

# STATES OF JERSEY

## OFFICIAL REPORT

FRIDAY, 16th DECEMBER 2022

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[9.02]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

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

I am sure Members will join me in welcoming His Excellency to the Chamber this morning.

**[Approbation]**

## **1.2 Message from Buckingham Palace**

### **His Excellency the Lieutenant Governor, Vice Admiral Jeremy Kyd C.B.E.:**

Mr. Bailiff, thank you very much indeed. I speak exceptionally due to the exceptional and tragic week to deliver a personal message from Buckingham Palace.

#### **The Bailiff:**

From Buckingham Palace: "My wife and I have been so dreadfully shocked and saddened by the terrible tragedies in St. Helier and at sea off St. Ouen's Bay. At this time of great sorry and grief my deepest possible sympathy and condolences go to the families and friends who have lost their loved ones and to all Islanders who have been affected by these heart-breaking events. Your immeasurable sense of loss and anguish is very keenly felt and in the days ahead the people of the Bailiwick of Jersey will remain in my thoughts and prayers. Charles R."

### **PUBLIC BUSINESS - resumption**

## **2. Proposed Government Plan 2023-2026 (P.97/2022): twenty-first amendment (P.97/2022 Amd.(21)) - amendment (P.97/2022 Amd.(21).Amd) - Gas Place Primary School Site**

#### **The Bailiff:**

We now resume the debate on amendment number 21 and next listed to speak is Deputy Feltham.

### **2.1 Deputy L.V. Feltham of St. Helier Central:**

It is good that I have had the chance to sleep and reflect prior to speaking on this particular amendment because last night my speech may have been quite different, given some of the comments made by the Minister for Infrastructure. However, I am going to stick with facts, not personal accusations. I would like to remind Members that the constituencies surrounding the site that we are discussing - St. Helier South and St. Helier Central - have 10 representatives. I am just doing my maths checking. No, there is 10 including the Constable, Deputy Coles. Five for St. Helier Central, that all stood on a shared manifesto, another 3 in St. Helier South that stood on that shared manifesto, and that manifesto said that we understood that there was an urgent need for a school in the area that we thought should be on the Gas Place site, however if a better site could be found that would enable a better extension of the park we would look for it and we would support it. Now, reflecting on some of those conversations that we had with people during that time in May and June, some of those conversations were quite difficult when we encountered people that did not want a school in the area and for them their single main focus was extension of the park. So, we had to work quite hard in those conversations, and you all know what it is like on the doorstep, particularly when you have got a written manifesto position that somebody disagrees with, and you have to explain it. As Deputy Ward mentioned in his speech, we managed to explain that to a lot of people and a lot of people understood, but they also understood that we were giving them our word as their prospective representatives that we would look for another site that we thought would be better for Gas Place, and we would endeavour to find that and support plans to progress on that basis. Of course, we probably lost some votes on the basis of that because, some people, their main focus was the park. The other 2 elected representatives for that area, we have Constable Crowcroft of course and we have got Deputy Warr. Both of them stood on manifestos to double the park size. To me, the mandate from the voting public in St. Helier South and St. Helier Central is absolutely clear. Further, the next district along, St. Saviour, I am aware that at least 2 of the candidates in that district had expressed their views on the park as well. Deputy Doublet actually spoke previously in the Island Plan debate about her want to extend the park. In fact, if my memory serves me correctly, she spoke against Deputy Ward's amendment. Deputy Mézec is nodding in agreement with me. Also, we have Deputy Kovacs who stood on the same manifesto as me and my party colleagues in St. Helier Central and South. So, we have 12 people that were elected on that basis, which I think is something that we need to respect. In fact, as I was coming out this morning, somebody was talking on the radio about

if we are going to - and I do not know who it was, so I apologise for the speaker - but what they were saying is if we were to grow public's confidence in voting they need to see us acting on what we say and acting on our manifestos. Again, coming back to the facts and what we have heard and have not heard in this debate. Deputy Gardiner and Deputy Binet, the Ministers for Children and Education and Infrastructure mentioned the letter that Reform Jersey sent to Ministers. Deputy Gardiner referred to a telephone conversation between herself and I. I recall that telephone conversation and it was the day after, or the day of the letter being received. The purpose of that conversation was for her to ...

