-term proposition where the longer-term problems for the Lido will render this proposition ineffective within a couple of years, 2 or 3-years' time.

5.1.6 Senator S.Y. Mézec:

I do not want to repeat too much of what other Members have said. Some extremely good points have been made in particular about the maintenance of this extremely important building, not just to the whole Island, but particularly this part of St. Helier. I spent some time recently studying the Havre des Pas Village improvement proposals for no particular reason, just out of interest I have been examining that. There are some extremely good ideas in this that would have a massive impact in improving that area, not just for the people who live there, but for visitors and really emphasise it as a destination within Jersey. The Lido is of course a fundamental part of that. But, as another Member said previously, this stuff does not really happen by accident, you do have to have a proper plan in place to make sure you get the funding in place for it; that you look at the area as a whole and all the other improvements that need to be made. In particular in that promenade there is some good work that could be done there. Then on that corner by Fort D’Auvergne as well that can really enhance the area. So, as well as making sure that we have arrangements in place so that this building is protected and that it is maintained properly, and whoever the tenant is there at any given point gets a good relationship with Government so that their business can thrive, and all of the events and everything that go on there can be enjoyed by everyone, that whole area needs some special attention. I would like to hear more in the future about where that funding will come from, how we will get that in place, so that whole area gets the regeneration that it needs. Some of the work that has gone on there recently, and the road improvements, have been very well-received and that is a good thing. But the rest of it cannot fall off the agenda just because that one good thing has been achieved. So of course, I support the proposition wholeheartedly.

5.1.7 The Deputy of Trinity:

It would be wrong of me not to follow on from what has been said and the Minister for Infrastructure will follow me later. But I have, with regards to the Lido, and the previous Senator said that sport controlled it. I was concerned about 12 months ago when we took over looking at the Lido and it was interesting how the Lido fitted in with sport. But I have now got to that point, which is another department. But what I will say is that the whole point of the amendment is the fact to talk over everything that has been said. We not only have lifeguards to look at, we have to look at the toilets, we have to look at the funding, and by setting up this committee we will get things moving. Over the past 12 months, I have been trying to get everybody together. I have been heavily involved. Everybody wishes to go down that route of a committee. Let us look at it and make sure that what has been said by everybody here today that we keep the Lido. There is no question, from what I am seeing, and I see it appeared on Jersey Tourism, that the Lido is important and people like to go and see it as well. So, it is vitally important that we look for funding and we look at how to run it. By setting up this committee of people, we should be able to achieve something because, as what has been said, everybody wants to keep the Lido and wants to make sure that it stays in a very, very safe place and to look after the tenant, to make sure that he can do his events there.

5.1.8 Deputy R.J. Ward:

Just briefly, the Lido is important, I can remember watching Battle of the Bands there. It was a great little venue. It is really good. I just want to make one point for the Constable. He has accepted the amendment and it says: “To make reasonable endeavours to maintain.” Those words concern me a little. Because I just wonder whether I can ask the Constable whether he can confirm that his “reasonable endeavours to maintain” may be the same as the Minister’s and Property Holdings’ “reasonable endeavours to maintain”. Because, as Deputy Morel said quite rightly earlier, this could in the short term look really good, but in the long term really not get what we need for this important piece of infrastructure.

5.1.9 Deputy M. Tadier:

There are of course going to be a lot of speeches which say the Lido is great, is it not, and we need to protect it. But it does not really focus on the point of how we got to this point and what needs to fundamentally change in the future. Because the Lido at Havre des Pas cannot be taken in isolation. It is just one of a series of examples of how we have not got to grips over years, over decades, of maintaining our key public infrastructure, especially where there is a historical, a cultural, and a social, element to it. So, we look at Lido, but we also look at the Opera House, we also look at Fort Regent, and I suppose it is slightly different, but we look at things like Elizabeth Castle, which does come under heritage. These things require serious amounts of money to be put aside well in advance so that when a bill comes up, a bit like our own houses if you like, we do not have to scramble around and let the problem deteriorate so far that we then have to bring these kinds of propositions. The proposition essentially, like Deputy Ward says, to ask the Minister to maybe do something about it at some point in the future. Is that what it has come to? Where you have an asset with black and white photographs, beautiful photographs that Jersey Heritage post, where you see the divers coming down almost swanlike into the water, unlike my father who I remember told me he dived into that once, banged his head and probably got half knocked unconscious, and he survived to tell the tale thankfully. But there is a mismatch between the way we pay lip-service, and we genuinely in our hearts respect and want to preserve our heritage, but we do not do it in reality, even though we are a rich Island. So I am just saying that, after the next elections, the Assembly needs to put something in place. It is the same with the Opera House, is it not? The Opera House should not have to come to Property Holdings. The way I look at it, Property Holdings are the landlords, I think they are the landlord for the Lido, and if they are not the principle remains the same. To take the example of the Opera House, they should not have to come to whoever is the Minister for Culture and say: "We have this problem." It is not to do with decorating it and doing the fine artwork. It is something that the Minister for Treasury and Resources will know in her private life is about the painstaking work that needs to go into preserving beautiful artwork. It is to do with the fundamentals of the rain is getting in. How do we stop it getting in? If it was a private tenant/landlord arrangement you would say: "You are the landlord. Get this fixed otherwise I am not paying my rent." In fact what happens if the Opera House or the Lido say: "We do not pay our rent"? It does not really help them because it means you have a building left sitting there doing nothing, as we have.

[11:30]

So we need some joined-up thinking. We need pots of money to be put aside. We have heard about the emergence and the potential for these pots of money in the Island Plan from developments that are going to be put through. I have always thought that in some ways you can link that to the Percentage for Art. Possibly that is just one way you do it. But you also need lots more money than that. So when a new development comes forward, when people are making money hand over fist on new developments because of rezoning, you say a certain tranche of that money is going to be put into these pots and it will be made available for these kind of repairs in future. That is the kind of challenge that the next Government and the next Assembly I believe have. We can of course support this wholeheartedly today but we must not expect that this is going to be a magic wand to fix all of those systemic problems that we have.

Deputy K.C. Lewis:

May I clarify part of my speech?

The Bailiff:

Technically, Deputy Tadier must give way so you can afford a point of clarification to your own speech.

Deputy M. Tadier:

I am happy to give way.

Deputy K.C. Lewis:

I misspoke earlier on. Deputy Ward is quite correct. I did say “political oversight group” when I should have said “steering group”. Thank you.

The Bailiff:

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

5.1.10 The Connétable of St. Helier:

I am grateful to Members for keeping the debate relatively short, although some contributions were probably longer than mine. I will just pick up on a few points that were made and answer the questions. First of all I welcome the Minister’s commitment to finding a solution to keeping the toilets open all year round. That is a really important point, as Senator Pallett mentioned. He has of course experience of cold-water swimming that puts all of us to shame. I am disappointed that he did not commit to getting the lease in place. This is one part of the proposition which is very important. There is currently no lease. That means in this fine weather we are having the kiosk, for example, is not open to serve the public. It is really important that, if this proposition is accepted, that a new 9-year lease is placed in front of the tenant as soon as possible with reasonable break clauses that you would expect in any other commercial lease, so that we can get this show on the road. It is also important to mention that various Members spoke about the funding. Clearly, the stability of this venue in terms of being well-managed by the tenant and overseen by a steering group, which is there to tackle issues that arise, that stability will be very important in its future, not only in getting those bookings coming in from Islanders and visitors, but also in attracting potential sponsorship. This is the kind of high-profile building that, if it is working, will be one that is attractive for people to sponsor. So, it does have a bright future. I want to thank Deputy Martin and Deputy Labey, who are absolute stalwarts of the Havre des Pas Improvement Group, for their support. They turn up to our meetings. They recognise the issues that the community has in the area and particularly in respect of the Lido. We are grateful particularly to Deputy Labey of course who is very concerned about heritage and indeed this is an important heritage building. There is no question that we must do all we can to protect it and to invest in it. Senator Pallett reminded us that there is an important sporting side to this. Of course, so many Islanders learned to swim at the pool, at the Lido, as I call it. Deputy Raymond was the only person who prefers Lido, but probably both forms are allowed. Deputy Morel was concerned about costs. I am not aware that the entire external render needs replacing. It is the first I have heard of it. Indeed, I have been told that work on the render was done a couple of years ago. But clearly, if that needs to be done, then it must be done, because there is no question we cannot let this building fall into the sea. I do not agree with him that this is a short-term proposition. The fact that a steering group will be set up by the States going forward is a long-term commitment to this building. Clearly what happens in terms of funding does depend on what States Members bring to successive Government Plans. I would also point out that Havre des Pas probably has one of the longest-running resident and business improvement groups that I am aware of in the Island. It was started back in the day by Senator Routier, so it has been running for over 20 years. So, there is a long-term commitment by the community in Havre des Pas and it will be good to see that reflected in some Government prioritisation. Senator Mézec referred to the village improvement scheme that was funded by the Parish a couple of years ago now. He gave no particular reason for reading it but I am grateful to him for doing so because it allows me to point out that of course this set of improvements for Havre des Pas have yet to be picked up by Government. There is no better body to do that than the Regeneration Steering Group, which I have been badgering for the whole of this term of Government to put some money into this kind of regeneration, rather than preferring to

spend their time on prestige projects, which has clearly dominated most of the agenda time of the R.S.G. (Regeneration Steering Group). Certainly, I would say that if I were in the next Assembly I would want to see the R.S.G. committing far more of its time and resources into real regeneration on the ground in places like Havre des Pas. That probably covers most of the questions that have been raised. But I thank Members for their support and ask for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and Members who are participating remotely to vote in the usual way. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
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 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 J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				

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

6. Accommodation for temporary workers (P.62/2022) - as amended (P.62/2022)

The Bailiff:

We now come on to accommodation for temporary workers, P.62, lodged by the Deputy of St. Peter. Deputy, you have lodged an amendment to your own proposition. Do you wish the proposition to be read as amended?

Deputy R.E. Huelin of St. Peter:

Yes please.

The Bailiff:

Do Members agree that the proposition may be read as amended by the Deputy's own amendment? Very well, I 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 appropriate sites in the Island should be identified and made available for the provision of temporary accommodation to house between 200 and 500 temporary workers; (b) to request the Minister for Economic Development, Tourism, Sport and Culture and the Minister for Treasury and Resources to initiate discussions with Jersey businesses in order that potential sources of private funding for the provision of such accommodation may be identified; (c) to request the Minister for the Environment to issue the necessary instructions, including any law-drafting instructions required, to ensure that planning permission may be granted to an application for the construction of such accommodation, provided that any such permission would be granted on the basis that the accommodation would be used for a maximum of 3 years; and (d) to request the Council of Ministers to establish a departmental investigation into longer-term solutions for the housing of temporary workers (beyond the use of temporary accommodation), with a view to a report on the options available being presented to the next States Assembly in December 2022.

6.1 The Deputy of St. Peter:

We have a real problem and I lodged the proposition and subsequent amendment to try to alleviate it. This major issue was highlighted to me by Jersey Business and my findings and subsequent digging and listening are articulated very clearly in an open letter received by everybody in this Assembly from GR8 Recruitment and supported by Jersey Hospitality and the Jersey Care Commission. It is obviously difficult to be exact with numbers but saying that 1,000 beds are required across all sectors, including hospitality, care workers, retail, construction, is not an unreasonable claim. Without these migrant workers, we cannot deliver the key services this Island needs. On the

surface, we have seen restaurants opening at reduced capacity, some closing 3 days a week, however nearly all operating reduced opening hours. We see retail businesses, including those offering essential services like pharmacies, working reduced hours. Indeed, opening on fewer days in the week. Due to the shortage, we do not see the excessive work and long shifts those who are here endure. We do not see the 12-hour shifts with no break is uncommon. We do not see the stressed and tired care workers who are so devoted to their task that they will not leave their patients when no one is there to relieve them. We do not see the accommodation many are in today. I am afraid I have not either. Because of my profile, they are too scared to show me, because of potential repercussions. What I do know from my research is the suggestions I make here will be better options open to many today. We do not see that when they work for a specific employer their permit is linked to their accommodation and, should they wish to move employers, they need to find alternative accommodation. That is not always available to all employers and they must therefore compete with the current housing stock to find suitable accommodation. What is in it for these workers? It is simple. They do the numbers. They look at the cost for a return flight and any visa costs. They look at how much they are going to earn and what their costs will be, accommodation potentially being the biggest. They consider healthcare, but that is a different debate altogether. They then calculate how much money they will return home in their pocket and decide if it is good for them. To many coming from afar, some leaving their home town for the first time, it is a big decision. More importantly, it is a big risk. It is essential for our future as an Island that the experience they have is a good one, so they return to us for another season and ideally recommend us to others. I fear our reputation is not good. May I cast Members' memories to the experience of the Russian farmworkers a few years ago whose employment was cancelled after 3 months? Yes, we fixed it, but it left a sour taste in the mouth. Yes, we have had COVID and Brexit challenges. The Island has seen an estimated 35 per cent reduction of European workers in Jersey remaining or returning or new workers being able to come and work. However, it is still apparent that we need beds. It is clearly laid out in the email we all received, as I have mentioned. You will note the support on BBC News on Monday night, you will have seen adverts looking for non-qualified accommodation and estate agents receiving regular inquiries. We must ensure we have enough beds to lay their tired heads every night and we must make sure they feel appreciated and respected. So how do we get here? Some will remember the days of the 1970s and the 1980s when we had 30,000 hotel and guesthouse beds. Tourists came and mostly took full board. All these hotels provided staff accommodation. There were then very few restaurants and the culture of eating out by locals and tourists alike was very different. Those working here during the season needing alternative accommodation who did not have quarters rented in one of the 800 lodging houses. Fast forward to today. We have about 10,000 hotel beds. The well-established hotel groups provide staff accommodation. But the new hotels like Premier Inn and Radisson do not. Accommodation is outsourced. Tourists and visiting businesspeople come here to enjoy the huge variety in the number of excellent restaurants we have. Restaurants, bars, coffee shops, *et cetera*, small retailers, care agencies, do not have the wherewithal or the deep pockets to buy accommodation and they should stick to doing what they do best and not become reluctant landlords. We now have less than 200 lodging houses and this number is continuing to decrease. There has been a 180-degree change in our hospitality and service industry. However, there has been almost no strategic decision by any recent Government to address and support this major swing.

[11:45]

Historians will probably correct me, but all I can find is some political activity in the early 1990s. I believe the Public Health Committee reviewed this in 1990. There is a Code of Practice review for lodging houses and staff in 1991. In 1994 a survey of lodging houses and staff accommodation. Apart from that, absolutely nothing. We have drifted into a desperate situation. I always resist using the word "crisis". I am beginning to learn about Jersey politics that something is only done when the situation is absolutely desperate. I have therefore brought this proposition to the Assembly as

something must be done now. Now the detail. The absolute crux behind this proposition is to give businesses the confidence to invest their time and money in finding a solution, in the knowledge that the outcome is likely to be successful. I cannot stress this enough. It is purely to enable and facilitate and encourage businesses to find that solution that does not disrupt the rest of the market. After all, we have provided industry with a work permit process to recruit and retain staff, now we must address the fact that these workers need somewhere to relax, rest and sleep. Government has acknowledged the need but we have only addressed part of the solution. This proposition provides the perfect opportunity to complete the picture. Why it is perceived by the Council of Ministers and social media that this is a request for government funding is a mystery to me. This could not be further from the truth. We as an Assembly pass piecemeal propositions and rarely appreciate the consequence. As in my report, we see what is happening. The C.O.M. (Council of Ministers) report says we should be sorting out accommodation for locals before this, a sentiment I can agree with, but the market is taking potential properties off the market and converting them into staff accommodation. I hear of cases of 4 or 5-bedroom homes, family houses that we need, that have been most affected by house prices, being sold for staff accommodation. We are approving planning for ex-hotels and guesthouses to be converted into small flats. Yes, we must build more for our local population. I have spoken often enough on balancing supply and demand in the market. But this desire is having consequences on other parts in Jersey. No staff, no service, no one will want to live here, which will sort the houses out, will it not? Our businesses are great. They are run by talented, clever people. They will do whatever they can to survive, thrive and give a great service. They are finding solutions. They are unearthing workarounds for themselves. These workarounds mean they are doing what they can to secure bedspace for themselves and, quite frankly, I do not blame them. This proposition merely gives them wider scope to find more beds, alleviate the problem, and remove business needs to disrupt other stressed areas of the housing market. I urge you all to get out to our businesses and do some listening. Our reputation is blockers of initiatives and I take my hat off to all the businesses and entrepreneurs who succeed in spite of our best efforts to the contrary. They do not want any money. This will all be delivered by private investment. If you read parts (a), (b) and (c), it is absolutely clear that this is to ask Ministers to listen and support a business case for investors aimed at alleviating this urgent problem. I thank C.O.M. for supporting (d), which is to put a long-term plan in place, and I will be taking (d) as a separate vote. While this works towards a long-term solution, which we really do need, we must still focus on the here and now. I have mentioned some sites and Members will note I removed reference to greenfields in my amended report. I mention ideas. These are not recommendations. This is for the board chaired by Lee Madden to ascertain and present to appropriate government bodies for approval. I have suggested the Bunkabin solution. I have also suggested temporary conversion of an office block. This proposition is not prescriptive. It is solely to give confidence to private investors to be creative, come to the Government with ideas, with the confidence that they are likely to be successful. The irony is in the spring of 2020 we broke many of the rules that the Ministers, in their comments paper, have used recommending the Assembly votes against this proposition. When in the space of 10 days they approved the Nightingale hospital. It was a good decision at the time and fortunately was not needed. We need the same attitude today, only this will be needed from day one. The irony is that the comments paper acknowledges the problem, and I quote: "Will set in progress work to develop options, *et cetera*." This is needed today. Business wants to deliver solutions today. To quote Lee Madden on BBC on Monday: "We need to oil the machinery and adapt policies." Businesses are suffering, brand Jersey is suffering, and most importantly the great people who come to our Island and support us are suffering the most. All this is within our gift. I move the proposition.

The Bailiff:

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

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

I just want to speak briefly because when I read through this proposition I did identify with a lot of the problems that the Deputy has identified and I think it is really important that Members are able to put forward ideas when they identify a problem and not just waiting for Government. So, I do applaud the Deputy for thinking outside the box, as it were. But the word “box” is pertinent because when I clicked through on some of the information that was contained in the proposition, in the report accompanying the proposition, and the type of accommodation that the Deputy is talking about just does not look like it is designed for humans. I could not imagine anybody really living comfortably in that type of accommodation. It does make me wonder, the workers that the Deputy wishes to house in accommodation like this, as to how he views those workers. They are not just units of production. They are human beings and an essential part of our Island. I do not think I can support this proposition because everybody is entitled to have a window to look out of at the place where they are resting at the end of a working day, whether they are a permanent resident on our Island or a temporary worker. I just think we need to ensure that we are treating everybody with the same levels of humanity and respect, regardless of their roles on our Island. So, I am afraid I cannot support this proposition.

6.1.2 Deputy C.S. Alves of St. Helier:

I just wanted to make the point that recently I have come across a few issues with constituents who are currently living in what traditionally non-quals, I cannot remember the new name for it, I get confused between them. They are finding themselves in a position where these lodging houses are being sold and the sellers are able to deregister them from being non-quals. I have had to try to support constituents in this and look at solutions while the pool of non-quals is for ever decreasing. I just want to know why. I was not aware of this, and this is something that really needs to be stopped because, whether we like it or not, our inward migration is going to decrease because of Brexit and obviously now having permits tied to that. However, we do still have people who, before Brexit, are not going to qualify for at least another 8 years. So, with the pool ever decreasing of non-qualified, why is this still allowed to happen? Why are these properties allowed to be deregistered? This is an area that needs to be looked at before we even look at this kind of thing of what the Deputy is proposing.

6.1.3 Deputy L.B.E. Ash of St. Clement:

I am pleased to support this. I feel in many ways it will be doomed to failure. One of the reasons is it is a solution and we are not very good at solutions in here. We are very good at problems, very good at finding problems, we are good at labelling them with all sorts of labels. But when it comes to the solutions, people do not like them. I was pleased to hear Deputy Alves talk about lodging houses, and I did mention that yesterday. The disappearance of many of these lodging houses is the reason, or one of the reasons, that we do have a problem now with accommodation, because they accommodated an awful lot of people. But when you look back to those days, when people were living in those accommodations, they were able to go out, they were able to go often to the pub, and they were drinking at a third of the price of when they lived in the U.K. So as young people coming over they were quite enjoying life. You cannot do that anymore. You pay more than you would in the U.K. But that is just a hobbyhorse of mine. Many of those lodging houses, and I do not know if Deputy Alves remembers them back then, but they were not really fit for human habitation. Many of them had 10 beds in one room. I remember when my mother had a shop in town and she spoke to one of the young girls who was working for her, who was consistently late, and she said: “I have to wait to use the bathroom and there are 30 of us who use one bathroom.” My mother at the time thought this is rubbish, she went along, she checked this out, it was 100 per cent correct, and she complained to the authorities and, in fairness, the authorities took action. But that was the sort of thing that was happening and thank goodness today we do not really see that. We certainly do not see it to the degree that was going on then and a lot of it now would be illegal due to fire regulations.

What we are asking here is to put in place accommodation, decent, clean, sanitary accommodation, where people can live in. When people say: “You cannot ask people to live in that” students in the U.K. live in halls of residence all the time. They go over there, we send our children from here to good, clean accommodation with a bed, with a shower, with a desk, if they have the money they can put a T.V. (television) in it, and it is good, safe accommodation. That is what people are looking for. If you come here for 8 months, you have a decent, clean, safe place to come back and sleep and lock up, you are fine. If it is reasonably priced all the better. That is what Deputy Huelin is trying to do. When we closed all these lodging houses down, quite correctly, as I said, no one thought to put anything in their place. No one thought: “We are closing down these lodging houses, let us build units of studio accommodation where people can go and live when they come over here to work.” As someone said, what we then end up with is people having to share houses, which then reduces the housing stock. So, this is a good solution. It is not a permanent solution, as Deputy Huelin has said, it is very much a temporary.

The Bailiff:

The Deputy of St. Peter.

Deputy L.B.E. Ash:

Sorry, the Deputy of St. Peter, it makes him sound more grand than he is, but I will acknowledge him as the Deputy of St. Peter. He is not trying to find a solution initially. Initially, he is trying to find something that we can put in place that will get us to a permanent solution in 4 or 5-years’ time when we can build some proper seasonal accommodation. So let us put this in place now, let us give the businesses and the people who are coming to work here some sort of hope, some sort of support, and then we will work on putting a proper solution in place 5 years down the line. But let us solve this one now. We have a chance to do it and let us do it.

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

Part (c) of the proposition requests the Minister for the Environment to issue instructions, it says: “law-drafting instructions required to ensure that planning permission may be granted to an application for the construction of such accommodation provided that” it will be subject to a 3-year limit. “Such accommodation”, what does that mean? Well, I am reminded when I first came to the Island in 1979, I was not paid very much, so I did the census, I went and in those days you went around searching, knocking on doors, finding people. It was a shock to me. It was a shock in those days, in the early 1980s, to see the accommodation that people were living in. I was really, really ... I have never forgotten it. This was people living in sheds, in back gardens, working. This is what the industry use now, fortunately there are good employers, employers who provided decent staff accommodation for their people, knowing that they are valuable assets. But there were plenty of employers that did not and relied upon this. Of course, it was a scandal. It was a scandal.

[12:00]

I remember there were numerous investigations about the standards of accommodation, featuring I think in national newspapers. So, what did we do? We decided to try to improve standards of accommodation. Certainly, in the 1990s we introduced decent building regulations, because the building regulations were not adequate. The building regulations in those days spoke about people having wells, would you believe. There was nothing in there about fire precautions. There was nothing in there about electrical safety. There was nothing in there about amenity space and ventilation and light. Nothing. There were appalling buildings going on. Now, thankfully, those days I believe are now behind us. Our building industry has become exemplary, I believe. I have watched the standards of our building industry dramatically improve over the last decades. I do not think our building industry is interested in building down to a low standard; I really do not. Would this be in the Island’s best interests? No. I do not believe it is. The Deputy cites we allowed the

Nightingale hospital. I did sign a Ministerial Order allowing permission for the Nightingale hospital. When you think of the circumstances when we were told the number of people who were likely to lose their lives and how the hospital facility would be overwhelmed, for me I was satisfied entirely, I did not hesitate, this was a case where a national emergency required us to break the planning rules. It meant the development went ahead. It meant that neighbours did not have a chance to make representations about what was being done next to them. But thankfully this was done by Government and I believe our Infrastructure team did their best to procure that development and minimise the effect of what I think would be called a planning-busting regime. I am sorry to say to the Deputy, his proposal here is planning-busting, absolutely, unequivocally; I want nothing to do with it. Nothing to do with it. Because I believe the Deputy in his proposition says there is an owner of an office block that it suitable. Now, I ask, if that is the case, why do we not have a planning application to do so? If it is done in accordance with proper standards and amenities, what is the problem? Because any brown field site anywhere, there can be change of use applications, but they just have to meet proper standards. So why has that not happened, I ask? I look forward to hearing the Deputy tell us about that. I do not believe there is any block in the bridging Island Plan that stops us allowing such changes of use if they meet the proper standards. The proper standards do include amenity space, fresh light and what have you. It does not mean living in little cells like you see in other communities. But why does that not happen? So maybe I might have to ask for guidance on this word “may” because if that said “shall” that would be *ultra vires* to the Planning Law. To give the Minister an instruction to issue instructions that planning permission shall be granted. He says “may”. But I just cannot support it. We do need a due process. I have seen a couple of pictures of the units and, frankly, they look horrible. I am sorry to tell you that is my view of it. We just passed a planning policy to talk about Island identity. We talk about place-making. Tonight I am going to the Design Awards with the architects, we are going to talk about how we can work together to make Jersey enhance its built environment. So, are we going to go down this road like this, I ask? If Government wants to support this industry, and I absolutely understand that, it is open to Government, the Government owns land itself, the Government can promote its own schemes and do it to a decent standard and make them available to businesses. I would not oppose that. But that is a choice. But what we are being told here - I am seeing all sorts of gesticulations going on, it is rather distracting - if Government wants to do those things then, yes, let Government do it and do it properly. What is being said here that we have private businesses who want to bypass the planning system and come forward with a list of sites. Why do they not put in planning applications? Why do they not do it? That is the proper way to do it rather than at election time bring a proposition here for a piece of electioneering. So, I do not go with this at all. It undermines the planning system. Of course, there is the Minimum Standards Regulations. Throughout my period as Minister I have worked to try to achieve effective minimum standards of residential accommodation for the rented. Of course, I find it rather ironic that a lot of the opposition has in fact come from those that represent the lodging houses. I think that is the case. Therefore, we have not been able to get in place the full measures, which my successor will need to bring forward. So it might be right though that, if lodging houses that are currently there are substandard, that they are being converted into decent residential accommodation. That is why we are losing them. Is that not right? Is that not what we want? If that has created a gap then let us have a structured approach, which is why the only part of this proposition I can support is part (d). Because a structured approach to this problem, working with the industry and Government, and it means Government again putting its money where its mouth is. I accept that it probably has to do it because there are economic gains in having a healthy private sector in this area. To provide that temporary support. After all, we pumped in how many millions during COVID, £100-odd million into the private sector. So why do we approach it in this way? I probably do not really need to say any more. I have probably sparked enough challenge. But I am going to leave it at that. I will support part (d). It is right that the problem is brought here if this debate results in at least Government setting down a process to get the answer and work with industry

and support it in a structured way that does not have all the downsides of the things that I have spoken of, then that is a positive outcome. Hopefully, if that is the result, the Deputy will see it as such.

The Bailiff:

Some people are indicating there is concern I had not noted them for speaking, so just to say listed to speak so far: Senator Moore, the Connétable of St. Peter, Deputy Tadier, Deputy Gardiner and Senator Ferguson.

6.1.5 Senator K.L. Moore:

I was grateful to the Council of Ministers for providing comments on this proposition. I would like to start by saying I entirely agree with the comments of the Council of Ministers. So hopefully that can focus the debate on the important matters. I have considerable difficulty, as does it appears the majority of the Council of Ministers, in inviting people to contribute to our economy and work on our shores but then to isolate them in windowless ghettos. We should pride ourselves in offering a great quality of life and full enjoyment of our Island with those who we share it with. As the previous speaker, the Minister for the Environment, outlined in his speech, there are alternatives available. It has been made very clear to Government that there are a number of offices available for conversion. But I do agree with the Minister that, without those applications coming forward, it does somewhat make things difficult. Personally, I was very grateful to the Minister for agreeing to include in the bridging Island Plan proposals for flatpack housing to be included in our building control systems. I have been talking to a company who are ready and willing to import flatpack homes to the Island if the right sites can be made available. Invitations have been made to planning officers and to Ministers to go and view these homes, so they can have a good understanding of the quality that is available in them and the swift approach that can be delivered. Because this is the swiftest approach that I believe we have available to us. But I hope that private enterprise will look at those opportunities and work together to identify the appropriate sites and deliver some solutions. Because hospitality of course, and this is where the very difficult part of this debate is, hospitality does need solutions for the reasons that have already been outlined. I fully support them in trying to find those solutions and have indeed attempted to do so thus far myself. But sadly, I cannot support this proposition.

6.1.6 Connétable R. Vibert of St. Peter:

I agree that we face a problem with accommodation for workers coming to the Island, but I cannot support this proposition, other than part (d). We recently spent 2 weeks debating the Island Plan and I believe that would have been the correct forum to discuss the rezoning of areas on which workers' accommodation could be located. The proposition would also circumvent our planning process, which is not acceptable. However, is more accommodation the total solution? I spoke with a licensee yesterday who told me he has accommodation but cannot find the staff. I would prefer to see our Planning Department and Jersey Property Holdings working together to establish what Government property is available to address this shortage and to directly assist in finding a solution. The Government should be playing its part if it wishes to continue to attract the migrant workers who are essential to our economy. Westaway Court is one potential example and I am sure there are other buildings that the Government owned that would be suitable for conversion. The delivery via private enterprise does not sit easily with me. Should we really allow significant profits to be made from migrant workers who, as I have already stated, are essential to our economy? As Deputy Doublet stated, some of the accommodation suggested does not look like it is suitable to accommodate workers in our industries here although photographs can be deceptive. There would also no doubt be requests for the accommodation to remain after the initial 3-year period. In Canterbury in Kent, I have seen student property recently constructed that is far superior to the container accommodation that has been suggested. It is not the same. Also, I have seen, in the same area, large building sites which, for a limited period, have accommodation on site under the control of the developer and not a third party. For all of these reasons, as I have said, I cannot support this but will support part (d).

6.1.7 Deputy I. Gardiner of St. Helier:

I would like to ask myself, as I was listening to the speeches and especially the Minister for the Environment, 4 questions.

[12:15]

Do we need to have seasonal workers coming to Jersey for a limited time to support our hospitality and agriculture? The simple answer is yes. Do we need to give them affordable accommodation as they really do the calculation of how much money they will take home after 9 months here? This is the most important thing for them. They want to take this money back home to buy a flat. I have been told this last year and the answer is, yes, they want affordable accommodation. Does this accommodation need to meet minimum standards? Yes, they do. Do we want to keep available housing stock for the local residents and not disrupt the market? Yes, we do. Do we have a solution currently? No, we do not bring a good solution. We are not practical. I came from the business and I feel that we are talking and talking and talking and not bringing a solution and it is really not a perfect solution. What has really struck me again is the Deputy of St. Peter brought this proposition as a Back-Bencher. Obviously, it is important to understand that it is not a perfect solution; it cannot be. We have a fight that this is the Government responsibility, this is a private business responsibility, this is somebody else's responsibility, and, for me, the answer is it is everyone's responsibility. We cannot continue to work separately. It does not work. We are talking but we are not providing a solution for the businesses and for the residents because it is from both sides. Unfortunately, due to time pressure, I find myself agreeing with the comments of the Council of Ministers because I do not think this is purely the Government's task to identify a site. I do not think it is the Government's task to find the source of the funding. I think if paragraphs (a) and (b) were to create a joint group because we have the private sector, we have the Government, we have residents so we have different parties to bring together around one table to go through all the options and to find the solution. I will struggle to support parts (a), (b) and (c) because of the reasons that I mentioned but we have to move forward and I hope that, by December 2022, we will a plan in place and not another review.

The Bailiff:

Deputy Tadier, do you want to be added to the list of those wishing to speak?

Deputy M. Tadier:

Yes, please, Sir. Apologies, I got caught short.

The Bailiff:

I understand, yes. The older one gets, Deputy. The older one gets.

6.1.8 Senator S.C. Ferguson:

The Chief Minister recently went to Poland to look at modular apartment building. The standard looked to be extremely good. We have lots of States land. I agree we need to get the private sector and the public sector together but there is a solution. Why on earth do we not get together and do something like that instead of just going around and around in circles? No, I do not support this temporary housing but I do support modular apartment building because these are very good apartments. They are well-made, well-insulated and very quick to put up. Environmentally, they are very friendly so let us look at something like that instead of messing around with containers and so on.

6.1.9 Connétable A. Jehan of St. John:

The proposer suggests that the standard of existing accommodation that is available is not good. This is the same Assistant Chief Minister who repeatedly opposes any form of additional legislation for lodging houses and rental accommodation. **[Approbation]** I am aware that the subject has been

discussed for a long time. This could have and should have been included in the Bridging Island Plan debate. As others have said, what happens when the temporary period finishes? Will the land be returned to its former use? As the Minister for the Environment and others have said, redundant office space could be converted and I am aware that the hospitality industry identified potential sites many, many months ago and these could and should have been included in the bridging Island Plan. The Government is not being asked for funding. What is being asked is for us to bypass the processes. I have said in this Assembly a few times that we are being asked to cast governance process aside. We need to follow process. Deputy Ash spoke about solutions so I will offer a solution. What have we done to encourage local families to rent rooms to businesses and individuals? The proposer referred to the 1970s and 1980s. Sadly, I am old enough to remember that, in the 1970s and 1980s, people used to accommodate both visitors and workers alike. In the Isle of Man, a tax incentive is offered to incentivise people to rent out their accommodation for their popular TT event. Why do we not do something similar? It could provide much needed income for some people at a time of increasing costs and it could also have the potential of offering company to some of our lonely residents. Certainly in the care industry, there is an opportunity for live-in carers who are very scarce at present. Let us not forget the significant improvements made in the agricultural industry and while recognising that there is further improvement needed, thankfully a lot of the accommodation is not recognisable in that sector to what used to be on offer. The Nightingale has been mentioned. The Nightingale was literally a matter of life and death. While the current challenges are difficult, let us not kid ourselves that this is the same. It is a serious challenge but it is not a life and death matter. Senator Ferguson spoke about modular buildings. Let us think about the Esplanade and the International Finance Centre. That is a modular building. We could have put space there or elsewhere to build similar properties to student accommodation. We are not being asked to do that. We are being asked to do away with all of the processes so, as with other speakers, I will not support (a) to (c) but I will support (d).

6.1.10 Deputy G.P. Southern:

It says in my notes here: "Will be hard to oppose this." Somebody must have misinterpreted my lifelong aims. It is easy to oppose this. What I want to hear today is some response in this Chamber from the Chief Minister because he has been accused of ignoring this problem or the Minister for Economic Development, Tourism, Sport and Culture would be handy. The Minister for Housing and Communities giving some response to this Chamber might be useful perhaps. I do not know what the rest of the Members think but I think that is pretty essential because the Deputy of St. Peter has criticised for years what they have been doing in leading this Island in this particular direction. The proposer very carefully went through the decision-making process that a worker might go through in deciding to come to this Island or not and he put it very simply. So the potential worker sits there and says: "Let us work out the cost of my licence, the cost of getting there and the cost of transport. How much will I get paid? What is my rent likely to be?" They have worked it out, they look at the numbers and they say: "This cannot be right. I cannot make this work. I cannot afford this Island." Here we are. The free market is finally coming home to roost. Traditionally, power over employment has always been with the employer on this Island. We set the rates. We decide how much you are going to be paid and, by and large, they get away with it. It is less than many would like and it is certainly not a living wage. A minimum wage reluctantly dragged upwards time and time again. The news for this Chamber is that the economics have changed. The worker is no longer powerless sitting there saying: "I cannot afford your Island. You do not let me live on your Island." This is completely ironic. I was walking down King Street today and I heard a couple shout out a conversation between people who were 10 yards away. "We are leaving." At the top of their voice: "We are leaving." "Where are you going?" "Back to Madeira. I cannot afford to live here" as loud as you like. That is happening all over the Island. Time and time again, people are looking at the sums and saying: "I cannot make this work." So it is relatively easy for me to oppose this. When the model no longer works, you have to change the model like you have to make pay and conditions better than they were,

sufficiently that people can live here and do those jobs. We have already had to do that with our essential workers. Hue Court is full of essential workers, social workers and health workers who are here on 9-month contracts. That is the model. I would love to hear from the Minister for Health and Social Services. He shakes his head. I have knocked on doors in Hue Court and met those very people. "I am just finishing a 9-month contract" or: "I have just started a 9-month contract. I cannot vote yet in your elections because I have not been here 2 years." It has happened and that is the reality. That is who we are employing. Now the private sector says: "Crikey, things have changed. The free market no longer works for us. Please bail us out." The Deputy of St. Peter will have plenty of time in his summing-up to deal with my trivial questions and prove them absolutely solidly wrong if he wishes or attempts to wish. Finally, the model is wrong. The States should be helping to fix it. That is not the case. Pay better wages and you will find people come back. The workers will be here.

6.1.11 Deputy M. Tadier:

I think Deputy Southern has maybe stolen some of my thunder but it is exactly that point. I think Jersey is now at a crossroads so I sympathise with some of the problems that the Deputy of St. Peter is trying to resolve. I know it is something that I have had conversations with the Head of Jersey Hospitality about as well so I think it is really important to understand that industry, even if the solutions are complex and varied. We are at the crossroads now I think where we have had an expectation in the Island that hospitality, certainly from the user's point of view as a Jersey resident, should be inexpensive. I think that is not really realistic anymore. If you look at a comparable place - and it is not comparable in every way because Jersey does not have mountains and it does not have chocolate, watches or clocks - Switzerland is another finance centre which is fairly well-advanced. For example, I have typed into Google the cost of going out there and an inexpensive meal costs 25 Swiss francs. That is £20. It seems to chime with the last time I was in Switzerland and ordered a pizza. It cost about £20 and you are thinking: "Goodness me, this is just an ordinary one and I can get it for £10 in Jersey."