[9:15]

I remember it quite clearly, because what she was saying to me is: "Look, I cannot respond immediately on this. I do not have the facts. I need a bit more information. It also needs to be a Ministerial response because you have written to more than one Minister." That to me is not consultation with the local representative Deputies. Further to that conversation, the next correspondence we got was a letter from Ministers, which basically said that they would not take the idea of utilising the Play.com site forward. I would also like to remind Members that that particular site was not included in the school sites review because the school sites review just looked at sites within government ownership. So, it was not considered at that time. As far as we as a party were concerned, the Government were not progressing a thorough review and look at the Play.com site. So, we came together as a party, a party that stood on a manifesto, which had a very, very clear policy on the sites in question and all 10 of us stood on that manifesto. We said: "Okay, how do we progress this forward?" This amendment brought by Deputy Coles on behalf of the party is what we had agreed to do. I found it very interesting to hear the Minister for Infrastructure and the Minister for Children and Education telling us on one hand that accepting this amendment would cause delay but on the other hand telling the Assembly that they do not need to worry about this because they have already looked into it, they have already done the work. If they have already done the work, if they have already done the due diligence on the site, there is no need to take the 100 days to bring their findings back to the Assembly. They can bring them back to us tomorrow. Further, on the point of delay, I think it is important to remind the Assembly where we are stage-wise with this particular project. All we have, as far as I can see in the public domain, is an artist's impression of what a school might look like. I think the idea that reviewing the site and looking at both sites and the merits of each is something that is going to hold up the project is really somewhat of a red herring. I would also like to ask Ministers, why if they had done that work, when Deputy Warr contacted Deputy Coles and asked him to rescind this amendment and withdraw it, why he did not include that information in his email. Why that information has not been circulated to States Members ahead of this debate because quite frankly this has been a long week. If we had been able to see that that work had been done and then, hands on heart, say: "Yes, we have done what our elected representatives wanted us to do", we could have withdrawn that amendment, but we do not have that. We do not have that information. So, we have to go forward with it. I call on all Members of this Assembly to respect the wishes of the voting public. To stand by the manifestos that the public voted for and support this amendment.

### **2.1.1 Connétable A.S. Crowcroft of St. Helier:**

It is a real pleasure to follow Deputy Feltham, whose speech I thought was excellent. On the subject of mandates, and I know I mentioned this yesterday and it did not cut a great deal of ice in the other debates when I was alluding to the size of my mandate in relation to that of other Members. I have to apologise for having my manifesto in my hands because some Members may have got tired of seeing my ugly mug pasted around St. Helier in the month of June. But it is a fact that in my manifesto I said let us double the size of the Millennium Town Park, and I quote: "Last year Andium Homes set out their vision to use the Jersey Gas site in its entirety to expand a hugely popular Town Park rather than building yet more housing units on it. Their reasoning is that the north of town is already

set to receive around 1,000 new homes and it is vital that these new residents have sufficient open space. If re-elected I will work with Government to achieve this vision as well as doing all I can to support the needs of the primary school provision in the Parish.” Then I go on about the country park, but we dealt with that yesterday. Members may have seen around the coffee room the latest issue, and it is a bit more, I suppose, unforgiveable, but they may have seen the latest issue of the *Town Crier*, which comes out every month as a supplement of the *J.E.P. (Jersey Evening Post)*, and on it is a photograph they probably will not have recognised because of course it is not a photograph of a park in St. Helier. It is the Parc Tête d’Or in Lyon. In my comment, which is titled “Lessons from Lyon” I say the following: “At half term we went to Lyon in central France to spend some time with my eldest son and his family who are lucky enough to live next to Le Parc de la Tête d’Or, one of the biggest public parks in France - so big, in fact, that it has a zoo within it as well as a sizeable boating lake and a botanic garden. With its exceptionally wide paths, generous lawns and mature trees it is an oasis of calm in the busy city, visited by thousands every day, a vital component to the quality of life enjoyed by the Lyonnais. So, it was frankly depressing on returning to St Helier to find myself in a meeting with the Council of Ministers having to plead with our Chief Minister and senior civil servants to increase the size of the Millennium Town Park. With the exception of the Environment and Housing Ministers, the Government simply does not understand the importance of extending the Town Park by seizing the unique opportunity offered by Andium Homes: that organisation has the vision and foresight to realise that a thousand more homes in the north of St Helier requires more green space in a single, central location if we are to avoid the charge of ‘town cramming’ in future years.” So, I absolutely stand by those comments. I stand by my expression of disappointment that the Council simply does not get it. When the Chief Minister introduced this item in the Government Plan she talked glowingly about how they were going to make a park at Springfield School, presumably after the school has been removed at some future date, and at the Le Bas Centre, presumably at some future date when the Le Bas Centre has been removed. That would yield much more space than if we doubled the size of the Town Park. In fact, the Chief Minister has said on more than one occasion, in one of what seems to me somewhat of the crassest remarks that I have heard from a Chief Minister, that given that the Millennium Town Park will still be small if we extend it what is the point of extending it at all? Quite frankly, words fail me when I hear that argument put forward. We rehearsed this discussion of course quite recently in question time when I asked the Minister for the Environment to admit that what we are doing now in St. Helier is town cramming. He said we are not. I do not remember what part of London he alluded to but it drew a few smiles in the Chamber. It was somewhere around Regent’s Park, but I do not remember exactly where. The argument he was making was that you can have nice parks dotted around the place and still meet the needs of the community. But the fact is, what London has and what we do not have are large parks. They have parks that you can lose yourself in and probably also lose your children in. That is not the case at the moment and it certainly will not be the case if we do not seize this opportunity first advanced by former Senator Stuart Syvret of taking the park right back to St. Saviour’s Road and then finding some clever way, and Andium have already come up with some ideas of bridging the Ring Road and taking the green space up to the colleges and the escarpment so that people could come down from the colleges into the Town Park, through Money Penny Lane, and down to the bus station or wherever they were going. Now, the name Frederick Law Olmsted may not mean much to Members of the States. They may not know that this is the 200th anniversary of his birth. Frederick Olmsted was the designer of Central Park in New York. He also designed numerous other parks in the course of the 19th century, including a park in Liverpool, probably making a bigger difference to the quality of life of urban residents in America than any other single person. There has been a great deal of discussion online this year. I have not been able to participate in the conferences that have been held around Olmsted 200 but it has been a matter of huge interest certainly in the U.K. (United Kingdom) where the value of parks is understood by local authorities as well as by government. Central Park is the most visited urban park in the United States with an estimated 42 million visitors a year. It is the most filmed location in the world according to

Wikipedia. We have a chance, and as Deputy Coles says, this amendment, his and mine, are the last chance to achieve a park of sufficient size to provide ... it will not ever be as big as Central Park but it will be something. It will certainly be better than what we have at the moment, which is busy. If people have not been there in the summer, it is cheek by jowl and that is before we put another 1,000 units in the area. So, surely, any effort to avoid building on it, and that is what the Reform Party said in the election, any effort must be made before we commit that final step, and we build a large building right in the way. Adjacency was an important word when we were talking about the hospital. Clinical adjacency. Well, adjacency is a key word here. Because of course you can put parks here, there and everywhere. But you can only extend the Town Park in one place, and that is the Jersey Gas site. Andium understood that. Interestingly today's *J.E.P.*, in its round-up of the news, shows a picture of that extended Town Park running across up to St. Saviour's Road, with water features and mature trees and a lot more space than we have at the moment. Now, I agree with the Chief Minister. It still will not be big. But surely a bigger park is better than a small one, surely. What we are being offered here is a chance to go away for 100 days and find out what are the costs involved? How much would it cost to buy the Play.com site? What kind of school could we build there? Would it not be better for the children of that school to turn out of school of an afternoon and run across into a large park. Would that not be better than what is being talked about at the moment? I do urge Members; this is not saying let us buy it. It is saying: "Let us look at the costs involved. Let us see if we can achieve it" because I am afraid if we do not future generations will look at this Assembly and say they lacked the foresight and the vision and the courage and the respect for manifesto commitments made by the Members representing this area, and they will find us wanting. So, I urge Members to accept the proposition.

**Male Speaker:**

Can I raise the *défaut* on Deputy Moore please?

**The Greffier of the States (in the Chair):**

Are Members content to raise the *défaut* on Deputy Moore? The *défaut* is raised.

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

May I raise the *défaut* on Deputy Tadier?

**The Greffier of the States (in the Chair):**

The *défaut* is raised on Deputy Tadier also. I am advised that online the Constable of St. Saviour has joined us. He is also marked *défaut*.

**Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter:**

Can we raise the *défaut* on the Constable of St. Saviour?

**The Greffier of the States (in the Chair):**

If Members are content then the *défaut* is raised on the Constable of St. Saviour. Does any other Member wish to speak?

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

I would love to say no one comes into politics to be popular but obviously you have to get re-elected every 4 years so there has to be an element of popularity involved. But sometimes it is difficult to know what to do. I remember quite clearly having discussions during the Island Plan debate back in March because I used to have the great pleasure of sitting next to Deputy Ward.

[9:30]