[12:30]

It says a meal for 2 in a mid-range restaurant with 3 courses is 125 francs, so £100, and that is presumably without the wine. That is certainly, I would say, maybe a good £40 more than it would be in Jersey. I think there has been a desire to keep a low cost of living in the Island, which has of course been based on low wages and sometimes minimum wage or slightly above that, and we have seen that there has been a crisis now, especially in the hospitality sector, because people cannot live here. It has been compounded by Brexit and by COVID, but no doubt by Brexit because that is a long-term problem. I think the chickens are coming home to roost because the Island, for good, bad or indifferent - and it is certainly, I do not think, indifferent - has spent so much time focusing its energy on creating one very successful industry. That 3-legged stool now has a very long leg on one side, it has an increasingly short second leg of the tourism and hospitality sector and of course agriculture is the little leg so it is one that you can basically barely sit on. You might as well just have one of those hunting chairs like you use, as the Deputy will know about, when you go out shooting in the estates in England. You only need a one-legged stool really. You sit on it, you perch and you shoot your duck or whatever and the faithful sausage dog will retrieve it, no doubt. If we can call them people rather than workers, and let us call them workers rather than temporary workers, if we could wave a magic wand and say: "There are a few blocks of flats here" or we have identified some housing where we can house 200 to 500 people, would we prioritise temporary workers? That is not because temporary workers are not valued. They are essential to our economy. Even if we were to prioritise temporary workers, which temporary workers would be prioritised? Would it be the hospitality sector? Would it be locums at the hospital? Would it be education? Would it be social workers because we are crying out for social workers as well? Would it be care workers in the private care sector in nursing homes? In all of those areas - and I do not want to use the word "crisis"

- we certainly have recruitment problems and retention problems. It all boils down to the fact that we have an increasingly expensive Island where housing is in short supply. I speak with some experience. I worked in the French Alps when I was 18 and I washed pots for 6 months. I worked 6 days a week and, in peak season, I did 12-hour days and probably more often 10 and 11. We were housed by the hotel. A former hotelier in Jersey owned this hotel and there was staff accommodation within the hotel in the attic area. There were 2 bunk beds per room and there were no windows. That was fine. You do not complain because when you are that age, you put up with it for a few months and you retain your pay and you can come back to Jersey with a few quid in your pockets. You get to ski, if you are not too tired, on your day off which is great. I would be interested to know what the equivalency is in Jersey. I know it is possible of course to build the idea of halls of residence. That is also great but it cannot work both ways. If the accommodation that is built for the temporary workers is good quality, it therefore is going to cost quite a lot to build, is it not? There is going to have to be some kind of subsidy if it is made available to them to live in and if it is of that good a quality, why do we not just make it available for the backlog of people that we have on the Andium housing lists? As we know, the backlog, which I suspect has always been about 400 and it might be more now, is not even the real figure because there are people in the private sector who also need to be housed who do not qualify for that. The point is we have fundamental problems in the unqualified work sector and what it means, going back to the Switzerland argument, is that they do not have a problem in Switzerland getting people to work in restaurants because locals work there because they are paid properly. You pay for the meal that you get, you might leave a tip or you might not but the wages that they are paid are sufficient to live in Zurich, Geneva, in Bern or wherever you are. The wages that somebody is paid in Jersey in that sector is not sufficient to live even, I suspect, in one of the bedsits in a lodging house in St. Helier, so therein lies the problem. If we look at part (a), I have dealt with that. Part (b) essentially asks the Minister for Economic Development, Tourism, Sport and Culture to start talking to those in the hospitality sector. I do not know why it is just the hospitality sector and why it is not to talk to the Minister for Health and Social Services or talk to the Minister for Social Security about how housing might be provided for those temporary or more permanent employees. The point is part (b), I guess, is something that the Minister can do already but, again, I would ask the mover of the proposition: where is the hand of the free market in all this? How is that working out for him? Normally, we have certain politicians asking for less interference from Government and not more of it and, not wanting to belittle any of the serious problems that the industry faces, why is the industry not getting together themselves? Why is Jersey Hospitality not coming together to identify sites that they could form a consortium for and look at potential empty properties? The other idea of course is, in the past, people used to live above where they worked so if you have a pub in St. Aubin, for example, you probably have a few flats above it and what do they do? They are going to rent them out to permanent people in Jersey probably for quite a good price rather than having to subsidise the accommodation of their staff, which is what they used to do, effectively. There may not have been sufficient accommodation to do that but it would come with a package. There is a school of thought that if you want to employ people to come and work in the Island temporarily, then you house them and make sure they have somewhere to live before they come over. I know that is before we even start talking about agriculture and where you put people to work in the agricultural sector, which is perhaps less of a problem because there is already pre-existing accommodation of varying quality that I have seen. So I would not particularly want to be an agricultural worker in Jersey with some of the conditions that I have seen them working and living in but I know that can vary. Then I take it to part (c), which is the part that really concerns me. It is effectively saying the Minister will issue planning permission for these temporary units of accommodation. That is the way I read it. He cannot even do that with the hospital for goodness sake. If he can do it with temporary workers, just do it with the hospital. The Government wants to build a hospital high on a hill. We have already had the Swiss analogy so there must be a song in there somewhere. "High on a hill is a lonely hospital" and there is a yodel that follows. Minister, just give permission now for the hospital so we do not have to worry about it anymore and we will

deal with the other absurdities that come with that. There are serious issues that concern me here. That is not to say that we cannot all get our heads together to talk to hospitality and agriculture and define some of the problems but some of those problems are fundamentally systemic. We need to rethink our relationship with cheap labour in the Island, where it comes from, what rights they have when they are here and what the prospects are for local pre-established people to not just get into the labour market but also to live here affordably. As we quite rightly heard from Deputy Southern, it is not just people in town who may not be from Jersey who are saying: "We are leaving and we are going back." There are people who were born in Jersey saying: "We are leaving. We are going to the U.K. where we can have a good quality of life. We can buy something outright and have a little bit of money to show for it or at least we can rent something reasonable with a garden and we can have money in our pocket at the end of the month." That is not what happens at the moment.

Deputy K.F. Morel:

Sir, a point of clarification.

The Bailiff:

Do you give way for a point of clarification, Deputy Tadier?

Deputy K.F. Morel:

Thank you. In his speech, the Deputy referenced Switzerland as some sort of workers' utopia. I was wondering if he would like to clarify that Switzerland has a poverty rate among its working population of over 4 per cent.

Deputy M. Tadier:

Has the Deputy spoken yet, Sir?

The Bailiff:

He has not spoken yet.

Deputy M. Tadier:

I think the Deputy can clarify and expand on that but I do not know whether 4 per cent is relative to Jersey. I do not know what our poverty rate is in Jersey but I know a lot of people struggle. Since he has asked me to clarify ...

The Bailiff:

Well, I think you have just said that you cannot clarify.

Deputy M. Tadier:

What I can say is I do not know what the rate is in Jersey but I know that it is much more. It will be in double figures for the amount of people in Jersey who struggle to live day to day. Even people in well-paid jobs who find themselves at the end of the month in debit rather than in credit are probably quite happy working somewhere else where they have a better quality of life.

The Bailiff:

I am not sure that is a matter of clarification, Deputy, so perhaps we will move on.

6.1.12 Connétable J. Le Bailly of St. Mary:

If we cannot supply accommodation for our residents at a reasonable cost for a given standard, how can the service industry employees be expected to be housed in similar accommodation at what is a very unaffordable price? People who come to work in this Island on a temporary basis do so for economic reasons, which is to make money to take home. They do not want to spend that money on accommodation. They are happy to have a base and a roof over their heads. As long as health and

safety requirements are observed, what is the problem? This idea solves a major problem. If temporary accommodation can be supplied for immigrant workers, it takes the burden off our Island accommodation to be used for Island residents until we can provide enough housing for them to buy. I will support the proposition as it benefits our Island.

The Bailiff:

Thank you very much. Does any other Member wish to speak on the proposition? I will just make a note if any Members are wishing to speak. Well, at least 4 Members have indicated a desire to speak.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. Now before the States stand adjourned, as you all know, there is a photograph to be taken. I notice Deputy Morel is straightening his tie. I do not think it is absolutely imminent but there is a photograph to be taken and I believe that we move on to organising photographs straight after we rise. I do not see any cameras or anything like that about but I think it happens pretty well straight away. So, if Members will bear it in mind and we stand adjourned until 2.15 p.m.

[12:43]

LUNCHEON ADJOURNMENT

[14:20]

The Bailiff:

We continue with the debate on P.62. Next listed to speak is Deputy Guida.

6.1.13 Deputy G.C. Guida:

The first thing I would like to say is that I am very pleasantly surprised by the atmosphere in the Chamber in the last few days. I think it has been extremely friendly, extremely constructive and I feel a little bit sheepish about having been slightly aggressive yesterday morning. When I found myself agreeing with Deputy Tadier and Deputy Southern I started to worry whether we were being piped nitrous oxide through the air conditioning. I have checked, it is not the case but, yes, I agree with them. Importing cheap labour is not a sustainable way of maintaining our economy. So, Jersey has lived on a cheap product whether it was agriculture or hospitality, tourism for many years, and successfully, but this is not possible anymore. Jersey just cannot do cheap, we have to do expensive, and Deputy Tadier was entirely right to compare us to Switzerland for that is the model that eventually we have to follow. Our salaries have to be high, our service has to be superlative, people have to come to it because it is a luxury service and bring lots of money with them and not think of Jersey as a place where you can get a cheap service. To get there unfortunately will take many years. My own estimate is about 15, that is what it would take to convert the 2 industries both with technology and by aiming at a different market. That is as long as it would take, probably 15, maybe 20 years. So, we do have a long time to live with temporary workers and in this case it is not just temporary, it is seasonal workers, it is people who come here for less than 9 months. Because lodging homes are closing for different reasons, one of them is market pressure and the other one of course is regulations, because they are closing very, very fast, we do not have anywhere to put those temporary workers. It is a real problem, it is a problem that we have now, and it is something that we have to fix. So, we will vote against this proposition, or most of it, because it is unfortunately poorly written; however, the problem exists. It is a real problem and it needs to be sorted. What we need is inexpensive accommodation. We are not talking about affordable housing, this is a very different market, what we need is as inexpensive as possible accommodation. I was a little bit surprised to hear Deputy Doublet disparage the huts, the temporary accommodation that was

suggested by the Deputy of Trinity, because if you are going to live a few months somewhere and try to make as much money as possible and live with it, they are good places. I have lived in much less than that and recently my kids, who are going through university, are living in that standard. I was thinking about the navy essentially because I visited a submarine and they are living in less than that - much, much less than that - for 6, 8, 9 months on end. The thing that carries them through is that it is temporary. You do not need the same services when you are somewhere for a few months than you do if it is the last house you will own. So, the 2 things that we need to let this happen, as we have heard, the money is there, it is a commercial product, we do not need to intervene. The locations are there. There are a few buildings around the Island that can be converted, so the location exists. The last 2 things that the people who want to solve this problem for us, we do not really need to be involved, are qualifications because most of the places that can be converted into temporary accommodation are qualified, you need a housing qualification to use them. Even if they are offices, if they are converted into apartments, you still need a housing qualification. So that is one thing that the Government must reply, is to say: "That is fine, we will just ..." and of course this can quite simply be asked of the Assembly: "Will you waive qualification requirements for this factory or building that will be dedicated to temporary accommodation?" The other thing, and I must say they are not completely certain, having seen what I have seen in the U.K. as student accommodation, I am sure that there are building controls below that. If it is a home that you are going to live in, yes, maybe you need a dining area but if, as a student, you have a bedsit, you do not need a dining area, it is not part of the controls. I am not sure that we have the equivalent in Jersey but I am certain that if we needed it, if we decided to allow it as a special condition, we would be able to do it very, very quickly, especially because we would only have to copy what the U.K. is doing. I do not think we should look at this as a temporary measure, and that is the place where I diverge from the Deputy of Trinity. I do not see a field being taken over and a field with little cubicles for a very simple reason, is that it does not prevent you from having to do water access, electricity, sewage, road access, everything else needs to be done as if you are building for good, so why would you not be building for good? The other thing of course is that it would have to be a green site again and I think we ran out of those during the Island Plan. It would be a much better idea to look at office buildings. We have a surplus of those. There are a few that do not have a future as office buildings and that could be converted. They might not be large enough but there are possibilities there if we can ensure that building regulations mean that the accommodation is sufficient but not extravagant and that the price is brought down of course if qualifications follow. So, the idea is of course is to make them long term. One idea behind this is that when we wean ourselves off temporary workers, off seasonal workers, okay, we will get students because it is something that we have looked very, very seriously at in Jersey. We would love to have a university in Jersey. Gibraltar, much smaller than us, has a university; it is doing extremely well, so it is a lovely thing to have. We will talk later about technology and the development of sciences; to have your own school really helps in that. Our number one problem, and number one beyond every other, is that there is not accommodation for students. We have 20 Masters students in Jersey doing extremely well, the course is going well, they adore the place, they find lots of things to do, there is a lot of research to do in Jersey, they do not know where to live. They have no idea where to live. So, they can use holiday accommodations in the winter but those are more and more difficult to find. As soon as we reach this season, it is over, you cannot find a place to put a student in in Jersey. If we look again over the next 15 years, to have something like that would allow us to think about a university with much more chances of achieving that. So, all this we say that the project, the temporary project, is not going to work but it does not mean that we should forget about the problem; it is a problem that exists and that we need to solve definitely. So, please vote no for (a), (b) and (c) and vote yes for (d) because the next Government will absolutely have to find a solution for this.

6.1.14 Senator T.A. Vallois:

I really stand to speak to ask a few questions of the proposer and I am hoping that I will get some answers.

[14:30]

Nowhere in the report can I see why he determines that it should only be between 200 and 500 temporary workers, so I would like to understand why that number and what that means in terms of how it will support the solution that he is trying to assist businesses and our economy with in the Island. I go on to the report where he references the potential rental for the temporary accommodation. He states: "My research suggests that reasonable means £800 per month." Now I have some questions around this in particular because understanding our minimum wage regulations that we have, there is an ability for business owners/employers to offset weekly an amount of money for a minimum wage. It is about £91.12 per week. I did some quick calculations before lunch and I worked out, say for example, 48 hours on minimum wage, you are looking roughly £370 per week if that is for the 52 weeks of the year, roughly over £19,000 for that year. So then looking at how much would be taken off if you were using that weekly offset would be about £4,700. This is where the question comes is, adding on the £800 to that would also take £9,600 off. I suppose the question is one of affordability for the temporary workers; is that is £4,839 sufficient? That is just a rough calculation. I am not suggesting everyone will be on that or it is those hours that they work or it is that minimum wage, but it is just a rough calculation to get an idea of affordability. Because if you take all of that into account and you work that out over the year, that means they will have roughly £93 per week. So, I ask the question: does he believe that is affordable and, if so, why? One other question I had was whether the temporary workers' accommodation would have to commit to ensuring they meet the required standards of things like the Rented Dwellings Law. In his report he also refers to a potential site which I am going to speak on behalf of our beloved Constable Le Sueur-Rennard of St. Saviour, who is no longer with us unfortunately, who would probably have stood up and told him off for putting D'Hautrée in this proposition because we have fought for a very long time to keep that for educational purposes. So, I am going to raise the issue, and it has been raised historically, and hence the reason why we have protected it through the Island Plan as an education site and, quite rightly, as Deputy Guida referred to, having a university or university accommodation and what that may or may not look like. We have a huge opportunity with that site, D'Hautrée and the Highlands site, to provide really good alternative opportunities for further and higher education in that area. If you look around the whole area in terms of the quarry site and what we could put in and have the vision to do so, which would be really exciting, and have a solution for that, I think that would be helpful but it will be a long time coming. So I am not trying to offer that up as a solution but my concern around the D'Hautrée site, if that was to be an area considered for temporary worker accommodation, is one of safeguarding because it is very much used not just for further education and higher education purposes, but we have a special educational site on there in La Sente for our younger children who have particular behavioural issues that need to be properly supported in that area. So, for me it is understanding whereabouts in the D'Hautrée site and whether that is the right site to have in the proposition as a suggestion; it is not in the proposition, it is in the report. I am not going to go over many of the arguments that other Members have made. I am very uneasy about the proposition. I will admit I am extremely uneasy about the proposition but I do get the arguments about needing to support our economy and how that work is going forward. I hope whoever is elected and comes in next has all the right solutions and answers for everybody. It is not an easy one to crack, I have to admit, and that is probably why we are where we are. I appreciate the Deputy bringing it forward, it has given us the opportunity to have this conversation and seek other solutions. I just hope that instead of doing more reviews and more reports and having more meetings discussing exactly the same things, that things just start getting done. So, I understand where the Deputy is coming from but I would really appreciate some answers to those questions.

6.1.15 Connétable P.B. Le Sueur of Trinity:

I was encouraged to hear the Deputy of St. Peter say that he would be taking part (d) separately because, like many other speakers, I am afraid it is the only part of this proposition that I find in any way acceptable. Yes, I am sure we all speak to people around and about and we can identify that there is a problem with nobody having sufficient labour to run their business but unfortunately this, I do not believe, is the solution. Jersey is no longer the honeypot that it used to be set decades ago when a transient labourer would turn up here with their tool bag when there was cheap beer, cheap cigarettes and entertainment on every night, and they could put up with the fact that they have to live in second-rate accommodation. Jersey is expensive now and, as I say, this is not going to be the solution. It also worries me that the locations that were originally suggested have perhaps slipped away more towards brownfield sites. But irrespective of that, there is going to be a massive investment required to deliver this project in putting in the infrastructure that will be necessary in the electricity, the drainage, the roads and services, and to see that that is going to be recouped over a 3-year period, I find really difficult to accept, apart from the cost of shipping these units here. There is so much fixed cost that is going to be on the clock, that we know at the end of 3 years, or the approach to 3 years, what was a temporary solution is going to be needed to be extended. That is coming to the next point really, which is that we have spent 2 weeks debating an interim Island Plan and if we were going to talk about something as serious as this, that that was the format in which that debate should have been had. So, I am afraid, with those comments, I will leave it and say that unfortunately I cannot support this other than part (d).

6.1.16 Connétable M. Troy of St. Clement:

I was not immediately ready to speak on this because I thought this would have been done and dusted before my return. While I realise that I will have to abstain from the vote because of my obvious ties to hospitality, I need to support my hospitality colleagues in their endeavour to find accommodation of worth to help them go forward this season and in future seasons. Across the Island we are short-staffed because of the cost of living, cost of accommodation, *et cetera, et cetera*. We are coming out from the shadows of COVID with a hospitality industry that has suffered hugely and has been supported, I grant you, well from the Economic Development Ministry. But we are pulling our hair out to try and find accommodation for people who want to come back in and we are probably operating around 75 per cent at the moment. Cafés are not upstaffed to 100 per cent nor are hotels, occupancy going forward is going to be low this season because people are still a little bit apprehensive about coming over here. I do need to say that while you may not be minded to vote for (a), (b) and (c) that (d) is a necessity going forward. I realise that a quick fix is not the greatest solution but I do think we should look at what we have got at the moment in the form of the regulations that we have that cover lodging houses and houses for sale in relevant locations close to major hospitality hubs. I think that if, for example, the Constable of St. Brelade wants to protect the hotels in St. Brelade's Bay, we must make sure that they are viable. Viability does not just exist in profit, it means that we project through to the future. I think, in my mind, hotels in hubs like Gorey, St. Aubin, St. Helier and St. Brelade will thrive for the next 20, 25, 30 years and the whole hospitality industry will re-evolve, it will be like a little phoenix. It will change drastically, we are already changing, we are already paying more money. We started a couple of years ago in our organisation, uplifting the pay that we pay our workers, and our workers are now on at least the minimum of the living wage and I will take that further forward. But the cost of living and accommodation is unreachable at the moment. For our own small organisation we have a 111-bed hotel which we rent in Roseville Street, we are having to accommodate our seasonal staff in hotel bedrooms, so there is no income from those bedrooms. I have to point out as well that with regard to income, what you are losing with the numbers of staff that are not coming over at the moment you are losing tax, you are losing extra social security and you are losing their spend on the high street; those are the things that you are losing. So, we reacted very quickly to COVID, and I will not bring a relationship between the Nightingale hospital and staff accommodation, that would be too crass; however, it is a

problem that needs to be addressed now, as was the Nightingale hospital, the need to provide a precautionary measure against the numbers in hospital rising. So, I would say that if you were not minded to speak for (a), (b) and (c), I will not be able to vote on (d), but we need something going forward, so I would attempt to use and maybe change, address the regulations that currently govern housing in Jersey, particularly in those hubs, maybe use that. But certainly, going forward we need some good-quality accommodation from now well into the future.

6.1.17 Deputy J.A. Martin:

Yes, this is an awkward one, having listened to all the different speeches. We are absolutely desperate to have accommodation for seasonal workers. We enjoy our beautiful hotels, the lovely restaurants, and that is our quality of life and we need to find a solution. Now, I do not know if we have done something to the market, I was asked this at Ask the Ministers. When I came to Jersey 37 years ago I got lodgings in an ordinary house. There were 3 of us lodging there, we all had our own room, I was sharing with my young child but the house was beautiful and clean, shared bathroom, it worked, it is what it is, but most of the other lodgers did work in catering and so they got meals as well and because I had a child the lady let me use the kitchen after they had finished. But I thought: "What has happened? Have we done something, have we put the tax up so much?" I know we changed the 5 lodgers rule because if you had a 7-bedroom house you could have still had only 5 people other than your family but we have done away with that so we can have more. Then we had the Ukrainian crisis and local people have been coming forward and they do have rooms. At the moment we are not taking any more Ukrainian people but I am wondering where these rooms have been and what is the resistance to doing what we used to do and renting to the lovely people who are coming here seasonally. Slightly different, I know, but the question I am asking is: have we done something? Are we taxing too much or have we put too many regulations in? Because if you are working in a nice restaurant or bar that sells food, a nice clean bed is what you want at the end of your shift, maybe with a T.V. and even a microwave possibly. You do not need full cooking if you are going to get a meal at work. So, I think I have to support. I am listening to the industry, I do not know where it will take us, but I think we need to try and make sure we are using, like we did yesterday, we discovered we have got empty homes, we want those for locals permanent. We need to try and get on board everybody. When we had Battle, you could go down to the Tourism Board and you would find a whole host of families that were willing to put an amount of people up for over those 8 to 10 weeks. Are we really doing everything or have we changed so much we put all different obstacles in the way of the people who are trying to do this? I will just put this out there because I thought we had opened up the market when we have allowed people to have more than 5 lodgers. I understood - who started the conversation? - Deputy Doublet about it does not look human.

[14:45]

Well you think about, I have got family who go and work on a cruise ship, you would want to see where they live, but they make very good money out of it. They do not spend a penny, and some of them have bought some very nice houses, living in some very tight accommodation, but they are very young and that is their choice. So, I think we do have to be a bit flexible. We are not forcing anyone to come and we are certainly not forcing anyone to live anywhere.