It is a shame that new seating arrangements do not allow that. But I used to sit next to Deputy Ward and he kept discussing the amendment that he brought to the Island Plan saying let us put a school at

the end of Gas Place. We talked about it a lot and I thought: “No, that looks absolutely fine.” He brought the amendment, the amendment succeeded, and it became a part of the Island Plan. The Government comes in, it knows it needs schools in town, there is an Island Plan brought by a member of Reform Jersey, an amendment to it, which says let us put a school here at the end of Gas Place and extend the park. It is 2 things; it is not one. It is not just a school. It is a school and an extension of the park. The Government goes down that road and what happens? We are then told by Reform Jersey that we are doing the wrong thing even though it is an amendment that they brought to the Assembly in the Island Plan. You sit there as a Government and say: “What can we do?” So, in my mind, I do not understand this amendment. I am sorry, I really do not. The Government is committed entirely to building a school at the end of Gas Place, including an extension of the existing park. We do know that the site that is being talked about is not in government ownership entirely. It is partly in government ownership, the rest of it is not in government ownership. We do know that that site, because it does not take much, is very awkwardly shaped. It is an L-shaped site that is not conducive to building a wonderful school on it. We also note that that site is smaller than the site we are talking about at the end of Gas Place. So, for me there is no argument here. We can get on with the plans in hand straightaway, immediately, and start dealing with some of these problems, which this Assembly, time and again, seems incapable of dealing with these big infrastructural problems. We need to start dealing with these problems. We have these plans, they are ready to go, they fit with the Island Plan, which has only just been agreed, and we know that the site being talked about now is definitely, at a cursory glance, not suitable. Why are we even discussing this? Let us just get on and do something to deliver for Islanders. They need schools and they need housing. They will get both. And they need a park. They will get that extended as well. So let us just do this, let us bring common sense to the table and let us just move on and do this rather than delaying again because that is the one thing we are very good at and I promise you does not make any of us very popular, delaying again and again and again. Please let us just do the common-sense thing and carry on with the plans that the Minister for Children and Education and everyone else have ready to go.

### **2.1.3 Connétable R.P. Vibert of St. Peter:**

So pleased to speak after Deputy Morel although he said many of the things that I was going to say. We have already voted or rezoned in the Island Plan an area for a school at Gas Place and we should not forget that. What we are in danger of doing is becoming experts in delay. Once again, we know 2 facts here: we know we urgently need a school, we know we urgently need housing. Both at the moment can be achieved. What we risk doing here is looking at an alternative, and I have to say again, that it looks a less suitable site which will also come at great cost, some of it privately owned, it will be at commercial rates. What we will get is a school which will come to us with greater cost and therefore less value and as a result of that it may not have the amenities that we originally planned because the millions of extra that we spend on acquiring that site may have to be recouped in another way. So please, Members, do not vote for this amendment. All it is going to do is create delay and cost.

### **2.1.4 Deputy S.G. Luce of Grouville and St. Martin:**

I had not intended to speak but the Constable of St. Helier has got me to my feet. Like he, I have been fortunate enough to walk in some of these great parks around the globe: Jardin du Luxembourg in Paris, Central Park in New York but when I can I do visit London and walk round that great city and enjoy some of the green, open areas there. I was fortunate enough to have one of my children go to Cambridge University and I spent some time there as well. I was always amazed walking around Cambridge how you would be walking down the streets with buildings on both sides and turn a corner and all of a sudden the small pocket park appears in front of you. It is not just one, there is any number of them, and that has always stuck in my mind that creating green areas in built-up areas is vital, it is important and the opportunity only comes along once in a blue moon. I have obviously in my time in Government spent some time looking at housing planning and how we do things in St.



Helier, and I was particularly wedded to the idea of green corridors, pedestrian corridors and amenity space in town that is desperately needed. So, the idea of a bridge link, some sort of a link between the colleges, Le Bas Centre across the Ring Road into St. Helier and that walk down Millennium Park deliberately designed now to go across Bath Street and into top of Halkett Place is always a wonderful idea but I find myself in that particular area of Ann Street now looking around and the Mayfair Hotel very quickly has disappeared. I know that the Ann Street Brewery site is about to be redeveloped at some point, hopefully very soon. We see Ann Court coming out of the ground and nearing completion and we know that there will be continuing housing, new housing being built which will increase the density, even if it does not exceed those standards that the Minister seeks to come to the Assembly with very soon, but I do find myself saying we desperately need a school. We know that we know that we cannot continue to build housing in St. Helier without providing the facilities and the infrastructure that goes with it and that means green, open amenity spaces as well as schools, as well as community facilities for those people who will live there. So, I find myself on this horns of the dilemma situation of where do I go here, but I am thinking to myself if we are seriously considering putting a school on the Play.com site maybe we should be seriously considering turning the Play.com site into a park and putting the school on the end of the old gas works site. There are a number of options and a number of building blocks that could be moved around to accommodate more green and open space for the residents of St. Helier. As much as I know we desperately need this education facility building yesterday, I do wonder whether another 100 days to really look again at this opportunity that seems to have come for us unexpectedly might not be a bad idea.

#### **2.1.5 Connétable D.W. Mezbourian of St. Lawrence:**

Similar to Deputy Luce, I was not going to speak but was prompted to following what Deputy Morel said. It really annoys me when someone stands up and says things along the lines of Deputy Morel: “Why are we even discussing this?” Why are we even discussing this? We are discussing this because it is every Members’ right to bring in this case an amendment to the Government Plan to discuss things just because Deputy Morel does not think that we should be discussing it. Deputy Coles as a new Member, I think he presented it very well. I am not saying whether I am going to support it at this stage, but it is his right. We are discussing it because that is our job, quite simply. Then the Constable of St. Peter, he is now in Government, he stood up and said: “Do not forget this was rezoned in the Island Plan.” In fact, he said: “It was rezoned in the Island Plan, we should not forget that. We are becoming experts in delay.” Well, I seem to remember the Overdale site being approved by the previous Assembly so I say, do not forget that, never mind this. No, it is not this Assembly who have become experts in delay over Overdale, it is the new Government because it is them that has delayed through their 100-day review. Someone mentioned yesterday how 100 days seems to be the thing at the moment and of course that is because that is what Deputy Coles has asked for in his amendment. But I think we are moving away; we are forgetting what the amendment is. We are not deciding today whether we build a school on the Play.com site or on the new Millennium Park. It may be a delay, but Deputy Coles has asked for a rapid review of both options - a review of both options - and I think that is clearly what Deputy Feltham was speaking about earlier. If the review has already been undertaken by Government, as we heard from Deputy Gardiner, I believe, then that should have been put to us in the comments on this. So, we are considering now a rapid review of both options to be brought to the Assembly within 100 days. That is now I think the line in the sand that has been drawn by the Government, 100 days, and I think we will be seeing more of that in the future. As it happens, having heard the Constable of St. Helier, I did have reservations about the fact that the site is not completely government-owned, but that would be addressed within any review that was undertaken. My view today is that I will support this because I am not supporting one site or the other for a new primary school in St. Helier, I am supporting a review, so I will be supporting Deputy Coles. Thank you very much.

### **2.1.6 Connétable M. Labey of Grouville:**

I can hear my dear late mother whispering in my ear at this moment. She used to whisper a lot of things, one of which was: “Make sure you wear a vest.” **[Laughter]** But the other was the fact that she used to live in Gas Place during the Second World War during the Occupation and she used to tell me some horror stories about the activities on that site and what I believe to be a lot of contamination. I am just taking this from a slightly different angle, if we are intending to plant some trees in an arboretum, Deputy Coles, some of them have very deep roots, especially oak trees, *quercus robur*, and if they are going into a contaminated site I worry for their future. I would urge anybody who is either planning a town park or the foundations of a school that they make absolutely sure they have got the facts about that site and its contamination from the past, and I am wearing a vest, Mum.

### **The Greffier of the States (in the Chair):**

Thank you, Connétable, that is good to know.

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

I think that today we have got the opportunity to avoid deciding in haste and regretting at our leisure. The loss of this one opportunity to extend the Millennium Park has to be given the most serious consideration for the people of St. Helier. I hear the message that the Play.com is an L-shaped site but surely that on its own cannot be a block to building an appropriate school and perhaps delivering Deputy Ward’s youth centre as well for this area. We do need homes; we do need a school and the people of St. Helier need a decent park. Let us take the time, as this proposition suggests, to make the right decision for the people of St. Helier. We have heard that there is a plan ready to go but, like others, all I have seen is a very basic artist’s impression of a school. We very quickly shelved Kensington Place when that was ready to go; a shovel in the ground already, a housing site. So, I do not see that there is any problem in giving another 100 days to review the whole of this in the round and come forward with a cohesive thought-through plan for the whole area. I would just finally mention that in the Gas Place site, despite the fact there may be some contamination, whatever happens will have to be dealt with properly. We also have got the Town Brook that runs under that site and proved problematic for other proposals that have been brought forward recently to this site and we suspect that there may be some archaeology under that site which is yet to be investigated. I think by establishing it as a park does not lose it for future generations, so I will leave it there, but I will certainly be supporting this amendment.

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

Please may I lift the *défaut* on Deputy Farnham?

### **The Greffier of the States (in the Chair):**

Are Members content to raise the *défaut* on Deputy Farnham? The *défaut* is raised.

[9:45]

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

I rise really just to remind Members of what has gone on in the past, having had the experience of building the existing Millennium Town Park. The run-up to that was quite contentious, and Deputy Southern is not here at the moment, but it took 10 years to get to the stage and a ring-binder vote by the former Senator Maclean to vote the £10 million to build that. It did not go smoothly and what I do not want to see being replicated is a 10-year delay in implementing whether it be a school or an extension to the park. Referring to contamination of the ground beneath the existing structures, I think we can be fairly certain that is the case. Certainly, that was the case with the Millennium Town Park and there was an awful lot of remediation work to be done. I suspect most of the drawings appertaining to that development will be on file for those implementing whichever route we choose

to go down to take advantage of. So, all I would say to Members without inclining either way, let us not delay for too long.