6.1.18 Deputy K.C. Lewis:

I am currently Deputy for St. Saviour No. 2, Sous l'Église, and this part here with D'Hautrée forms part of my constituency, which I know very well. As Senator Vallois has pointed out, this is an education facility and I know that many, many children and young students use this as a way home and it would be totally unsuitable to have temporary accommodation built in that particular area. It does say there is 7,500 square metres of space there and that it is temporary but things that are temporary have got a habit of becoming permanent. There is no way I can support this but I may be

tempted to support (d) just asking the Minister for Housing and Communities to investigate more sites.

6.1.19 Deputy C.F. Labey of Grouville:

I have got every sympathy for the hospitality industry because I know very well that they are struggling to get staff, as are other industries, retail and agriculture and the like, even finance. But, frankly, I despair when I hear things like the new Premier Inn was built without a facility of providing accommodation for their staff. Historically, hotels have always provided accommodation for their staff, so the fact that they are now bemoaning that they cannot find staff to work in their hotels I just despair but that is something that we have got to look at, it is our planning policies, surely, rather than trying to find other solutions like this particular solution. Well I do not believe it is a solution. Temporary accommodation, what is that going to comprise of? Caravans in fields? Temporary for how long? As the Constable for Trinity alluded to, who is going to provide the drains, the infrastructure, the water and, seriously, that is going to be provided for 3 years? No, it is not. It is not temporary. I do not want to see these ghettos constructed in various places around the Island because that is what they will become. We need to look at things, we need to look at why we are not attracting staff. Is it double-taxation treaties, do we not have enough double-taxation treaties with certain countries? We should be paying the living wage. It has been difficult during the pandemic and lockdown and as industry gets back up on its feet but now surely is the time to pay the living wage, so industry that is not doing so needs to look to themselves really. But we have to look for a solution. A solution that I have voiced among various quarters, the Minister for Housing and Communities and others for a while now, is something like a cruise ship. I attended a conference in Gibraltar a few years ago, a C.P.A. conference. Obviously, Gibraltar does not have the accommodation to accommodate huge amounts of conferences and the like so they have a cruise ship in their harbour, docked in their harbour. It is beautiful and it provides accommodation, all ensuite, however many rooms, 700 rooms. It provides a dining room, a bar, obviously conference facilities, it has amenity space. So, I would like us to look at probably more innovative solutions than building ghettos around the Island.

6.1.20 Senator L.J. Farnham:

Just for the record, I will remind Members I do have a connection with a hospitality business; it is all duly recorded on my declaration of interests. Members might well remember on occasion in recent past where Visit Jersey have put out infographics demonstrating the positive impact on tourism and, not just the Island's economy, but our way of life on our culture and it shows how the thread of tourism runs through and benefits just about everything we do. The same of course applies to other sectors of our economy, in fact, most sectors of our economy, including agriculture, retail and of course health and many other sectors, all of which, by the way, are desperately short or are going to be desperately short of key worker accommodation. When we refer to key worker accommodation now, I think it can be taken as said that the days are gone where we have to rely on single rooms and bedsits for our key workers and essentially employed people. Of course there are some good ways, some quick wins for the Island and for the various industries that need to, accommodate their staff in good quality accommodation. As I think Deputy Martin and the Constable of St. John alluded to in relation to better utilisation of our housing stock where Islanders and householders can take people in, they seem to be embracing the Airbnb-type situation. Why can they not do that to help transient workers who come and spend a short period of time in the Island? I know the Deputy of St. Peter has had a bit of a rough ride here but I would like to praise him for trying to find a solution. I do not think he has presented the right solutions but he is having a go, he is listening to the industry. I and my officers and Assistant Ministers spend a lot of our time talking to the sectors we represent and are acutely aware of the challenges and those are challenges that are going to have to be resolved. Now in an idealistic world we would say we need a solution now but in reality that is impossible, we cannot find a quick solution to this. Because what we all want to do is ensure that we can amend our

regulations and our standards, rules and law to ensure that we can provide more realistic key worker accommodation, importantly without compromising standards - that is essential - without compromising standards and of course without compounding the pressure on the local housing market. That is something that is going to take a little bit more time and thought. I believe the industries that are affected will be able to get through this, they will be able to hold the line until we get there. We have seen some great examples of businesses coming forward with very innovative ideas to solve this, some of them of course we are not too keen on supporting for reasons I will not repeat, but they should be commended for trying to find a solution. In relation to paragraph (b), which specifically refers to me, my department, I will refer Members to the Council of Ministers' comments already presented. But of course, we will continue to work closely, to talk to businesses, my Assistant Ministers and I, while we are still in office and listen to them - not just in tourism but all sectors of the economy - and try and seek out with our officers solutions wherever we can. So regrettably I will not be supporting paragraphs (a) to (c) but certainly will support paragraph (d) and undertake with other Ministers to make sure we get cracking on that as soon as possible.

6.1.21 Deputy K.F. Morel:

I apologise for not being here earlier; I was on States business at the time. Thank you, Deputy of St. Peter, for bringing this because I think I heard Senator Farnham say it is to be applauded that the Deputy is trying to find a solution to what all of us who speak to anyone in business in any area, hospitality, retail, financial services, it really does not matter, there is a shortage of staff. It is massively affecting the business sector which means that it is affecting our economy, which means it is affecting the services we can deliver; it is a huge knock-on effect. The disappointing part is I feel similarly to many other speakers in that unfortunately I do not feel that, while on paper to say this is a temporary solution for 3 years, therefore, like the Nightingale hospital, we can set the Planning and Building Law aside for the time, because this problem is not going to go away quickly. I feel that it is very likely the problem will still be there in 3 years' time to some extent. So if we were to build this accommodation in 3 years' time, I have a funny feeling the States would be sitting to say: "Let us extend this for another 3 years" and then another 3 years and something which is temporary could then very quickly become rather permanent, which is why setting aside the Planning and Building Law for me is not really an option because I think this is likely to be needed on a more permanent basis. In addition to that, I think it is not advisable in my view when bringing a proposition such as this to have it so specifically focused on particular individuals to take up particular roles to deliver this. I understand the reason for that is because it is a "ready-made solution". But I think it is difficult to say: "This person will chair it, this person will deliver it" because we, as the States, do have to think in terms of, well, would there be another person who may deliver it better, who may be better equipped to do this job? It is not possible for us as an Assembly to see here that this is necessarily the best way forward in terms of the supplier of the accommodation and even the site of where it is going to be. For those reasons, I think the overly-specific nature of who is delivering this plus the setting aside of the Planning and Building Law, I think it is not possible for me to support parts (a) to (c). Part (d), yes, I feel entirely comfortable with. If I was to amend part (d) now it would say take away the "longer-term solutions" because I think by rejecting (a) to (c) we are still in the need for a short-term solution so part (d) needs to be amended really to be short and longer-term solutions because it appears that the Assembly will be going that way. Deputy of St. Peter has identified a critical problem for the Island right now; he has brought a solution. I do not think this is necessarily the right way to provide that solution but I think it is, for what it is worth, and I know every business owner in the Island will just think it is words, but they are words, that I and others in this Assembly do understand the problem, that there is the problem, and we do want to help solve it. I just do not believe that this is the right way forward. So, for that reason I, like others, will not be voting for parts (a) to (c). I apologise to the Deputy of St. Peter because he has been bold and that is to be applauded. I think that perhaps sometimes we all need to be a bit bolder in that respect.

6.1.22 Deputy K.G. Pamplin of St. Saviour:

I will be brief, not to add to my colleague's on the left of me notes as he spreads himself across my lap, so to speak; figuratively speaking of course. Oh, that woke everybody up. I just wanted to add to the sentiments and applaud him for bringing that but to highlight a further issue which I do not think has been spoken so much of. We have heard a lot about, quite rightly, hospitality and business, but I want to talk about carers and the ... again, I have to reference our recent review into mental health services where our recruitment of specialist people coming to the Island to transfer while they embed themselves into the Island way of life is becoming a very critical situation. We need specialist staff, we need people here to help train our local people to stay in these areas as well. I think the point that has been skirted around is the pandemic was the great equaliser where the phrases, if you remember, were: "This is happening to all of us", and: "It is all equal."

[15:00]

But what it threw up was it hits people harder. What we have discovered is that the people at the bottom end, and the people that we stood out and applauded and praised, are key workers, shop workers, people who maybe we took for granted for many years on this Island as we grappled with problems of population and migration and accommodation, coupled with our own problems in terms of housing and accommodation. I think of my 20 year-old son in college in London in his accommodation, which Deputy Ash was quite right earlier to highlight, but how am I going to get him back here so he can pay off his student debt and contribute back to this home? So these are all pertinent issues. But on our recent visit to the Clinique Pinel site with the Minister for Infrastructure, we met with the contractor on site which was very, very helpful because he gave us a true reflection, warts and all, of the problem his industry is facing that, to build an in-patient mental health facility, that is not just popping up a new building, it needs to be done right. You need the specialism to build that and he cannot. The contractor was struggling to find the people with those skills to come to the Island. He found somebody but he could not house them. This is the issue that we have to recognise and I just wanted to raise those because I do not think that was as strongly proven. We have to now refocus. This pandemic and everything else in between from Brexit to the rising costs of inflation and the situation in the Ukraine, all these things have happened together for a reason, and it has forced us as an Island to say: "We cannot no longer continue the ways of the past. We have to work together as 49 States Members, as an Island for everybody." I just wanted to add that. Sorry to add to your questions list: did the Deputy have any conversations with his counterparts in Guernsey? Because I think this is also a Channel Island issue and it is one of those areas where we as the Channel Islands could be working more closely together. Yes, we are different, but I think we have got the same challenges, so it would be curious to see if this was discussed if they were doing something similar.

6.1.23 Deputy R.J. Ward:

Just to point a couple of things out. It has been quite an interesting debate and we have seen some remarkable things. Deputy Guida softening his approach was lovely to see. I have even seen Deputy Southern use 2 laptops at the same time and refer to this Chamber as the Chamber twice, and I think what a step forward this has been, this debate. It has been remarkable. However, I have to say, I cannot support this and, if I am frank, I cannot support part (d) either and there is a specific reason why and I will start with. Part (d) is: "To request the Council of Ministers to establish a departmental investigation ..." yada, yada, yada. The Council of Ministers have been in power for 4 years. They have produced a population policy, they have looked at all of this and suddenly have realised: "Oh, dear, we have a problem with temporary accommodation with the hospitality industry." But a Member of that Assembly who has been quite vocal in his work and lobbied for particular groups directly with a directive of the Council of Ministers has suddenly thought: "Oh, I know, I will bring a proposition to say let us do something about temporary accommodation." I am sorry, but this has been occurring for a long time. There is nothing in here, for example, about taking the talent we have on-Island and funding things such as Highlands College that run hospitality courses and catering

courses and train local people to do those courses and doing something about what we are paying those people while they are trying to train so that they can live where they are trying to train or re-train. That is where some of the gaps are in this Island and not been addressed by the Council of Ministers because they have had the wrong priorities. I have looked at the websites that were on this page. This accommodation, and it is interesting when you go to the first one, there is an accommodation tab and a housing tab, but this takes you to the accommodation tab. This is not housing. It is not fit for decent housing for people. These are tiny rooms built in what are effectively containers. Now, this is where we are in developed Jersey. Let us just think about this in this Assembly; this is where we are. We want to import staff to work at minimum wage, and they are lucky to get the minimum wage and employers who pay it can laud themselves that: "We pay the minimum wage" which I just worked out - and unfortunately it just closed my calculator down - which is about £16,653 a year if you get minimum wage for 35 hours a week, 52 weeks a year. I do not think you will be paying tax on that, contributing to our tax, or just about paying tax on that, and that is for expendable income after you have paid for everything else. I am not so sure. This is unfortunately the worst side of Jersey. This is the side of Jersey that does not value people and thinks that human beings are just commodities to be shipped around, almost literally in a shipping container, and live in a shipping container in order that we may be able to service our industries. There are better ways and if the Government really wanted to support this, which indeed it should be supporting, there are ways to do this. They involve long-term education, short-term education, skilling of people, changing our social security system so you do not have to be up to the age of 25 in order to move out of home because it is almost impossible to and to live. Things such as providing absolutely some sort of encouragement for people to rent out if they have a large home. There are quite a few large buildings in this Island, some of them are owned by the States, and underoccupied, in my opinion. Perhaps they should be used. When we are sat here today talking about temporary, which will not be temporary, and I completely agree - I know we do not agree on perhaps a lot - with the Deputy of Grouville. I totally agree with you, it will not be temporary, you are absolutely right. It will be there and they will become eyesores, is the word, long term which will degrade in standard over time but then they become a necessity. This is what happens and this is the gradual shift. The gradual shift happens so that this necessity has worked for the first few years, so why are we getting rid of it? It will be very difficult because our industries will become reliant upon that mode and that model of accommodation. It is your classic slippery slope. I do not think this is the right thing to do for many, many reasons. I agree with Deputy Doublet that this is about people's lives and we cannot have ... what are we going to have? Jersey's own version of a caste system: you can live in this accommodation and come and serve us and be grateful that you have got it. It is quite, is it Edwardian - my history is not great, it might be Victorian or Edwardian; I think it is Edwardian - in its approach and I cannot agree with that. The sadness is that the Council of Ministers has not addressed this issue because we knew about it years ago. We knew about our lack of training and lack of skilling up our own workforces years ago. That is what the hospitality industry needs and they will encourage that and they will support that and they do support that. That is what we need to do to turn those jobs into a well-paid, well-skilled, long-term genuine choice for our young people and for people who come over here so the quality of what we had is high. That does not mean importing workers to live in substandard accommodation. This is fundamentally and morally wrong and I urge people to reject all parts of this because we do not need another committee set up to look at this. It is the Council of Ministers' job in the new Assembly to solve this problem as quickly as it possibly can in a similar way that we reacted to COVID. We need an emergency action, we need a new deal for Jersey and some of us are quite willing to provide that.

Deputy G.P. Southern:

I have spoken in this debate but I did ask that the Chief Minister or the Minister for Housing and Communities make some contribution to it and I noticed that they are not prepared to.

The Bailiff:

I am sorry, Deputy, that does amount to a second speech and it is entirely a matter for them whether they wish to contribute to the ...

Deputy G.P. Southern:

So, I believe.

The Bailiff:

Yes. Very well, if no other Member wishes to speak on the proposition then I close the debate and call upon the Deputy of St. Peter to respond.

6.1.24 The Deputy of St. Peter:

I thank all 23 people who have spoken ... well 22 but one was a second speech. **[Laughter]** What I have learnt from that is we raised an issue, a really serious issue that was discussed. Now, take it or leave it whether you like the idea or not, the most important thing was it was an idea. Few ideas are perfect, I have heard ideas supporting the principle, but I have not heard any solutions. I need to take my breath now because I do not think I have had a kicking like this since my rugby days but I enjoyed my rugby days. **[Laughter]** What I was trying to do, and I still believe is the right thing, is to give freedom to businesses to be creative and develop maybe a better-researched solution. A lot of people have been talking about: what is downstream? Well downstream is downstream. It is great, it is downstream, it is fantastic. I put part (d) in specifically over a 3-year period so that we would do something about the short term, so anybody who has mentioned the fact it will hang around, I do not want a temporary solution to hang around after 3, maybe a couple of months later years; I want the permanent solution. Now, in my former days when I used to occasionally get a train into Waterloo and wake up the Londoners, as you go through Vauxhall Station on the right-hand side there is a big sandstone building that I watched being developed at the backend of 2006, 2007, 2008, 2009, I cannot remember when. I was always curious about what that was and it transpired it was really, really smart student accommodation. I am not talking about some of the student accommodation that we are all referencing that I know some of my kids endured; very clean, very tidy, spacious bedsits with amenity spaces around, well-managed, well-cleaned, everything else. That is what I sort of had in mind for the long-term solution for those people who need to work here on a temporary or even slightly longer basis. No, they would not be homes where you would batten down your hatches. Somebody mentioned the fact - I think it was Deputy Martin - who knows people working on cruise ships. Not ideal for many months of the year but earn a very good living and have a fantastic experience. I think she mentioned they come home and buy their own home as a result of that. What is wrong with that? I liked Deputy Doublet's pun on the box, very good. Deputy Alves asking about lodging houses being re-registered. Lodging houses are being sold for 2 reasons: they are really hard to manage, I am sorry - Deputy Guida mentioned it - and that is why a lot of them are being sold. The regulations are great, which could be good news, but it takes away the benefit of owning them and the work and the burden of doing them. If you have got one with heritage in at all, you will be selling it as soon as you can, it is impossible to make good to fit within the standards that are being expected. Should they be de-registered? That is another debate altogether but there is a trend of losing the non-quals as the old status was concerned from £800 down to £200. Declaration of interest, I sold my lodging house. Thank you, Deputy Ash, for his support. I will come back to Deputy Young at the end. Yes, clearly, blatant electioneering and I think I can say that along with 22 other people who have spoken today. Tongue in cheek, please. Senator Moore and others, I am totally supportive of M.M.C. (modern methods of construction), flatpack, call it whatever you wish. The modern methods of construction are essential going forwards. Yes, they can be better, faster, cheaper, sustainable, and I am totally behind that, but that is not necessarily for now but will play such a desperately good part in our future going forwards. The Constable of St. John, who gave me a bit of a shoeing to do with regulations. Well, I just push one back at him to say any home can take

up to 4 people as a lodger but there are absolutely no regulations and no minimum standard support for those particular tenants. So while in principle I think it is a very good idea, I believe if the Minister for Housing and Communities was here his new Residential Tenancy Law will be addressing that and bringing it on parity. But today I would be kicked even more for mentioning that because there are no regulations and controls that go with that.

[15:15]

Along with Deputy Guida, I struggle to disagree with most things that Deputy Southern and Deputy Tadier said. One of the things I want to point out is I make it absolutely clear in all the work I have been doing on the population policy is that we have moved from a buyer's market for staff to a service market. An absolute paradigm shift. Gone are the days - and I have referenced it in the past - when we had a plentiful supply of Breton workers just over the water, very, very happy with the disconnect in our economies to come and earn good seasonal money. That has changed. We have got to be the best in the world in selling and providing a fantastic, symbiotic service for those people that we can encourage and persuade to come and work with us and support these particular industries in return for them - and I am absolutely strong on this one - they must go home with a lot of money in their back pocket as the result of doing that and they must be appreciated and they must be respected. While we have to rely on people coming to our shores, that I will not stand down from and I totally agree with that. Maybe we need the idea of a bridge to France because that would solve a lot of our problems but that is another idea altogether. I am going to sprint through a bit. Why 200 to 500? That was the numbers that are given to me as an entry level. I think we need about 1,000. The 200 by the way is the approximate space ... when I started on this it started on the Bunkabins. The thinking has evolved as we have gone forward since this was lodged, and I moved on to any other creative ideas, office buildings, anything else. But the 200 was what Bunkabin said they could put on 7,500 square metres. That is the size of D'Hautrée, so that was a link in for the 2 things there. That is just an example of a size that is tangible and I could pace out as opposed to any other. Why £800? If we were to have 200 from the Bunkabin proposition which was submitted, that came to a cost of shipping, installing, decommission, taking away, servicing, having management around, and I think about £500,000 for infrastructure. Whether that is enough or not - I did it on the back of a fag packet - that came to £800 a month. The most important thing is, is that that might be too much money, but what we have now is a lot of the small businesses are going out and renting in the market for £1,200 a month and they are subsidising their particular staff wages down to what is the right amount of money for that individual to make it worth their while working for them. So I would expect that to be subsidised by ... it is not up to me to say, £100, £200, £300, £400 a month in order to make it right so those people coming over here return with the money that they would expect. Cruise ships; I looked into cruise ships. The size of cruise ship you would require would struggle to fit within the harbour over here, and also if you had it moored out you have got a problem with the tenders going to and from. If you have got tenders going to and from people in hospitality and all industries start and finish work at different times. It just would not be viable. But I did look into it and I would support it if somebody could make that particular model work. But it is a great idea and it does make a lot of sense. Deputy Morel, I asked somebody in business if they would step up and run this particular project. Somebody did. It needs somebody to drive it. This is not a Government project; this is an industry project looking to pull people together to come to Government and ask, knowing that there is more likely chance of success. I thank you, Deputy Pamplin, for bringing the reference to the construction. Thank you for pointing out Guernsey, I see it in the papers, they are having a debate at the moment about temporary accommodation for exactly the same reason, but they are discussing whether to put it on a greenfield or whether to put it on some land behind the hospital. I am not sure what. I thank everybody and thank the support from those people within business industry. I have absolutely no regret bringing this; it has unearthed a fantastic debate. It has really brought attention to the issue and the problem that we have. Whether it is the right solution or not, that is obviously what we are debating about, and to be honest with you I am not worried either way

as long as we start the process today in solving this absolute critical problem. Why does business need this - and this will be my final sum - is time, cost and risk. If you are in business and you are going to invest your time and you are going to invest your money you need to assess the risk. Currently, as it stands, it is very difficult to ask people in business to come forward with a solution like this which will cost money, eat up an enormous amount of their time when they have got other pressures, and the risk of success is very low. This proposition would afford them the time and cost of delivery, but significantly reduce the risk of failure. This hopefully is the beginning of the fix and with that I move the proposition and if I can ask for (a), (b) and (c) to be taken - I have a personal goal to achieve there - and then (d).