### **2.1.9 Deputy H. Jeune of St. John, St. Lawrence and Trinity:**

I also was not intending to speak but I would like the Assembly to know that I will be supporting this amendment mainly because I think it is really important that we listen to the Deputies of the district. I do not think it is right for me as someone who lives in a rural Parish to be not listening to the Deputies who are representing those people who live in and around the Millennium Park. I also have lived for many years, having kids grown up in 2 cities, both Amsterdam and Brussels, and I know the difference between pocket parks and big parks and, to be honest, the big parks win every time. The lungs of a city are really important. Pocket parks usually end up being where dog walkers go, and other things and it is not very inviting for those with young families. For me, the big parks are always more enticing and so that is why I am going to be supporting this amendment.

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

I find it quite interesting when it suits the Government they want to follow the Island Plan; when it does not suit them they do not want to follow the Island Plan. It is the similar thing with States decisions that may or may not have been made. Of course, this is not the first proposition where a sensible comparison is being asked for. Having said that, I think I am going to support the amendment of Deputy Coles today, not least because this is a last opportunity to create in the context of St. Helier a large park which is sorely needed and of course where, as the Constable of St. Helier mentioned earlier, there is a vision for a significant further increase to the park leading up to the college. But I think that is something that is very exciting, it is something we should not throw away because the Government is suddenly hellbent on following the Island Plan.

### **2.1.11 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:**

It is true that 100 days can achieve a lot but also 100 days can have a dragging effect. I am afraid that Members need to really think about this very carefully, there are already construction workers on site at the warehouse site. They have already begun to work on a project delivering homes with green spaces in and around them that are much needed within our community. There is a simple practicality here in that the site is not solely in the ownership of Andium Homes, it is also owned by a private business. It would place Andium in a very difficult position if this Assembly were to suddenly demand that that work was stopped and that the contracts that are already being worked to were revisited. There is a considerable amount of cost involved and I think giving that simple explanation to Members identifies and hopefully indicates to them the significant level of cost that we would face if this well-intentioned amendment was supported by Members. We do understand that there are concerns about town cramming, we absolutely do, but do not forget that many of those voices who are now complaining about town cramming equally did not at the time of the Island Plan debate wish to develop alternative sites to create much-needed homes for Islanders. So, we all have to strike a balance but we do all also have to focus on our main objectives and what we want to deliver for our community. In the past months I have had the pleasure of visiting both Springfield School and La Sente Primary School. La Sente Primary in particular is desperately in need of replacement but equally too is Springfield School. Members would be appalled, I am afraid, if they were to visit La Sente Primary. We absolutely must focus on delivering a better facility for those children, a facility that is much needed and simply does not meet our hopes and expectations for vulnerable children, children who have specific needs. We are failing them at the moment by providing the environment that we offer. So, while I understand that this is a well-intentioned amendment, it is unnecessary because progress has been made down this track already. It would provide a risky and complex complication to this work, it would stall the delivery of homes and equally it would stall the delivery of much-needed education facilities with an extension to a park, with active travel routes that connect, not only town dwellers, but those coming in from the east into

town to encourage both greater use of active travel, opportunities to go for a run as one would around Central Park. That is the reason why it was decided with some difficulty that the Gas Place school provision was the best way forward but because, yes, the Constable of St. Helier may treat some comments with some derision, we cannot create Central Park in St. Helier. We can aim to offer Islanders and St. Helier residents in particular the most green setting that we can, the greatest opportunities to have exercise that we can. That means joining up green spaces, that means creating the green corridors that are identified in the comments, and that means providing pathways into other Parishes from the centre of St. Helier and improving the surroundings for hundreds and thousands of people who are living in and around this densely-populated area of our town. So we are offering a win-win, we are offering improved education facilities, improved community facilities, improved exercise facilities and also improved green spaces in and around this area but further delay, I am afraid, will not achieve anything in these particular circumstances.

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

I just want to follow the Chief Minister in regard to the opening remarks that she made there. A number of Members have suggested that this is really quite straightforward because it is comparable with Kensington Place that the Government came along and instructed Andium not to do something on a particular site, and therefore it can do entirely the same for 100 days on the site that we are asking for this review to be undertaken. We see shaking of heads but surely that is what is being asked for. It cannot of course be delivered because the Minister does not have the power to instruct in a private landowner that has gone into joint venture with a wholly-owned States company. So, the work on that site would have to continue during the 100 days and throughout the period that the Assembly would then wish to make a decision about whether to go with what the Minister for Children and Education is proposing or to buy this site. It cannot be stopped. All of that of course means that the cost would be, at this point and at the point of the review, uncertain. The other uncertainty would of course be that the Minister is able to strike the best possible deal for the taxpayer with an arm's-length organisation. The glove would be on the other hand in relation to having to negotiate where there was already a contract in place with a private company in the way that this review is suggesting that we were able to do. So the best that can happen, and I have heard every Member speak, it seems as though Members would like a review to be undertaken, the best that can happen, and let us be clear on this before we vote, is that that site will continue to be developed so value will continue to be gained on that site which the taxpayer, if Members wish to go ahead, would have to fund. We cannot stop that, there is no mechanism to do it, so the best that can be had is that there is a further review. I feel satisfied with the review that the Infrastructure Department and the Education Department have already done, looking at all available sites in that area because I, like many Members in this Assembly, came wanting to extend the Town Park, a perfectly, on the surface of it, sensible and the right thing to do until you look at all of the evidence, you look at all of the possible other sites. It then becomes clear, and I will be careful because I am breaching Standing Orders, or I am about to, Ma'am ...

#### **The Greffier of the States (in the Chair):**

I would suggest you do not, Deputy.

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

I thought you might say that. All I can then do is, in the words of the leader of Reform, support the Minister for Children and Education and the Minister for Infrastructure in what they are proposing, and what they are proposing is a brilliant school on a fantastic site. That is why I cannot support this amendment to do the review for 100 days because it will not satisfy the information or the requirements that Members think it will but we are where we are, as we say.

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

Like everyone else probably, I did not expect to be speaking but are triggered by different remarks. What Deputy Gorst says here is he has a review which has not been presented, so what Reform is asking is to consider the fact. The details are in the word “or”, consider both options to have the best outcome of everything. So, if the Infrastructure Department has part of that review which has significant information that could make us consider maybe it is not the best site, why is that not in the interest to put that publicly to us, to have that information, all the Assembly? If most of that review is done there, why should there be a further delay in that? So, in my opinion what we are voting today is literally to have the full information on both sides, to have an informed decision that it is either or not the best site to have it there as well or we can also have the best of both options. I think it is very clear on that.

[10:00]

### **2.1.14 Deputy J. Renouf of St. Brelade:**

Very briefly, the reason why I believe this amendment is not necessary is that the facts are all in plain sight. I too was interested in the Play.com site but Ministers have explained the reasons why it is not viable. It is not in our complete ownership, it would cost tens of millions of pounds to buy it, the site is smaller than the Gas Place site and less useful for a school and work is already underway on the housing development. I am not sure what else is left there to review. It is not complicated, there are no more significant facts available. Presumably, Reform Jersey and the Constable would like us to find 10,000 words to spell out these simple facts. We do not need a review when the facts are in plain sight.

### **2.1.15 Deputy M.R. Le Hegarat of St. Helier North:**

It might be in plain sight to others, but it is certainly not in plain sight to me. I was going to vote against this proposition because I voted in the last Assembly to put the school on the Gas Place site. However, this morning and yesterday we have been told that a review has been done. I want to see that review because if I do not see it, then why should I vote for something that I do not know what is in the review? So, everybody is telling us there has been a review, it is not suitable. I fully understand what the Minister for Treasury and Resources is saying about costs, et cetera, et cetera. Let us be fair, this happens all the time, but what I want to see is the review. So, I want somebody to tell me: this site is suitable for this; this site is not suitable. So, give me the review and I will make my decision. No review, I will vote with Deputy Coles.

### **2.1.16 Deputy A. Curtis of St. Clement:**

I did not think we would be going till 10.00 a.m. on this one. I thought I would briefly speak because Deputy Coles did name drop me during his opening, and I thought it would be rude not to respond. He referenced the quality of the housing going on the Play.com site and he is quite right that it is right up against the minimum standards set out in supplementary planning guidance. I do take a keen eye to this because I care about the health and well-being of Islanders, and I think there is a real, important message about what Andium is building and continue to build and continue to bring through planning. That said, given I was considering whether I support this when we discussed it on the planning bus, I then spoke to Deputy Ward and I asked: “Are Andium signed on the site?” “Yes, it has gone through court.” “Are they signed with the contractors?” “Yes.” Does that sound like a good thing? No, not really. Should they have done without better consultation with the Minister? Certainly not. Does that sound like a somewhat failing or fractured relationship? Yes. Can it be mended? Most likely and most needed. I went on a website that has the prices of land transactions through the Royal Court to look at how much of the site has moved through. Looking at the purchase price of this site that has moved and the total value, let alone the interruptions in the development costs, bring to me the fact that this is a done deal on a review. I know the costs involved - they are

public - on the value of the site. I think there are a lot of lessons that we and Andium need to take away but I will not be supporting the amendment.