The Bailiff:

Very well, you call for the appel, therefore. The vote is on (a), (b) and (c) of the proposition. I ask the Greffier to open the voting and I ask Members participating remotely to indicate their vote in the usual way. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. Paragraphs (a),(b) and (c) have been defeated.

POUR: 4		CONTRE: 40		ABSTAIN: 1
Connétable of St. Mary		Senator I.J. Gorst		Connétable of St. Clement
Deputy J.A. Martin (H)		Senator L.J. Farnham		
Deputy L.B. Ash (C)		Senator S.C. Ferguson		
Deputy of St. Peter		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. Ouen		
		Connétable of St. Martin		
		Connétable of St. John		
		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 of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		

	Deputy K.F. Morel (L)		
	Deputy G.C.U. Guida (L)		
	Deputy of Trinity		
	Deputy of St. John		
	Deputy M.R. Le Hegarat (H)		
	Deputy S.M. Ahier (H)		
	Deputy J.H. Perchard (S)		
	Deputy R.J. Ward (H)		
	Deputy C.S. Alves (H)		
	Deputy K.G. Pamplin (S)		
	Deputy I. Gardiner (H)		

The Bailiff:

We now vote on paragraph (d). Again I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote I ask the Greffier to close the voting. Paragraph (d) has been adopted.

POUR: 32	CONTRE: 9	ABSTAIN: 1
Senator I.J. Gorst	Senator S.Y. Mézec	Connétable of St. Clement
Senator L.J. Farnham	Deputy G.P. Southern (H)	
Senator S.C. Ferguson	Deputy M. Tadier (B)	
Senator T.A. Vallois	Deputy of St. John	
Connétable of St. Lawrence	Deputy M.R. Le Hegarat (H)	
Connétable of St. Brelade	Deputy S.M. Ahier (H)	
Connétable of Grouville	Deputy J.H. Perchard (S)	
Connétable of Trinity	Deputy R.J. Ward (H)	
Connétable of St. Peter	Deputy C.S. Alves (H)	
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 of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. Ash (C)		

Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Most people will not have access to the chat but in the chat earlier in the day Senator Ferguson indicated a desire to ask the Assembly to permit her to take P.70 as the next item of business. She has medical appointments so she indicates and will not be available to deal with the matter when it might otherwise fall to be done. Senator Ferguson, do you wish to make that proposition?

Senator S.C. Ferguson:

Yes, please, Sir. I would be grateful if the Assembly would permit me to take P.70 now.

The Bailiff:

P.70 is suspension of drive to net zero.

Deputy M. Tadier:

I will second that, Sir.

The Bailiff:

That is seconded. Does anyone wish to speak on that proposition? In which case I will take it on a standing vote; those in favour kindly show. Those against? Yes, Senator, we can deal with it as the next item of business.

Senator S.C. Ferguson:

Thank you, Sir, and thank you to the Assembly.

7. Suspension of Drive to ‘Net Zero’ (P.70/2022)

The Bailiff:

The next item of business is Suspension of Drive to ‘Net Zero’, P.70, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to refer to their Act dated 26th February 2020, in which they adopted the defining principles for the Carbon Neutral Strategy, and, in view of the uncertainty surrounding fuel costs following the United Kingdom’s decision to stop buying Russian oil and gas and the impact of any subsequent rise in costs of these supplies and the effects on lower-income families, middle earners and local businesses, to request the Government of Jersey to suspend the drive to ‘Net Zero’ until the war in Ukraine and the uncertainty are resolved.

7.1 Senator S.C. Ferguson:

In question time on Monday we heard about the increasing number of Islanders having to resort to the use of food banks. It would be totally irresponsible of us to impose significant costs on to lower and middle-income families while the overall cost of living is rocketing so dramatically. We would be reducing Islanders to penury. Is this really how we want to treat Islanders? There is a limit to the amount of additional taxation we can inflict on people in a time of rapidly increasing costs. At this point we do need to have an intelligent analysis of the cost of the carbon neutral policies which are

recommended to be imposed. In the recommendations the public are expected to insulate their houses within 3 years, they are expected to buy an electric car within 4 years, and to invest in a low-carbon heating system within 4½ years. Insulation of older and very old houses is expensive and for very old houses is often barely possible. We have seen the difficulty and expense of adding double glazing on old houses. As for cars, low and middle-income families tend to use second-hand cars and few will be able to afford an electric car, particularly if they are already relying on food banks. One of the problems of the low-carbon heating system - in other words an air or ground source heating system - is that they are very inefficient. For a start, the running cost is around some £1,250 a year as opposed to £984 for a gas boiler, about some 27 per cent more expensive. We do have a problem in that gas is now a strategic weapon until the U.K. initiates fracking and North Sea gas. If you read the letters in the *Evening Post* you may have noticed the letter from the lady who installed an air source heating system. With such a system it apparently operates at about 15 degrees centigrade. Our ageing population is not comfortable at this level, preferring 20 to 22 degrees centigrade. This lady pointed out that her system would only run at a constant low level and the family were sitting around in overcoats to keep warm. So, she tore out the heat source system and reverted to oil. Many new houses do not have fireplaces and have electric heating only which means that costs will depend on the base cost of electricity. It is doubtful whether the existing grid will carry the load required for the increased demand for heating as well as demand for car charging. The U.K. reckons that they will need to increase the electricity supply by 67 per cent to maintain transport with significant capital costs. If heat is to be provided by radiant heaters the U.K. reckon they will need a grid 4 times as large just to keep the homes and offices warm, so that overall the grid will need to be 2.7 times the present size for heat and transport.

[15:30]

The U.K. recently ran a pilot programme to estimate the costs and effectiveness of an insulation programme. It required an average expenditure of £85,000 per house. But the emission reduction achieved was 60 per cent with only 3 dwellings achieving 80 per cent and 3 dwellings not even achieving 30 per cent. We have some 45,000 dwellings in the Island, according to the census, so scaling up lineally means a cost of around about £4 billion. It will be necessary to rewire houses, street distribution and substations. Mains wiring will need upgrading and substations will need extending. This will add to the cost of electricity. It is expected to cost around about £700 billion in the U.K. and it will no doubt cost a significant amount over here. All our transmission lines are underground so changing these will be a major programme. Again the U.K. is estimating £200 billion but their transmission lines are overhead and this could well be cheaper. But it will be another capital cost increasing the price of electricity and no doubt we shall have an increase in the price of electricity coming from France as well. The calculations for the U.K. estimate that including air, rail and sea transport and agriculture will cost in the region of £180,000 per household. Okay, there is an element of double counting from having zero carbon houses and zero carbon electricity, however, on a conservative basis the total is undoubtedly greater than £100,000 a year. The estimate for the U.K. is higher than the amount the United States spend on the entire Second World War. Again, the resources required will be substantial. Bear in mind that we are finding it difficult to find accommodation for essential workers - we just had a debate on that - and indeed to find essential key workers. The U.K. will require an additional 42,000 professional electrical engineers and some 130,000 skilled people, these are all to be employed full time. To cover retrofitting of equipment will additionally require about 500,000 workers. Given that there are 38,000 professional electrical engineers currently in the U.K. gives some idea of the magnitude of the problem of getting the skilled staff. If we look at materials, the U.K. alone will require 207 tonnes of cobalt which is double the current annual global production. They will require 264 tonnes of lithium carbonate which is three-quarters of the current world production. There will be 7,200 tonnes of neodymium and dysprosium which is almost the total world production of neodymium, rare earth elements, absolutely the development of batteries and chips. Also 2,300 tonnes of copper, which is over a sixth of world

production. To go all electric the U.K. needs to convert 3 times the U.K. a year plus a substantial increase in mining, but this implies unregulated mining and child labour involved in cobalt mining and the environmental damage from mining lithium. That is just one country. If every country in the world reaches the same state of conversion to net zero then the cost of all these vital components will skyrocket in price. There is a problem of energy storage, Extinction Rebellion have stated that backup electricity for all hospitals will be provided by batteries by 2025. If you think about the examples, the batteries installed in Adelaide, South Australia, at a cost of £45 million, providing 100 megawatts and a 128-megawatt hours, these would power the emergency ward only at Addenbrookes for 24 hours. If the transmission lines in the east of England were taken out a stack of 7 such batteries would be needed at a cost of £315 million. The current backup for Addenbrookes is 2 1,500 kVA diesel generators at a total cost of £250,000. This is a battery to diesel ratio of 180:1 per day. I am bringing this proposition as it seems to me that no one in the Island has the slightest idea of the scale and cost of the task of a transition to net zero by 2030. The prospect of the costs of well over £100,000 a household is a daunting one. To get the whole world to the same standard will cost households in the order of £450,000 each. At £100,000 the cost will be recouped over 50 years and for £450,000 will be substantially longer. Informed opinion estimates that we should need a demand economy to achieve the 2030 target, which will be essentially a Marxist approach. We are facing, according to the Bank of England, a situation of an inflation of 10 per cent. We have Islanders using food banks as never before. We have the prospect of all costs increasing, fuel increases, we have pensioners already facing the decision of heating or eating. We are intending to remove the possibilities of lower income families having their own transport facilities, their own cars. For this reason, I recommend that we hold back on the net zero scheme as a whole. By all means do the environmental schemes that are efficient and economic, like the plan to seed the sea around the Island with seagrass and eel grass and the plan to have non-fishing zones around the Island and eliminate dredging. We could cover part of the cost of insulation by requiring a given percentage of the sale proceeds of a property to be used to provide a specific percentage of the cost of insulation of the property changing hands. This is a practice used in California with regard to earthquake proofing houses. But, please, do not inflict higher taxes and costs on Islanders at this point in time when they are already suffering. I ask the States to agree to this proposition.

The Bailiff:

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

7.1.1 Deputy J.H. Young:

I very much admire the Senator's record. I think the Senator has announced - and she will correct me I am sure if I am wrong - that this will be the end of her long period of States service, which I want to acknowledge. Of course, as Deputy of St. Brelade I have very much followed in her footsteps. She was first elected in 2002 and again in 2005 and then did what I have not been able to do, was get elected as a Senator. In fact, I had the experience of fighting an election against Senator Ferguson in 2016 in a by-election and I was knocked out of sight. But having said that ... I do that by way of background because I think the Senator has clearly, in her speech, given us a lot of information which I think I personally find quite overwhelming, in terms of very little of that is contained in the proposition and the report that we have before us. It is a 7-line proposition and three-quarters of a page of a report which is really based on 2 principles. It says, I believe in essence, that the States should halt our commitment towards dealing with or addressing the climate emergency because of 2 factors. Because of the uncertainty on future fuel costs as a result of the Ukraine war and the fact that obviously Europe has issues of fuel supplies from Russia, whereas, of course, the U.K. has a relatively minor component of its fuel supplies coming from Russian sources. The second underlying principle of the Senator's call a halt to our drive towards eliminating carbon as part of a worldwide global drive is because of the effects on lower income families and local businesses. Of

course, the Senator does not say how long she thinks we should call a halt to it but I think there is no question that if the States Members were to sign up to this I think we would be abandoning all of the work that this Assembly has done and has authorised by propositions, right since I believe this Assembly was formed in 2018. Frankly, I believe that the proposition is based on - firstly on the first point - a false premise. The idea that we should cease work on trying to move away from carbon dependence by ending our work to try and reduce that seems to me that it could have completely the reverse effects. I know in listening to similar debates that similar views have been expressed from some quarters in the United Kingdom, I believe they are minority sources but the overwhelming majority view, certainly in the U.K., it is elsewhere around the world, is that would be counterproductive. We need to move away from carbon and that means renewal energy sources. At the moment we have a dependency on the link for electricity supply. We are fortunate as an Island that we do not generate on Island but we obtain our energy source from a French link, which at the present time is a mixture of hydro and nuclear. But, of course, I agree that there is that uncertainty about that arrangement, which is contractually I believe tied up until 2027, and what the future of that is. I can tell the Senator and other Members that this is why we have had approaches. We have had approaches from many sources that the Island, as well as doing the carbon roadmap, should be having a plan to be able to generate our own renewable energy from local Channel Island sources. There are lots of opportunities there, particularly at the moment. Wind is one but here are lots of others. Their work is already starting with officers and there are ongoing discussions with commercial interests. I know that the Jersey Electricity Company are very on board with this approach that we need to do that for the future. Of course, discussions as well with States Members in Guernsey. I think, clearly, that is about moving away from carbon dependency.

[15:45]

Of course, on the issue of lower income, the Senator is right that right from the start we have made it absolutely plain, the States have made it explicit, that we cannot achieve carbon neutrality and deal with the issue of carbon by increasing income inequality. It was the fifth principle - the fifth principle - of the States strategy that was approved in 2020, we will make sure that carbon neutrality policies do not increase income inequality. That means providing support. It means managing the energy market to mean that they do not have that. If we have to provide subsidies and so on, we have to do that. Here we are at the end of a Parliament, if you like, we are a Parliament, and we are going to have a debate in a few days' time about the detailed roadmap and I would say to Members if you do not like what is in that you can vote the roadmap down. We can have that debate. But here we have what you might call a blockbuster proposition to shut it down now because of these arguments, which are technical arguments. They are not in the Senator's report and I certainly will be asking the officers to ferret out or to investigate some of those pieces of information that the Senator gave us. For example, I will highlight one. The Senator argues that the costs are extraordinarily ... well, she quotes in her figures, she estimates that the burden on the Island is £1.5 billion. That is the first time I have seen that figure, but there it is, it is in that paper. That is not supported by the technical evidence of the work we have done. The last 3 years there has been technical work done with umpteen experts and advice that underpin that Carbon Neutral Roadmap that we are going to debate in a few days, and all the technical information is there, but it does not support £1.5 billion. Then we have here the fact that that is based on the cost of £100,000 per household for insulation and electrical systems. The Senator asked me that in questions without notice the other day. I had hoped for a little bit more time to come back with the actual numbers but I have to do it now because I am willingly agreeing that the Senator could bring this forward. The figures that we have, the work from the previous energy conservation scheme, shows that changing to air source - this is from the Energy Savings Trust - heat pump, £7,000 to £13,000 depending on the property and a typical cost for insulation is somewhere around £700 or more. I quoted in the Assembly I think about £25,000 to £30,000. I will circulate that information and I will list all the energy grants that we gave under that scheme for 3 years before we had that debate on the carbon neutral arrangement. I ask Members,

please, not now. If we were to do this there will be other consequences of this. I believe our Island's international reputation would be damaged. We have worked with the other Crown Dependencies, we have worked with the U.K., we have worked internationally, we attended the International Conference at COP26. Commitments have been made on the States Assembly - and it is subject to the States Assembly - approving the Carbon Neutral Roadmap that we are scheduled to debate this sitting. Subject to that, we will sign up the Paris Accord. Of course, if this was to be voted through now that would finish that. That would be our international reputation, I think, to be frank, shredded. We would put ourselves completely outside the pale. If Members want to do that, I say have the debate on the Carbon Neutral Roadmap, not now. Then there is the opportunity, which hopefully Senator Gorst might say something on it or the economic experts, that the issue of sustainable ... there are economic opportunities potentially ahead. Green finance and sustainable finance for the green economy, for that transition. That is a very important strategic issue for the Island. If we were to set ourselves against that now and say: "No, we are not going to do this, we are closing the door", I think that would be a tragedy, sadly. Then there is, of course, what message this sends to the citizens assembly. What is the commitment we made to the citizens assembly? Probably nearly a year, I am not sure, we have spent a lot of money. These recommendations we brought in our roadmap come from Islanders. They told us the ambition. How am I going to go ... it is too late for me because I am not going to be in the next Assembly, but I will be at the schools and the kids tell us we have to deal with this kind of issue. What is the message to them? Look, I am not dismissing Sarah Ferguson's concerns ...

The Bailiff:

Senator Ferguson.

Deputy J.H. Young:

Sorry, I beg your pardon. Sorry, I was getting carried away. I am not dismissing Senator Ferguson's concerns at all because I know the Senator's passion and I admire her immensely because to be ... up until now the Senator has been a lone voice in this area. I hope, frankly, that remains but I absolutely respect that political determination that drives, that maintains that unrelentingly. I admire that characteristic. It takes some real ... but it does not mean to say I agree with it. I can admire it but I cannot agree with it. It is my job to ask the Assembly please, do not go with this proposition because it is misplaced. None of that is in any way disrespectful to the Senator who I hold in the highest regard.

7.1.2 Senator K.L. Moore:

Toward the end of his speech there the Minister for the Environment talked about the Senator's views, which are well-known about climate change. Despite those views - and I do not share them - I do, as the Minister for the Environment, have a great deal of respect for the Senator. She has, on many occasions, shown to us and to Islanders who have supported her in her many elections and re-elections that she is a forward-thinking person. It was Senator Ferguson actually who started to talk about Chinese hardware being used in telecommunications and many people derided her at the time and did not listen, but in fact she was right. So, I do think however difficult and awkward this debate may be given current enthusiasm, and quite rightly so, for the environment and for carbon neutrality and our future, it is important to take the Senator's argument very, very seriously because some solutions do need to be found to tackle the cost of living. Just today the retail price index has been published and that shows when inflation is broken down by spending groups, it shows fuel and light to be 21.9 per cent and motoring to be 10.5 per cent. That is obviously with the overall R.P.I. (retail price index) sitting at 6 per cent. Something does need be done. Just last night after entertaining the Polish ambassador and people from the embassy, from the Court of St. James, we saw the news highlights that showed that Russia was cutting off the supply of gas to Poland. This is a changing scenario. It is changing rapidly and none of us really know quite what lies ahead. If it does require,

albeit a difficult one, some reconsideration of current views, for a period of time ... and I take on board that this is an open-ended proposition. However, it does require our careful consideration. Particularly in light of the fact that the Jersey Consumer Council have been writing to the Government consistently over the past months proposing changes that could be brought by Ministers. Unfortunately, the Treasury Team do not appear to be in the Chamber at the moment, perhaps the Assistant Minister for Treasury and Resources, who is sitting behind me, might be able to assist. There is a special project team currently working on options for the next Government to consider to help alleviate the cost-of-living crisis ahead of the winter. Many, many Islanders are going to be facing the difficulties that we can already see coming down the track with regards to the cost of living. They, unfortunately, only appear to be likely to exacerbate in the coming months rather than be alleviated. Of course, the fuel duty is the main source of funding for the carbon neutral strategy. While we can understand why the Government has declined requests from the Jersey Consumer Council to reduce fuel duty for the time being, to help alleviate the cost-of-living crisis, the Government is not keen to do so because it reduces funding for the carbon neutral strategy. We cannot always have our cake and eat it. I have to say, I like clichés, because they often ring true. It is with some difficulty that I contemplate this, but I really do urge Members to listen carefully to the Senator today and think about what it is and how we are going to approach both our desire to improve and enhance the environment and to live more energy efficiently going forwards, but also to address what really is a major issue for Islanders at this time, and that is the cost of living.

7.1.3 The Connétable of St. John:

I was not expecting this debate so soon. The Minister for the Environment spoke about the Citizens Assembly. I would like to remind Members of the letter circulated by the Greffe from the Youth Parliament. The environment was one of the key areas the Youth Parliament have worked upon. I will quote a couple of pieces, if I may. When young people were asked how important the environment is to them, it returned the high score of 8.32 out of 10, showing how concerned today's youth are about the climate crisis. This was in contrast to the 4.35 out of 10, the rating that summed up how satisfied participants were with the Government's response to the climate crisis. We need to have the debate later in this session on the roadmap and people will have an opportunity then to say yes or no. The Youth Parliament spoke about the importance of that roadmap. They also spoke about the work of the Citizens Assembly. They ask us, as leaders, to be good role models for the people of Jersey, especially for young people and to set an example on how we, as a whole community, should take responsibility for our impact on the environment. I am not going to rehearse my speech that I have for that roadmap debate, but I can tell Members that I have been involved in environmental issues for many years: writing about electric vehicles some 10 years ago, introducing electric vehicles into fleets, 8 years ago; introducing walking maps, so on and so forth. Most recently, I have taken the initiative to pool together the Parish climate groups so that we can work together, learn from each other, and we can see how we can, as a community, reduce our impact on this environment. I will finish by quoting from a youngster who participated in the survey and they are quoted in the letter: "We are making progress, but I do not feel like we are making it fast enough. We need to start implementing things quicker and adding more pressure to get things done." This shows how worried the youth are about our future. We need your help to make a difference. I think the most important part of this letter: "We need to work on climate change before there is no climate to change."

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

I thank Senator Ferguson for this proposition because she is absolutely right and her perception of the effect of the Carbon Neutral Roadmap is not inaccurate. We have signed up to utopian aspirations which will be pushed forward as we realise how - I say "pushed forward" in date, I suspect - as we realise how impossible they are to achieve until technology catches up.

[16:00]

Senator Ferguson is a qualified engineer and knows that technology is not aligned with our aspirations at this time. People in Jersey are concerned with the cost of living now and possibly less concerned with the cost of living at this moment in 2050. Now, that said, the roadmap is something we have to work on and whether or not we stop now will not, I feel, make a lot of difference given the time it will take to achieve reduced levels of impacts on our environment. Realistically, I do not believe we can stop, we have to carry on. I think the pace of change will be controlled by what is done outside Jersey, whether it be the U.K., our nearest neighbours France, or in fact global issues. We have very little control over what technology does, what cars become available in the Island, what methods of transport become available in the Island. In fact, you have only got to go 30, 40 miles over to France to see the volumes of traffic that still persist, shall we say, in France are massive and there does not seem to have been a great contribution to the roadmap in that particular country. I do applaud the Senator for bringing this. I think it sharpens our minds to realise it is not all sweet and rosy but I suspect most Members will probably feel that it will not make too much change but I do not think it will be wise to support it. We have to listen to what is going on in the rest of the world. We have to listen to what the young of the Island want and move on in the right direction.

7.1.5 Deputy R.J. Ward:

Just very briefly, I do respect the Senator who has been in this Assembly a lot longer than me. I respect Members for their time they have spent here because I know how difficult the work is and how difficult the job can be. I genuinely mean that, I am not just saying that. In terms of this proposition, there is a fundamental flaw in the logic that goes behind it. This talks about suspending the carbon neutral strategy because of the high cost of fossil fuels. The point of the carbon neutral strategy is to reduce the use of fossil fuels. What has been demonstrated with the Ukraine war and the volatility in the markets of fossil fuels is that the more reliant we are upon them the more insecure people become, the more insecure working people become, the more insecure the elderly become, the more insecure working-class people become because someone else is controlling the cost of the day-to-day fuelling. Now, if 20 years ago we had have gone down the line on this Island of insulating homes, building to certain standards, electrifying, taking fundamental solar at that time and solar wind power, we would not be in any worry about the cost-of-oil crisis and the fuels and the Ukrainian war for this small Island because we would become much more self-sufficient, and that is what we need to be doing. I am afraid there is not a value in that in suspending our commitments. The Constable of St. John is, again, very correct when he talks about what young people want and the values for young people because, for the first time in our history, the effect of this is not in a couple of generations' time, it is for the next generation. This is a really serious issue for this House ... this Assembly. I cannot believe I did it; I blame Deputy Southern for it. This is a really serious issue for this Assembly and we have to maintain an international reputation about the sensible approach that we are taking to this. In terms of cost, the one thing I would say is that we have not entered into a sensible argument about costs because we put figures on to change but we have not talked about figures of maintaining what we have now and repairing redundant, old technology that rely upon fuels that are less abundant, less available because of socioeconomic pressures around the world, so therefore there has never been a better time to make this transition and this change. I think the problem is that what is not understood that this transition and change is not simply taking what we have and replacing everything with an electric clean version because that does not really exist, it is about genuine change to what we do and we will talk about that more when we come to the Carbon Neutral Roadmap. I would also ask if we adopted this proposition today, which I genuinely hope we do not, whether that would nullify the other debate on the carbon neutral strategy because it does talk about suspending it. So, this is a much greater implication than people realise, so if anyone is thinking they might sit there and press a ... I do not know why you would, to be honest, because you need to read the entire paragraph and see what it is saying "suspend our reduction in fossil fuel use because of the cost of fossil fuel use", it really is not logical. I mean that in the most polite way I possibly can but I think, Sir, and I would ask perhaps yourself or perhaps the Attorney General - I think it may

be yourself because you can make a judgment on this - the effect it would have on the Carbon Neutral Roadmap discussion and all the work that has gone into that and our future legacy, if you like, from this Assembly coming into the next few years. So, I urge Members to reject this, as politely as possible, but let us reject this.

7.1.6 Deputy G.C. Guida:

Now I find myself agreeing with Deputy Ward; it is a special day. But it is easy, it is very, very easy. It is quite remarkable that we can be here today discussing whether we should throw our lot back into hydrocarbons and depend on them for the next few years because they are going to become expensive, and I fail to find the logic. There is not one; there is not one. We have just had proof, physical proof, that our dependency on hydrocarbons is a problem; is a real problem. It is a problem economically and it is a problem politically and we have known that for decades but just when we are discussing this, just as we have had physical proof that it was a political problem, that it was an economic problem, we are now arguing on whether we should maybe depend on them more for a few years because, after all, what do we care about Ukraine? So, no, sorry, this has shown us, and has shown the world, if you look at the energy markets, everybody is struggling to find anything else to buy other than gas and petrol, so that is it. I think this really showed the world that it was time to change and it is actively changing. It would be probably quite silly for Jersey to stop and do it themselves. I would like to talk a little bit about the items that Senator Ferguson mentioned because there are a few technical things. The first one is cost. Now, one of the reasons that we are in this problem now is because energy has been too cheap for many years. It is lovely, it has allowed us to develop into an extraordinary society, but it has been too cheap. We have just paid for the cost of extracting our energy, extracting hydrocarbons, but we have never paid for the cost of putting them in the earth for 20 million years and now we have to. When we generate our own energy that is what it costs as we have to pay for the whole cost. The cost of hydrocarbons are not going to come down. This is not temporary, this is just a trigger. Remember that we are screaming about the cost going up. My God, they are the same levels of 2008. They have not gone up and then more up, they have come down significantly and they are just reaching the levels that they were at more than 10 years ago. It is not an extraordinary rise, it is back to where it should have been, if Saudi Arabia had not decided to create a sovereign fund, that is what happened. It is very little to do with the rarity and the political and economic problems of using those fuels. So we are back on track, we are back to the normal price of those products, and it is only going to go up. Trying to depend on them any longer is not going to make us any better. So, all this to say that the cost of energy, the cost of doing this is what it is now and if it costs a little bit more to heat with electricity, we have to accept it because that is what it will be with hydrocarbons. There is no escaping that the cost of hydrocarbons is going to reach the cost of electricity for almost all users. One thing that seems to be of importance to Senator Ferguson is the technology. We have had petrol cars, if I am not mistaken, for a little bit more than 120 years. They have been developed to death. They have, every single one of these years, many companies have competed and tried to make them better and they have been developed to death. We used to have electric cars, they were among the very first ones to be developed. So in 1890 there was an electric car, there were several for sale until about 1910, and then they stopped. Petrol was really cheap, really useful and used only that for the next 100 years. We have only started developing them again seriously for about 15 years. It has just started, it has barely started. Of course, our technology is much better but the notion of having very, very large batteries and trying to pump as much electricity into them and as often as possible is very recent. It is not something that we have done very much. We talked about cobalt. Ten years ago, cobalt was an extremely important problem. You could not make a good lithium battery without cobalt and cobalt is from a few mines in the world, most of them in Congo which have all sorts of issues. They are not very large, the supply will run out very soon, they are not exploited very well, there are all sorts of problems. This year, Tesla, the largest manufacturer of electric cars in the world, manufactured half of its cars without cobalt. Without any cobalt. That is because they are using a new battery that they developed knowing that

the source of cobalt was difficult, expensive and was going to disappear. So they managed, with a lot of resource and development, to make a battery that does not use it. In a couple of years all of their cars will have batteries that use no cobalt. Neodymium is used to make permanent magnets and that is how we know now how to make engines a little bit more efficient. Sometimes we need necessity. Half of electric engines do not use them, they use coils as induction, so they do not use them, and there are other ways of doing them. There are other minerals that can be used to do them. Again, the research has just started but it is because we know that it is a massive market because the whole world is going into this, it is getting better all the time. Battery storage, which we just mentioned, depends a lot on how easy it is to obtain your electricity. People do not tend to realise that the grid consumes about half of the energy produced. So, when France looked at its energy production, they had a few nuclear power plants around, dams, wind farms ...

The Bailiff:

If you could just pause. I think somebody may have their microphone still on and we can hear it in the Chamber. Could people please check and be silent? Thank you. Please carry on, Deputy.

Deputy G.C. Guida:

The actual grid, the wires, the resistance of the wires would burn half of this energy before it got used. So in the concept of a large country, we start with 50 per cent of the energy which is wasted just going through wires. If you store it, that is a 50 per cent capital that you can waste storing it. You are going to have a battery that is very inefficient, that is 60 per cent efficient, and still be above what it takes to send the electricity back and forth on wires. A lot of existing battery chemistry does that and again, I am just very, very quickly diving into the technology to say, it has just started, a lot of this, because of the demand, because we are doing this, because we are deciding here to go carbon neutral. That sort of demand is driving billions of dollars into the industry, into research, to create solutions. Why would we? We know that hydrocarbons are the problem economically and now we are absolutely certain, it has been proven to us, that it is a problem politically. We do not really want to depend on Saudi Arabia, America or Russia for financing. Why would we? Why would we want to depend on them? We know that the technology is going really, really fast.

[16:15]

It is serving us. It is no time to stop. This is completely independent from climate change. Think about having no more noise pollution and no more gas pollution. If you think about CO₂ as a greenhouse gas, you are talking about the equivalent weight of your car being generated in gases every year. That is a lot of pollution. That is a lot of stuff you have to breathe in. If we get rid of that, who cares about the climate? This is already so good. If we talk about cars, I probably said it years ago, electric cars are just massively superior to petrol cars. They are just better. There is no stopping them. They are more expensive now, but you save tons of money because you never have to buy petrol again. That is just better. Again, there is no stopping them. We do not need to make that much of an effort to get using all this. This is definitely not the time to stop. The very last thing, today, this is not the right time to stop, because we are going to discuss, to debate the carbon neutral strategy reasonably soon and this is a much more complex document. We still have a chance to vote contre to all of it, if you think that it is not the right thing to do, but at least it will be the whole thing. It will not be a single thing saying: "Let us talk about this and come back later."

7.1.7 Deputy L.M.C. Doublet:

Many Members have spoken of their respect for the Senator who has brought this proposition. I share that respect. In her opening speech, she mentioned that she felt the cost of transition to net zero was too high. That struck me, because I have been reading, earlier this month, a report released by the United Nations scientific body the I.P.C.C. (Intergovernmental Panel on Climate Change). That spoke about the cost of not acting. The word that was used, and I think it is unusual for scientists to

use words like this, were words such as “catastrophic” and “the cost of not acting is catastrophic”. The report I was looking at is the third report by this body and it has taken several years to compile by some of the top scientists in this area, as I said, by the United Nations scientists. It is, in effect, a final warning to humanity. The Senator is right to remind us that there will be economic impacts in the short-term. What we can take from the Senator’s proposition is that we must be mindful that those impacts, which are going to happen as we act, do not disproportionately affect any particular group, in the short-term. That is what I am going to take from this proposition. I will not be supporting it, but I will take that from it. On the costs, I was listening with interest to the previous speaker, who clearly has a lot of knowledge in this area. I do not claim to have any particular expertise in this area, but what I do hold as a principle, which is very dear to me, is that I listen to scientists and I like to understand the science behind anything. When I looked a little bit further into this, specifically into the costs, the I.P.C.C. also found that the economic benefits of climate action will outweigh the costs. To put it another way, the costs of climate inaction and the costs of damage as a result of climate change outweighs the cost of acting. It is going to cost us more if we do nothing. Sometimes it is hard for some of us to conceptualise climate change and to envisage what those costs might be if we do not do anything. It is easier to envisage and to calculate the short-term costs that might be attached to any strategy that we are putting in place. It is like an evolutionary quirk in our psychology, we find it really hard to conceptualise a threat that is not immediately affecting us or in our faces. Thus we can find it really difficult to mobilise ourselves. As a race, we then end up putting our heads in the sand. A previous speaker mentioned the Youth Parliament. One of the things in terms of climate change that I have really taken notice of recently is that children are really scared about this. That, to me, is an alarm bell. Our children are urging us to take action. Even if we cannot be scared about this and gird ourselves and mobilise ourselves to take action let us listen to our children. This proposition is a good opportunity, because anything that forces our heads out of the sand and gets us to think about this subject is good. We have to confront it. There are not many of us in the Assembly that do have doubts. From the sound of the speeches, this proposition will not be supported. I am quite hopeful for current Members ... and from what I am seeing about candidates standing in the election as well, I hope that the new Assembly will be able to take decisive action as a collective. For anyone who does have doubts, I would urge them to look up the work of the I.P.C.C. and the reporting around it. Even if it feels scary, to do some work on coming to terms with that, because it is really important that we are not challenging each other on this. We need to act collectively to tackle this. Again, I will go back to those words that the scientists are using: “Catastrophic and disastrous impacts that are coming if we do not act.” We need to act together in the best interests of our children. That is what I will be thinking about. I will be voting against this.

7.1.8 Deputy M.R. Higgins of St. Helier:

Like others who have spoken before me, I would like to praise Senator Fergusson, who I have known for very many years, well before she entered the States. I have a lot of respect for her. I do not always agree with some of her political views or scientific views, but at the same time that is politics, we do not all agree with each other. She has raised some very important issues in what she has outlined to us today. The only problem is that her proposition, coming as it does at the 11th hour, almost before the Assembly leaves, does not give us time to properly debate and examine all the issues. Nor do I believe the proposition that Deputy Ward is bringing forward ... it is going to be in the new Assembly when all the arguments for and against are examined and examined in detail. Can I say from the outset, I do believe that climate change is affecting the climate and we have to take action? However, I am also concerned about the impact it does have on ordinary Islanders. As someone has already mentioned, the cost of living is different for different people. People on very low incomes particularly suffer. However, it is not just them. Even the middle sector of this Island, the squeezed middle of Jersey, are going to find the squeeze getting even harder going forward, not only because of external factors to do with Ukraine, et cetera, but also as we start bringing in these measures. Therefore, there has to be a lot of detailed examination. I agree with some of the points

that Senator Ferguson and Deputy Guida have mentioned about some of the technology or the impact of it. That does not mean that they should not be given due consideration and weighed in the balance. What I am going to say is, and I hope Senator Ferguson and people like her who support her views think I am just dismissing them. I am not. I just do not think we have the time today or in the next few days to give this debate proper justice. It is going to be a major topic and we are going to have to devote an awful lot of time ... I say "we", it depends on who is in the States, whether I am and other people are in the States, going forward. It will be a major debate. There is a lot of evidence that has got to be gone through. We have to come up with not only practical but effective solutions that benefit Islanders as well as the planet. I shall be voting against the proposition, but not because I dismiss some of the concerns and points the Senator has raised. I will leave it at that.

7.1.9 Deputy M. Tadier:

In any Venn diagram there is usually a small part, the lens, where there is an intersection. We seem to have found the intersection between Deputy Guida and Deputy Ward today and no doubt myself. It could be that 3 circles are consorting and there is a small point of agreement in the middle. I was particularly struck by the comment, and I liked the speech from the Deputy, when he said, even if you put climate change aside and if you think about all the pollution, *et cetera*, that is going on, both locally and globally, and what kind of cleaner, quieter Island we might have, notwithstanding that it is sometimes handy to hear a car coming around the corner in a country lane, that would be much better for the Island. It reminds me of the cartoon which has been circulating on social media for quite a while now. It is basically for the theologians among us, the Pascal's argument, the Pascal's Wager, as it is called, of climate change. In the cartoon there is a presentation and somebody is objecting and says: "But what if it is all a hoax and what if we end up creating a better world for no good reason?" That is really Pascal's Wager for the climate. Even if, as some believe, that climate change either does not exist or in fact no climate denier will admit to that, so they say, we believe climate change is happening, we just do not believe it is happening to the extent which some scientists claim, because they all have a vested interest or that it is not caused by man, because we have had Ice Ages come and go before. I was handed a nice little cartoon book from the Deputy of Grouville and it reminds me that, of course, the Channel Islands have been subject to their own Ice Age only some 6,000 or 7,000 years ago, where we used to be connected to France and we are no longer connected. They would say: "These things just come and go, you have to deal with it and the planet can survive." However, the point is, even if that were the case, and none of this is anything that we cause or anything that we can do anything about, we can still create a better world and a better local environment by reducing our carbon footprint. The other point that strikes me is that this proposition is not just one of those well-intentioned propositions. In the Deputy of St. Peter's last proposition, he identified a problem which is real which exists and tries to find a solution. This one does the complete opposite of what we should be doing in response to a problem which we all recognise is there. I have been trying to think of the right analogy for it. The first point is that we want to reduce, and I will call it, our addiction to fossil fuels. We want to reduce our addiction to petrol, to diesel, to gas, and to oil, whether that is for transport or whether it is for heating our homes. We have made that decision. We have all agreed that is the right thing to do. At the same time, the natural cost of those products is going up. We have tried something similar, I do not fully agree with it, with cigarettes and alcohol. If, for some reason, the natural price of tobacco went up all of a sudden and smokers started emailing us and the suppliers of tobacco said to us: "You know, tobacco prices have gone through the roof. They used to be X amount, now they are X plus 20 - X plus 50 per cent, would you consider reducing the duty on tobacco, because smokers are really feeling the pinch here? We have some low-income smokers and they cannot afford to smoke anymore." Do you think the Minister for Treasury and Resources would say: "Yes, that is fine. Let us do that. It is just a temporary solution because of the conflict, wherever it is that tobacco comes from, we cannot get the supply, so we will do that to help you sell more tobacco."? You would not. You would say: why would we want to reduce the duty on tobacco? Why would we want to reduce the duty on fuel, when

in fact the duty on fuel has stayed exactly the same? The duty on fuel has not gone up. The percentage duty that we change on fuel has gone down, because it is a fixed amount.

[16:30]

That takes me to the next point, the G.S.T. (goods and services tax) take for the Treasury has gone up. If we estimate that fuel prices, and I am thinking about at the pump here, have gone up by 30 per cent. Presumably the G.S.T. take has also gone up by 30 per cent on road fuel. What I would be suggesting is rather than giving a discount to people who use petrol, diesel, or whatever it is they are putting in their car, what we should be doing is saying: "Okay, we have received a windfall there. Therefore, we are going to put even more money into the Climate Change Fund." This is the point. Surely now all the fossil fuel prices have gone up there is no better time to help make that change, whether it is Government-led or from an individual point of view, because now the payback on your electric car or electric bike ... although of course an electric bike if it is replacing a push bike does not save you anything as such, but if you are using an electric bike instead of a moped or instead of a car that can only be a good thing. You are going to save money quicker in an environment where fuel is going through the roof. We should be encouraging, as Government, and also individuals to do that if they have the money to transition now. The argument for transition is surely stronger now than it ever was, if only on economic grounds. Lastly, I want to extol the virtue of, I do not always do this, some initiatives in the private sector. Today, again, I was able to use an E.V. (electric vehicle) car, because it was convenient for me; I needed to get home at lunchtime. We will see a shift in behaviour, I believe, when you are able to book an E.V. pick it up in one location and drop it off and leave it in another. We will see the need for privately-owned vehicles, which you have 24/7 parked outside your property, reducing. We will start to see households who maybe now have 2 cars saying: "We can just do with one car." You will see households with one car saying: "I can do without any car at all, because I can just borrow one when I need to and I can get round the Island in a clean and efficient way." I am perhaps not going to be so kind to the outgoing Senator, apart from to say that I know that she is somebody who has always been accessible and I know that she does have the ear of many parishioners and many experts, it has to be said. I get contacted by mechanics who live up in Les Quennevais, who have also spoken to Senator Ferguson and they make some really good points about the fact that transition is not going to be straightforward. I will make these last points, with every transition there is a drawback. There is an issue, of course, around batteries. I only hear people raising those objections when it comes to seemingly wanting to protect the petrol car. They do not talk about batteries in laptops or batteries in phones and they do not seem to campaign for better working conditions for little African or South American boys down the mine. Ordinarily they are not starting petition with Amnesty to get better conditions. As soon as it starts to encroach on the ability to drive a private petrol car concerns seem to begin. I am sorry if that is slightly unfair, but that is the way I read it. Similarly, I did not know this until last night when I spoke to one of my twitcher friends in Les Quennevais, we all know that a twitcher is a birdwatcher, and I was genuinely interested in what he thought about windfarms, because up until now I have certainly thought windfarms could be part of the solution that Jersey could offer in its aim for regeneration and clean energy. He said: "No, windfarms are terrible from the bird perspective when they are migrating, when there is fog, and even when there is not, they fly into these massive blades." You will never find a solution that is going to please everybody and no doubt there will be drawbacks when it comes to tidal power. Clearly there are massive drawbacks to our current addiction to fossil fuel. It is an area we are all going to have to get our heads together over. Surely Jersey, being surrounded by the sea, by wind and not a small amount of sun, we should be able to find solutions for private homeowners as well as for wider usage of our energy, so that we can transition to a green future. This is not the way to do it. As I said, this proposition does exactly the opportunity of what we should be aiming for.

7.1.10 Deputy J.H. Perchard:

As the Assistant Minister for the Environment with responsibility for the Carbon Neutral Roadmap, I must urge Members to reject this proposition. Without prematurely starting the Carbon Neutral Roadmap debate, I would like to address a couple of the points made by the Senator in her proposition and a couple of the speakers. Since first being sworn into office on 12th December 2002, Senator Ferguson has been a strong voice for the vulnerable and for other minority groups, such as the elderly and those in low-income households. In this proposition, she is demonstrating that care and that wish to defend a minority view and also to protect those who she deems at risk from the Carbon Neutral Roadmap, in particular lower-income households. Despite disagreeing with the proposition and despite urging Members to vote against it, I have to applaud the Senator for this fierce protection of the vulnerable, which is something she has demonstrated throughout her 17 or so years of service in the Assembly. What I would like to address in terms of the content, is the concept of principle 5, which is present in the Carbon Neutral Roadmap. I hope to reassure Members that unlike the suggestion in P.70, the Carbon Neutral Roadmap is in fact designed to protect those who may be financially vulnerable. The fifth principle of the road map is that the policies contained in it will not increase income inequality. It is not within the purview of the roadmap to do the opposite. It does not aim to decrease income inequality. That is not the role of this set of environment policies. However, I can assure Members that there is ongoing and active engagement between officers of the Environment Department and those in Social Security, who are working to ensure that that fifth principle is, in fact, maintained and that the policies will not increase income inequality. The Carbon Neutral Roadmap also has as an appendix, the distributional impact assessment. That was a report commissioned by the Environment Department to assess the potential impacts on the finances of families and individuals of the policies. If Members have not yet had a chance to look at it, I do advise reading it or flicking through it before the debate on the roadmap, because that will do a lot to assure Members that distribution of income and the protection of those who might be financially vulnerable, with the introduction of new measures have been seriously considered in a systematic, academic, and evidence-based manner and that that fifth principle has truly been at the foundation of the development of all the subsequent policies. Regarding the money, again, this is just to address some points raised in the wording of the proposition, the money that is being proposed in the spend of the Carbon Neutral Roadmap is money that has already been put aside in the Climate Emergency Fund. It is money that is already there and already ring-fenced specifically for this purpose. The Senator is absolutely right that we have projected a £250 million spend on the implementation of all the policies up to 2050. However, something that has not yet been picked up on is the fact that doing nothing does bring with it costs. The Oxera Report, which again was commissioned by the department, estimated that the cost of doing nothing would be in the region of £600 million, in comparison to the £250 million spend that we are proposing. The cost of doing nothing includes direct and indirect costs. We are talking about health impacts, demand for service, and so on. If Members would like to see more detail, the report is published and it is entitled something like *The Quantitative Analysis of Carbon Neutrality by 2030*. The cost of doing nothing is really worth bearing in mind because we know the arguments around the soft costs of doing nothing. We talk about well-being and the need for green spaces, and these are really important as well. However, there is also a massive financial cost to the States of doing nothing, which is often something we do not talk about or draw enough attention to. Finally, while I have acknowledged and praised the Senator for representing a minority view, it is really important that minority views are represented in this Assembly, that is what we are here to do, to make sure that everybody in society is protected, I have to say, in this particular case that the drive towards carbon neutrality and protecting our environment is people driven, in the sense that our society wants us, is calling for us, to take urgent, immediate action to ensure that Jersey plays its part in its protection of the planet. Again, I will not pre-empt the arguments in the carbon neutral debate about why we should do that as a small jurisdiction, which we should. This is a people-driven piece of work, and not just people in Jersey,

it is people from across the globe. It is the most important issue of our time. In the minds of our young people it is the most important issue of our time. It is now. There was a time where a lot of people thought: “It is for our grandchildren”, which is obviously still driving people to do the right thing: “I want to protect the world for my grandchildren.” However, that is not the case, it is now. It is for everybody now, of course, particularly for the younger people, who will live through the worst of the impact of doing nothing. I am sure Members will join me in commending the Senator for her long service to the people and thank her for bringing her final proposition of this political term, but I have to urge Members to please reject it.

Senator I.J. Gorst:

As I pressed my light, one of my colleagues whispered: “Do not.” [Laughter]

The Bailiff:

Senator, you are entitled to sit down at any point.

7.1.11 Senator I.J. Gorst:

I fully appreciate why they would do so, considering the hour of the day. The reason I do stand is because there is a school of thought that there is a choice here. I do not believe there is a choice. Sometimes issues like this and this particular climate emergency issue has been pitched as an issue of those on the political left. That is not correct. All leaders in every community have to take this seriously and that there is no choice but to continue on this journey and play our part in ensuring that we deal with ensuring that we are not contributing to these problems of climate change, in as rapid a timescale as we can. The international community, we know, have signed up to the Paris Agreement, which sets a date for 2050. Deputy Ward brought before this Assembly a date of going net neutral by 2030 and the proposal was bridging between 2030 and 2050, probably with offsets. Offsets cost money. There is no choice but to carry on this programme. The Senator raises a very good and relevant point, as Senator Moore alluded to in her contribution.

[16:45]

The roadmap, as we will be debating, and as Deputy Ward rightly, as we would expect, said that one of the principles should be that dealing with a climate emergency should not increase income inequality and the Assistant Minister spoke for some length on this matter, in that it is one of the principles in the roadmap. It is right that that should be the endeavour of this Assembly. I am not quite so sure that it is as simple as writing it as a principle of the roadmap. It is probably the greatest challenge as we seek to tackle climate emergency. I say that because what we will be asking of Islanders around changing of transport habits, insulation of homes, changing of cookers, if I can put it like that, changes of energy source, we must be clear with Islanders, is expensive. There is a reason why people have not made that change yet and that is because it is expensive. I feel self-conscious in saying this, because there are Islanders who have electric cars already. They have paid the price. I will not go into the issue of batteries, as Deputy Tadier spoke about. Just because somebody is making a point about the associated problems with the need to enhance battery supply does not mean we should not listen to them because they have not made equally relevant points on other issues as well. They are all relevant. The requirement for storage of energy and how we deal with those problems is going to be fundamental to how we are able to transition. Those Islanders who have the financial choice have got electric cars or hybrid cars. We look at each other and we know that we are in that position and are fortunate to do that. Those Islanders who also are perhaps financially better off have done the maths and they have realised that enhancing insulation in their own homes using modern methods of heating and putting in air or ground source heat pumps. They have done it. We have done it, because we could afford to; we were in that position. The Senator is absolutely right to remind us of the financial implications of going on this journey which we cannot avoid. Her solution, however, is not the right one. Her solution to stop is not the right one. This is where Deputy

Higgins is absolutely correct, in that the new Assembly will have to carefully consider - I fully expect that this Assembly will approve the roadmap - the financial implications for vulnerable Islanders as we move forward. As I alluded to, it could be that we slightly change tack with offsets in 2030. That might release some money that we could use to help vulnerable Islanders. We do not know yet, because there is a lot more work still to be done. We are also clear, as we see 6 per cent inflation in our community today, that Islanders are already struggling with cost of living arising out of global factors. We may have to take some measures, which might seem short-term counterintuitive to the overall journey that we are going on, while at the same time being absolutely committed to meeting that global Paris standard. There are also opportunities for our economy, which Islanders will be able to avail themselves of in E.S.G. (environmental, social, and governance) and Jersey becoming a centre for sustainable finance. I am reminded, and I know that Members will have seen it as well, of being in a room and listening to colleagues, in this instance from Islands who are much lower lying than we are, literally pleading with delegates and saying this: if we do not stick with our commitments on this journey to tackle climate change, there will be absolutely nothing that they can do. They will be homeless in a matter of years; whole communities, whole countries, whole islands. Sometimes it does justice for us to remind ourselves, as an Island community, that we have our part to play in supporting them and doing what is required. I cannot support the Senator today, but I do think, as Deputy Higgins said, we will need to consider further and in much greater detail the financial implications of what we must do and the journey that we must continue on.

The Bailiff:

Thank you very much, Senator. 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 Ferguson to respond.

7.1.12 Senator S.C. Ferguson:

I expected that people would start objecting, but I would point out that the data that I am quoting is from a paper by the previous Prince Philip Professor of Technology at Cambridge University, who retired recently. I sent you all a copy by email, but nobody seems to have read it. If you read it, it will enable you to consider the prospective costs carefully. I was contacted a week or so ago by an emeritus professor of one of the sciences at a leading U.K. university. He wanted to persuade me to stand again in June. His comment was that in the midst of the scientific illiterates I was an exception, which was both flattering and depressing. Deputy Young, I am just saying at the moment let us call a halt until things stabilise. If we carry on without proper costing, which we are doing ... what was it? £250 million your Assistant Minister said. It is going to cost a great deal more than that. If we carry on without proper costings, we are being extremely profligate or being terribly stupid. He talks about the international damage to our reputation. It is nothing to the international damage when it transpires that we have all been had. It all reminds me of the South Sea Bubble. I hope that those Members who are hiding in the coffee room or the computer room downstairs will stop being cowards and vote. They have already said they are going to hide in the coffee room, Mr. Bailiff, Sir. Thank you for your very kind comments, Senator Moore. I hope I am around to say: "I told you so" in due course. The Connétable of St. John, I am also concerned about the environment, but I am not concerned about a climate crisis which does not exist. There is only one car which will go from London to Edinburgh on one charge, a Mercedes. The climate always changes. It has been changes since the Minoan warm period, through the Roman warm period. We went through the little Ice Age. It is always going up and down. Thank you to the Connétable of St. Brelade. Again, we need to cost the roadmap. We cannot just sit there and say: "We are going to insulate everybody." Let us do a bit of work on it first. You would not build a house without knowing how much it was going to cost. We need to look and see how much this is all going to cost. Deputy Ward, when the U.K. finishes developing the fracking and the reopening of the North Sea oil wells, which has just started again, it means that the U.K. will be self-sufficient. The Americans, when Biden goes, which he will do at the end of this session, the Americans with the fracking down South will be self-sufficient in oil.

There is a lot of talk and the Deputy talks about the offshore wind being very valuable. The cost of offshore wind is £130,000 per megawatt compared to £35,000 to £45,000 per megawatt for gas and oil. Deputy Guida, I have already said the U.K. can be self-sufficient for hydrocarbons. The Deputy spoke about technological developments. I would be interested to see his source information. Science is never settled, it is always developing. I would be delighted to have a look at this new manufacturer who is doing cars with these new batteries. I will go and look them up anyway, but I would be very interested to see his source documentation. Yes, I support the environment. It is just all these other falderals that are added to it. Deputy Doublet, interestingly enough, number 5, I.P.C.C. report said that there was no problem with the rise in sea levels. In I.P.C.C. 6 it said: "Oh, yes, there is a great problem." Hang on a minute. They are using the same models, presumably, so how do they get from A to B? With respect they are not the top scientists. I have been following the United Nations proposals ever since the 1972 meeting. The Secretary of the United Nations I.P.C.C. Group says that it is an opportunity to totally change the world economic system away from a market system. Children being scared, I blame the media and these people who are living in cloud cuckoo land. Climate changes are totally normal. I have already mentioned the Minoan warm period and the Ice Ages and all those sorts of things. Do your own research. Go back to the beginning. Do not just sit there and wait to be fed by people who are just rehashing comments made by other people. Deputy Higgins, thank you for your kind comments. We do not agree again, but never mind. Deputy Tadier, I agree with the concept of environmentalism. Were you not listening to me? No, I do not think you were. What are your scientific qualifications? I wonder. Fossil fuel has brought people out of the dark ages. Please, will you all remember that the cost of net zero is estimated to be between 11 per cent and 17 per cent of G.D.P. (gross domestic product), which is adding some debts of some £400 million to £800 million to the Island's tax burden. I agree with the man who says that windfarms kill birds, particularly the bald-headed eagle in America. Deputy Perchard, thank you for your kind comments. I thought I had been in the States for 18 years, not 17 but never mind. You are talking about £250 million, I am sorry, that is not the overall cost; that is just the first stem.

[17:00]

The cost of doing nothing, what is the cost of doing the whole programme? You worry about the children being worried and nagging us about it, what science do youngsters ... what have they been taught? We have a high school dropout from Sweden who is going round telling everybody what they should be doing. What science does she know compared to people who have worked all their lives in climate science? I am sorry, it is absolute rubbish. Senator Gorst, as I have said, it is a cause of the scientifically illiterate. We do not have the calculated costs and not everyone has a deep enough pocket to pay. If you look at the maps by N.O.A.A. (National Oceanic and Atmospheric Administration), if you look them up on Google they have a map of the world showing which bits of the world are sinking and which bits are rising and explains why some bits are sinking. Some bits are sinking because the continents are tipping but a lot of them are rising because it is a rebound from the Ice Age. Please, will you just do a bit of homework instead of just accepting what these do-dos at the United Nations are talking about, which is rubbish? Yes, I will be continuing with my fight, even when I am not in the States. I ask for the *appel*.

The Bailiff:

Thank you very much, Senator. The *appel* is called for and I ask Members to return to their seat and I ask the Greffier to open the voting and those Members participating remotely to vote in the chat in the usual way. If Members have had the opportunity of casting their vote, I ask the Greffier to close the voting. I can announce the proposition has been defeated.

POUR: 3		CONTRE: 40		ABSTAIN: 0
Senator S.C. Ferguson		Senator I.J. Gorst		
Connétable of St. Mary		Senator L.J. Farnham		

Deputy of St. Peter		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. Ouen		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of St. Clement		
		Deputy J.A. Martin (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 of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy K.F. Morel (L)		
		Deputy G.C.U. Guida (L)		
		Deputy of Trinity		
		Deputy of St. John		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		
		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

8. States Meetings - Remote Participation and Proxy Voting (P.63/2022)

The Bailiff:

We now come on to the next item of Public Business, which is States Meetings - Remote Participation and Proxy Voting, P.63, lodged by Deputy Gardiner and I ask the Greffier to read the citation.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) that, at any time when remote participation in States meetings is permitted generally, Members should be able to participate remotely from outside Jersey in the event that unforeseen circumstances prevent their participation from in the Island, with the circumstances permitting such participation to be determined in accordance with guidance issued by the Bailiff; (b) that proxy voting should be permitted for votes in the States Assembly; and (c) to request the Privileges and Procedures Committee to draft the necessary amendments to the Standing Orders of the States of Jersey to implement paragraphs (a) and (b).

8.1 Deputy I. Gardiner:

I am also minded about the time that is left and it is, again, a proposition about ourselves. It was really important for me to bring this proposition and to quickly explain why. It is a simple choice, yes or no, would we like to explore it further? Because it is not the decision, the decision will be made by the next States Assembly. Without doubt we have recently experienced extraordinary times, challenging times and COVID exposed some procedural weaknesses in areas that technology had an ability to provide the resilience to our Assembly. As an Assembly we have had to be more flexible, resilient, more forward-thinking and I am sure that everyone in this Chamber remembers the States sitting at Fort Regent. It was very cold, we have 2 metres distance and I remember my feeling, the thought that we will do our sittings online, it was unbelievable and it was like it cannot happen. It was some disbelief, it was a shock. I think that all of us remember the problems that we had at the beginning, the way we had to understand the vote, web chat, noises in the background, microphones on and off and the camera angles; we all worked really well to work remotely. We need to remember that we have been mentioned as the first Assembly in the Commonwealth that we moved to have full meetings remotely. The world change, we all changed, we adapted technology and flexible approach and it has become our second normal, not ideal. Part (a) of my proposition was prompted by a recent personal event and I will describe. In February during half term I found myself in London, should be back 5 days before a States sitting, unable to travel due to testing positive for the coronavirus. If I was in Jersey with coronavirus, like today, I would be able to attend meetings remotely and contribute. At the same time the war in Ukraine started and I had extensive communication with the Jersey-based Ukrainian community who needed support and help. I was unable to attend, I was unable to speak, I was unable to ask questions, which were submitted in advance, and urgent questions from the community that they felt comfortable to reach out; they felt an instant point of contact. Unable to bring an emergency proposition, unable to vote due to the exceptional circumstances in which I found myself. I am grateful to Deputy Perchard for bringing an emergency proposition, working with me, learning the details and it was several details which connected to several things. I am grateful for the support of the Assembly. At the same time the only difference between me and other Members was my I.P. (internet protocol) address and that I was in London. Part (a) of the proposition is saying: "That at any time when remote participation in the States is permitted generally" because we might find ourselves where there is no remote participation but when remote participation is permitted: "From outside of Jersey in the event that unforeseen circumstances prevent their participation from in the Island, with the circumstances permitting such participation to be determined in accordance with guidance by the Bailiff." It is not by default. I am not sure if Members remember that exactly for the same sitting as myself, the Chief Minister found it difficult to get back to the Island because of the tech problems with a failure with British Airways. If the option of the proposed paragraph would be in place the Chief Minister would be able to answer the Assembly's questions. The business and operation of our Assembly would remain unchanged. In essence, again, out of the I.P. address and postcode the Chief Minister's location would have been different and his contribution to the States were going to be different. We can recognise the voice, we can recognise the face, we know how it works. We live in a world where response times matter more than ever. An emergency meeting of our Assembly in August might be called in without us.

We know how the world progressed, we do not know, so if we do not have anything in place maybe in August we will find ourselves that half of the Assembly will not be here on the Island physically and we need to make a decision immediately. Would it make us weaker not to have this option or would it make us stronger to have this as an option? Moving to part (b), it is a proxy vote; again, it is an option. There are a lot of questions that need to be answered, how it will work, where it will work. If you look through my report a proxy vote was introduced in Guernsey in 2019 when they agreed that the Member can act as a proxy for a Member who is absent from the States for the purpose of children or care for an infant or a newly-adopted child. An application for a proxy vote is made to the Presiding Officer. In the House of Commons, Westminster a proxy vote is used for specific circumstances and arrangement should be certified by the Speaker in advance and it is mainly around new born parental responsibilities. France added to the proxy vote reasons like illness, accident or serious family misfortune preventing their Senators to attend. A proxy vote can play a part in making legislatures more family friendly and inclusive, along with the important public health implications. I am aware and I understand concerns among the Members that it may be an open door for people to find an excuse not to attend. I am trying to put it in a nice parliamentary way. We have opinions and we have thoughts why people are attending and not attending but I will leave it aside because, as Members know, personally I was advocating to be and made in person as much as I want. I would like to put aside all the thoughts and think what it can ... not to influence our discussion about who are attending, who are not attending and why and how, to looking forward to making the Assembly more inclusive and trust the system, trust ourselves and trust the Presiding Officer that the judgment will be made accordingly. It is really (c) ensuring that we can continue to function and be flexible going forward. It is an option, we do not decide if it will happen 100 per cent but my proposition is asking let us ask the next P.P.C. (Privileges and Procedures Committee) to consider and bring the proposition forward to be debated by the next Assembly. I move my proposition.

The Bailiff:

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

8.1.1 The Connétable of St. John:

I am still not sure which way to vote on this proposition. I can see that it is very well-intended but I feel that we have to get back to normal. I have every sympathy with the Deputy for the circumstances she found herself in February and I am sure others have been in a similar circumstance. I, like many Members, have benefited from being able to participate while isolating with COVID, and that was very much appreciated. I was sleeping during the lunch breaks for the first 4 days of the Bridging Island Plan. **[Laughter]** Just the lunch breaks, Sir, just the lunch breaks. It is absolutely important that we facilitate those among us who need to shield and those who have COVID. While I have been here for a relatively short period, there have been 2 occasions during this time when I was the only Member physically sat in this Assembly. I will say that again, at times there has been only one Member sat in the Chamber. I will not take it personally, Deputy. In fact shortly ...

The Bailiff:

Perhaps if you could not have exchanges between Members and ...

The Connétable of St. John:

In fact shortly after joining I asked a question of P.P.C. (Privileges and Procedures Committee) about attendance in the Assembly on 5th May 2021. Part of the response reads: "Members are required by the terms of their oath of office to attend the States when required to do so, unless they have a valid reason for absence."

[17:15]

We had an instance recently that received media coverage when we were all due to be in the Assembly, excluding those who were isolating or sheltering, when at least 3 Members who had not

been physically present in the Chamber were at a Chamber of Commerce lunch. A large gathering of people, no social distancing on the tables, yet Members thought it was okay to be in attendance there when they had not been here in the morning. One of those Members could and should have stayed at home. Yesterday we spoke about trust and the proposer has just discussed trust this afternoon. I will give Members another example of why trust between the public and Members is at an all-time low. I had an Islander ask me late last year why the States had finished early. In asking me he knew the States had not finished. I explained we had not finished and we had to return the next day. The reason for the question, the Islander had seen a States Member putting up their outdoor Christmas decorations midmorning while the person was listening to the debate on the radio as they drove past. Trust, trust. These are just 2 examples of Members on Island who could have been here and were not and this proposal looks to expand things. What is the description of unforeseen? The description or the incidence given by the Deputy was very much unforeseen. I believe we have relied on people to use their conscience to date but the examples I have given does not fill me with confidence. I apologise to those Members who have not been able to be here for genuine reasons, very genuine reasons, but some Members have let the rest of us down. I look forward to hearing the debate and particularly the summing up.

8.1.2 Deputy M. Tadier:

I have tried to be open minded with this, not least because I had raised, I think, what was a concern of mine brought up during the pandemic whereby I threw up, I think, some unintended consequences, so I think it was quite right that for a period of time we were all sitting remotely and then we had a hybrid setting, and then it became increasingly less hybrid, and then there was some pressure to be back in the Assembly but there were some mixed health messages going on as well; that is probably the context. The first easy place to start is part (b), I find it very difficult to support the concept of proxy voting. I could find it easy, I could say that, okay, in the next Assembly, for example, when this would kick in you have party A maybe got 18 seats, party B has 12 seats, there is a smattering of true independents and then you have a coalition of a party of non-partisans, whatever they want to call themselves, for better or for worse, although it could be more of the same of course. It is very attractive to think that just you let me vote for my 18, I will just press the button and we can in fact do that before, the other 12 can also vote in advance by proxy, just one of their party representatives turn up, 18 and 12, you have got 30 straightaway. No need to have a debate, really efficient. In fact, that could really work well and we could vote before the debate takes place and only have debates on issues that we cannot find agreement on before we debate it. Of course, that would be really attractive to some parties, especially parties who want to reduce the amount of time we spend in the Assembly. We have already seen a move from a 2-week cycle to a 3-week cycle; that could be pushed back to 4 weeks. We could meet once every 3 months perhaps and we could have virtually no question time if we get the right Chief Minister elected, and of course he is already lining himself up to be the Chief Minister. He has already bought his ticket to come back to Jersey, so that will be exciting. But of course, that is not inevitable. I think there is something important about being in this Assembly in person. That said, we have seen that there is ... I have tried to be open-minded so I am looking at part (a) with a different pair of eyes because let us look at the reality of it. What if you are ill, the wording again I think is not perfect but that is not a problem, we have to try and look I think at the spirit of what part (a) is trying to say. I have seen a scenario where Members have joined Scrutiny meetings because they have been in the U.K. receiving radiotherapy; is that a bad thing. Should a Member of the Assembly who ... and I have sat in the Scrutiny meeting downstairs with him on a screen and he has been receiving radiotherapy somewhere in the U.K. and he has decided that he wants to join the meeting because he is a diligent Member of the Assembly, he is a diligent scrutineer, and he has also, let us face it, probably got a lot of free time out there because once you have had your radiotherapy for however long it lasts a day you are sitting in a hotel room possibly on your own. You do not necessarily want to go out and you want some semblance of normality. What is the difference between joining a Scrutiny meeting and joining an Assembly where you can

log in, you can listen to the debate, you can speak if you want to and you can vote and represent your constituents? That is a genuine reason I think. If we can establish a scenario, that is why I think the unforeseen circumstances is perhaps ... I am not necessarily keen on that wording. I think if there were foreseen circumstances: "I have to go to the U.K. because my mother-in-law is about to die" - she is not by the way - hypothetically speaking or: "She is receiving treatment and we need to be there to take care of her", is that a legitimate reason? Should I have to make the choice of not representing my constituents and my family needs if in fact when I am up there I can be sitting down in front of a computer from 9 to 5 with the occasional need to do something else. I think we are in a new world, we are living in a world where we can use technology for the benefit and we can make judgment calls on where the line lies. Of course, that can be done in conversation with the future P.P.C. and the future Chair of the Assembly. It does put a lot of pressure and a lot of discretion on the shoulders of whoever the Chair is but I think if we can have a proper list of circumstances in which somebody might be able to join. What I would not want to see is routinely Ministers thinking that they can leave the Island or C.P.A. (Commonwealth Parliamentary Association) chairs, not the current one, but anyone in future thinking actually I am just going to spend most of my time away now and I am going to be an absentee Minister, an absentee chair, because I know I can dial in. That must never be allowed to happen. I will listen to other colleagues. I think certainly when we discuss this as a party we were very concerned about the direction of travel and we certainly were not supportive of proxy voting. But I will wait to hear in summing up, probably tomorrow, what the mover says about this, because I think there is a grey area where the public interest can be served by us being a little bit more flexible on this.

The Bailiff:

It is 5 minutes before the time when I would ask Members if they wish to continue. There is time I think for one more speaker but I imagine other Members will wish to speak in this debate. It will be helpful just to get an indication if Members are intending to speak at some point. I will not make a note of names or anything like that, just get an indication by a show of lights. That is at least another 3. I was going to call on Deputy Martin but I am just conscious that at 5.30 there are matters of procedure that the Assembly needs to deal with before we can continue with the debate. Deputy Martin, I am happy to call on you now.

8.1.3 Deputy J.A. Martin:

It is going to be a very short speech. I just wanted to point out a few things. The only one that I may support, because I can understand where the Deputy is coming from, is (a). I wanted to put a completely different complexity on (b) especially when the Deputy was talking about family friendly. Now I think I am quite a strong person. Now I was not well Monday and I came in because I was not sure - I came in virtually - so I had 2 last questions to answer orally and I was not sure if my Assistant Minister was around. But I had a very foggy head, et cetera, but I could work on Teams, I had COVID - I still have COVID - I really want to get in there. But the example it gave about family friendly, now my family friendly that we have all passed, if you are employed you are not allowed to work for the first 6 weeks of that baby's life. We are protecting mum and protecting baby and I am just concerned, if we allowed proxy votes on those, maybe not as strong a person ... I will give an example, I think I can be quite strong but even I thought: "I cannot say I cannot go in and do this virtually. I should do it." If I have just had a baby and my head is not in it but I have a party that needs my vote, I am very concerned. We are keeping an eye, and the next Minister, about this virtual working and everything. You still are ill, you are ill, you should not be working. Absolutely different with COVID, you are giving me a great facility where I can participate. I am saying I probably should not have done on Monday. Tuesday and today I am feeling a lot better and I just cannot wait until the red lines go away. But please think of that. We have protection for employees, we are not ... we are a very strange kettle and I would not want anybody, mum or dad, but mum definitely

protected by law, and then there is paternity leave. I would not want anyone to feel forced to go in so they can have a proxy vote.

The Bailiff:

Given that there are a number of Members speaking we will obviously need to proceed tomorrow morning. I wonder if Members would be minded after one procedural matter to adjourn at this point? Thank you very much.

FAREWELL TO THE GREFFIER OF THE STATES

9. Deputy C.S. Alves (Chair, Privileges and Procedures Committee):

This is our current Greffier's last meeting with us in the States Assembly. So, I would just like to say a few words on behalf of all of us sitting here today. I would like to thank Mark for the wonderful service he has provided to us since he was sworn in as Greffier of the States on 19th January 2016. Before being appointed as Greffier, Mark worked for the House of Commons in the U.K., he was previously the Deputy Head of the Table Office, leading a team of 7 clerks dealing with more than 250 parliamentary questions every day and advising and working on parliamentary rules. He was also the secretary of the History of Parliament Trust and was leading work on diversity and recruitment practices. Perhaps one of the most notable successes Mark has achieved during his time as Greffier was keeping the Assembly running during the COVID-19 pandemic with the use of Microsoft Teams. **[Approbation]** As has already been noted today, under Mark's leadership our Parliament became the first in the Commonwealth to sit virtually and we were still able to pass laws and be held to account even through a global pandemic. Internally, the States Greffe has also seen a number of changes since Mark joined the organisation. Mark oversaw the restructure of the Greffe in 2019, which unified various sections. Mark also worked to improve the services for Members which led to a new section being created for Members Resources. We are now able to contact the team and be provided with support on both our Assembly and constituency work. Mark has also worked with the Diversity Forum in order to improve the diversity of the States Assembly and increase public engagement in democratic processes by under-represented groups. He has also worked with the P.P.C. Pension Subcommittee to bring in pensions for States Members for the very first time. **[Approbation]** I thought it was important to include Members words in this speech so I asked Members if they had any contributions they would like to be included and these are some of the things they said. "As evidenced by his doctorate and subsequent participation in the academic community Mark has brought significant academic credibility and rigour to his role as Greffier. His political expertise and empathetic nature make him an asset to this Assembly and the Island. We have been lucky to have an expert of his calibre working to develop and improve the services accessed by States Members and the wider community. Mark is an inciteful and reflective person. His professionalism and aspiration to make the working environment of States Members more up to date has been demonstrated through his supportive work intended to make the States Assembly accessible to typically disadvantaged groups such as young women and parents. His dry sense of humour has helped to keep me motivated at challenging moments and I am grateful for his professionalism and support." He has made significant improvements to the States Greffe during his time of leadership and I have no doubt that the changes he has made will contribute to the future diversity of the membership of the Assembly. By contributing to the improvement of working arrangements and practices Mark has contributed to changing attitudes and being a voice at the table when young women Members in particular, have not always been heard. I am grateful for his allyship and his understanding that "equally" does not always mean giving everyone the same thing but rather giving people the tools they need to succeed. I wish to thank him for his monumental impact behind the scenes. Mark's mission it seems has been to provide a gold standard of support in terms of providing Members with assistance in doing their jobs effectively. From the start he broke the mould in how he did this and it is fair to say that Backbenchers in particular have been able to achieve a huge amount more with the measures he has brought in." **[Approbation]**

[17:30]

He brought with him not just contacts from Westminster but a hugely valuable outside perspective which resulted in many innovations. Mark has always been responsive to Members and his sharp intelligence meant that he was able to turn around requests often very quickly and to an impressively high standard. I think it is fair to say that democracy in Jersey has been very well-served by Mark. As States Members we do not have an H.R. (Human Resources) Department or much in the way of pastoral support because of this, because of course this is not an ordinary job. Mark, in his time as Greffier, has often been the one to provide the support to Members as well as his competence with the practical work associated with being the Greffier, his calm manner and great listening skills have served Members well. Indeed, he has balanced a dignified composure with a light-heartedness that often reminded us that, yes, this is an important job we do but not to take ourselves too seriously and to look after our own well-being as well. As a final contribution, I will not say who it is, I am sure Mark will be able to work it out: “While it is good to hear of a Mackem returning home we would be grateful if you could inform him that in the unlikely event of Sunderland getting to Wembley in the foreseeable future we would be grateful if he could refrain from attending. Quite frankly the man is a jinx.” I am sure all Members will agree that he will be missed not just for his expertise and experience but for his sense of humour and his camaraderie with Members. So, I would just like to end by saying thank you, Mark. We hope you keep in touch and return to the Island often and we wish you all the very best in whatever you do in the future. **[Approbation]**

The Bailiff:

The Greffier will just have to blush because he has no right of reply. **[Laughter]** But he will have a right of reply shortly when we adjourn and we go to the Members Room for a reception where Mark will be, and we can all speak to him and bid our farewells, I think. This is the day before Mark’s last day. Mark’s last day is tomorrow. Please excuse me for not referring to him as the Greffier but I think in the circumstances, we are almost adjourned, and it is his last day in fact tomorrow. But for practical reasons this is the time to have made the remarks that we have. Now, just before we adjourn, Chair of P.P.C. is there any other matter you would wish to raise?

Deputy C.S. Alves:

Yes, Sir, there are a couple. I would like us to be able to take the appointment of the new Greffier P.72, first thing tomorrow morning, if possible.

The Bailiff:

Could I notify Members, thank you for that, and we will ask Members if they agree but I am intending to permit a statement by the Chief Minister that Members will have been anticipating as the first item tomorrow, and then you would wish that taken as the next item but that would of course be after, I think, the conclusion of the debate that we are currently having.

Deputy C.S. Alves:

Yes, please, Sir.

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on that particular proposition for arrangement of business? I will take that on a standing vote. Those in favour kindly show. Those against? You can still put your hand up, Deputy of Trinity, it is perfectly all right. Is the adjournment proposed?

Deputy C.S. Alves:

Can I just propose one more thing, sorry? Obviously, we are making our way quite well through the Order Paper at the moment. I have spoken to a few Members behind the scenes and I wanted to

propose shortening the lunch break tomorrow and maybe considering looking at sitting later tomorrow as well. I would like to do those 2 things separately, maybe if people would like to make comment about how they feel about sitting later and shortening the lunch periods as well so I can get an indication of how we feel. I am quite happy to maybe revisit that tomorrow instead. So I would like to propose shortening the lunch break tomorrow to an hour. It has been suggested 12.45 p.m. to 1.45 p.m. as sometimes doing from 1.00 p.m. until 2.00 p.m. can be difficult to get into places to get food.

The Bailiff:

So, your first proposition is to shorten the luncheon adjournment tomorrow from 12.45 p.m. to 1.45 p.m., is that seconded? **[Seconded]** Does any Member wish to speak on the proposition?

Senator L.J. Farnham:

The only comment I would make is that as we spend consecutive days in the States many of us have meetings planned for the lunch break. I do not think I could personally support that because it is just not possible to have meetings and complete lunch in that timescale. Ordinarily I would say, yes, but I think because of the pressure of sitting all week, it is just the logistical outcome of it.

The Bailiff:

Thank you. Obviously, it is a matter for the Assembly, does any other Member wish to speak?

Deputy S.G. Luce of St. Martin:

Might I just ask the Chair what her intentions would be if we do not finish the Order Paper by Friday evening?

The Bailiff:

That does not specifically relate to the proposition before the Assembly at the moment but I am sure the chair can answer that if she wishes. Does any other Member wish to speak on this proposition, which is a shortened lunch hour?

Deputy R.J. Ward:

Regards the meetings, that is in fact the case at lunch time but also if we are going to extend the day on tomorrow, which will probably be likely because I can foresee that we will say we will extend the day, it will be difficult to fit meetings into any other time as work is going on outside as well. Just consider that when you think about this.

The Bailiff:

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

Deputy C.S. Alves:

I think with regards to finishing what is on the Order Paper, I think we would just have to sit until we did finish what is on the Order Paper, otherwise I do not think it would be fair but obviously I would be in the hands of the Assembly and we could look at proposing an alternative.

The Bailiff:

Will you give way for a point of clarification?

The Deputy of St. Martin:

I am grateful. The Chair means to sit until we are finished by sitting on Saturday or Tuesday or continuing on Friday evening under the Order Paper is complete?

Deputy C.S. Alves:

I would say Friday evening. Obviously in the last sitting when we had a very similar discussion, I did make it quite clear in the order of public business that there are things like Planning Committee going on next week and that is the last one until I believe September, which is quite a big delay. So obviously we have to be mindful of that and that would take out quite a significant number of Members from this Assembly. I maintain the proposition.

The Bailiff:

I am going to put this, I think, to the appel simply on the basis that there may be strong contrary views. The vote is on whether or not we shorten the lunch hour from 12.45 to 1.45 and I ask the Greffier to open the voting. Those participating in the chat kindly vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted: 37 votes *pour*, 8 *contre*, no abstentions. Do you move the next stage of your arrangement, Chair?

Deputy C.S. Alves:

Yes, please. I think it is worth just seeing how Members feel about maybe sitting until 8 o'clock tomorrow with a half hour break and just gather people's ideas and thoughts on that.

The Bailiff:

The proposition is to sit until 8.00 p.m. with a half hour break at some point to be arranged to allow people to regroup a little bit. Is that seconded? [**Seconded**] Very well, does any Member wish to speak?

Deputy I. Gardiner:

I remember when we were debating the Island Plan we decided to sit until 8.00 p.m. We had until 7.00 p.m. and the next day we had a half day. I voted for shortening the lunch time and I would probably vote for shortened lunch time on Friday, and tomorrow I will probably propose to start at 9.00 a.m. or 8.30 a.m. on Friday and see how we are going when we finish on Friday. But I would prefer not to think in advance to sit until 8.00 p.m. and have to finish with a half day. This is my opinion.

Deputy K.G. Pamplin:

This is the last day sitting. The difference between 4 years ago, I remember covering it live on air, was there was a nomination evening and there was a rush to get to that. That is not happening this time. This is the public business before we have an extraordinary next week with planning, with a funeral, there is Liberation Day and then because of the move of the election. This was talked about months ago. This should not be a surprise. We have to conclude the public business. The Chief Minister will be giving a statement tomorrow with probably a period of question time. We are having an in-camera debate on the new Greffier of the States. This has been on the Order Paper for weeks. We have to conclude States business for the public and we have to make those difficult decisions. It is difficult but that is why we took the oath of office. We have to complete States business. We have to also consider your staff, Sir, the Greffier's staff and the members of the security and everybody affected, but we have to have these conversations. We have to conclude but it is slightly different to the last time.

The Deputy of Grouville:

If we are going to meet late, after 5.30 p.m., tomorrow I would just like to put on record that I have a pre-arranged Jersey Overseas Aid meeting that has been arranged for months. It is States business and I would just like to put on record that I cannot attend beyond 5.30 p.m. tomorrow.

Deputy J.H. Perchard:

Like Deputy Gardiner and some other Members, I have caring responsibilities. Members know I do not have a teenager, I have a tiny baby. We all know this, it is not a secret. I cannot stay late. I can possibly go and come back but I have genuine caring responsibilities that I cannot neglect. As long as Members understand that by choosing to do this Members are being punitive towards those with genuine caring responsibilities that is a decision that Members are absolutely at liberty to make but that is the reality of my current situation. We are kind of in mid-debate on an inclusive issue. So I just wanted to put on record that this has been said repeatedly by Deputy Doublet and by me, as the only kind of childbearing people in the last 2 terms. I get that we are a minority. I know people do not like to hear it. I do understand that we are a minority but it is a genuine caring responsibility for a tiny baby, so if Members could just bear that in mind I would be really grateful. As the Deputy suggested, maybe we could look at how where we are on Friday and if we do need to stay late it should be an absolute need not a luxurious thing we do prematurely. Thank you.

The Bailiff:

Thank you, Deputy. Does any other Member wish to speak? Deputy Young.

Deputy J.H. Young:

I think we should take heed of Deputy Perchard's remarks because Deputy Perchard has prepared over the last months for the carbon neutral debate, which is a major debate, and if we do go ahead and approve this evening and Deputy Perchard is not able to be here I shall be asking for the order of the debate to be changed to allow Deputy Perchard to lead on that matter as proposed. I just put that there for Members to think about because I think what Deputy Perchard said should carry weight.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak? If no other Member wishes to speak, I close the debate and call upon the chair of P.P.C. to respond.

Deputy C.S. Alves:

I think it is important to obviously give Members this option. I am happy reassess this as we go along tomorrow. I just wanted to give as much time as possible to Members. But I will maintain this proposition to see how Members feel.

The Bailiff:

Thank you very much. You called for the *appel*, I think? Very well, in which case I ask the Greffier to open the voting and those participating remotely to vote in the normal way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition is defeated: 22 votes *pour*, 22 *contre*.

[17:45]

Senator I.J. Gorst:

Could I now propose the adjournment, please?

The Bailiff:

The adjournment is proposed, the Assembly ...

Deputy K.F. Morel:

Sir, I do apologise because when it comes to the Order of Business it seems like something of a free-for-all so I never know quite where to come in. I have an issue with P.68 tomorrow. I am intending to be presenting it, it is the Channel Islands Lottery: allocation of proceeds. I am just wondering, because tomorrow with this delegation from Barneville-Carteret I will not necessarily be here to

present it at the right time. I was wondering if I could ask for it to be taken either at the end of the day or first thing on Friday?

The Bailiff:

We have already had adjustments to the order of business running tomorrow morning, I think we will get slightly confused if we fix business but I think you have given notice of that to the Assembly, I am sure the Assembly will be understanding if we reach the point where it would normally be called but you are not here to take it. This is not a vote but could I get an indication whether Members would accept in those circumstances a deferment until later in the day? There appears to be a large measure of agreement. It is not formally voted upon but I think you can take comfort from that.

Deputy K.F. Morel:

I thank the Assembly.

The Bailiff:

Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:47]