**The Greffier of the States (in the Chair):**

Can I remind Members that peripheral noises are picked up and can be somewhat disruptive to the proceedings? I understand that Members do converse while others are speaking but if they could do so at a low whisper rather than a mutter, as we have heard a little bit of background noise this morning, just out of respect for each other. Does any other Member wish to speak?

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

Yes, I have been listening to this debate and I have been thinking about the issues involved, which I believe one is to do with a manifesto commitment. I do understand why a number of Members would want to at least try and take those forward. I also do understand the desire, and I very much support the need, to have much larger green spaces in town. I think the Constable is right, Lyon has got a beautiful park. I do not think, as also has been pointed out, that the extension of Millennium Park is really going to be anything like that open space that they have there. I do think, and I have had dealings with the Infrastructure Department into the way in which they have considered options, it is important to consider options, including the possibility of creating more unified green spaces in town and looking at some other sites that would create what I would hope could be larger spaces than Millennium Park. I do believe that the cost of perhaps doing that rather than acquiring the Play.com site would be more economical, so for that reason, I will not be supporting this proposition.

**[Approbation]**

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If no other Members wish to speak, then I close the debate and I call upon Deputy Coles to reply.

**2.1.18 Deputy T.A. Coles of St. Helier South:**

I echo too a lot of other people, I did not think this debate would be carrying on until 10.00 a.m. this morning, so I will try to be brief, although I have got a few things. A lot of things have already been said but unfortunately, I am going to repeat a couple of bits. So I started yesterday by saying that whatever the outcome of the vote on this amendment is a win for St. Helier, that we gain a new school, a much-needed school, we gain additional open and green spaces for people to enjoy but I also reminded of the fact that Deputy Rob Ward brought this amendment to the Island Plan for this to become an educational site to prevent it from becoming flats. So that was one of the key aspects that I think Deputy Morel seemed to miss, that I did clearly acknowledge the reason for bringing this amendment was the fact that my constituents had asked on the doorstep, a lot of the time referring to Deputy Ward's manifesto pledge of extending the park, no ifs, no buts. I said to all of these people that we did not want that area to become flats, we wanted it to become a school but if we could make it a park and put the school somewhere else we should at least consider that. This is all that I am asking, that we consider the other options. The comments about the BOA/Play.com site being in public ownership or not; there are plans for 197 units to which Andium have transacted on 169 of these units, meaning that the site is in 85.7 per cent government ownership even if by proxy through its share in Andium. We are hearing about delays for what this review is but we have been assured by the Minister for Infrastructure, the Minister for Children and Education that this review has already taken place, so we just want to see this information and it has to be presented within 100 days. Not in exactly 100 days, we are not asking them to hold this information back until 99 days have passed and then produce it to us on the 100th day, if it is done, if it is ready. Our Government is good at lodging late papers, they could lodge it now for the next sitting in January and we could see and read it then and action that in time as well. I find the comment by the Minister for Infrastructure really egregious at calling us "political mischief-makers" for bringing amendments to the Government Plan,

asking for information because this is what we are here for. We are here to review the information and make sure that the decisions being made are the right ones, and that is what I am asking. I just want information. As Deputy Feltham has pointed out, that none of the St. Helier Central Deputies have seen any information regarding this school. The St. Helier South Deputies, over three-quarters of us, have not seen any information about this. Where is the openness and collaboration in this if we have not been given the information to make a decision? When Deputy Ward sent me his email to explain these reasons, he could have attached all the review data to that email. I could have shared it among our colleagues: “Do you know what? The Minister is right. He has shown me the information, he has shown me the better way and we can move forward and get this done.” But that has not been shared. It could have been shared to the information that Deputy Feltham asked in her letter but, again, if this review has been carried out, where is the information? So, all I am asking is please share this information, we can then decide as an Assembly whether the review has bounced, whether we have got the right information. They are saying that X is better than Y. Either way, yes, we are getting a school in the area. Thank you, we need the school. I want that acknowledged. Yes, we are getting more green space. Wonderful. Thank you, we need the open and green space. We just need to make sure that it is the right green space in the right place, with the best school, with the best safeguarding ... the Chief Minister mentions La Sente and unfortunately, I know a former employee of La Sente and there are issues in all these things and some of the things that are really strongly around safeguarding. An open school attached to a park, there are risks in safeguarding. We need to make sure that safeguarding is considered in these reviews and what is the best site for this. I am going to finish sounding like a maths teacher because I remember all my maths teachers telling me time and time again: “Mr. Coles, show me your work.” I call for the *appel*.

**The Greffier of the States (in the Chair):**

Very well, the *appel* has been called for. I ask Members to return to their seats, and I ask the Greffier to open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the proposition has been lost.

<b>POUR: 21</b>		<b>CONTRE: 24</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Lawrence		Connétable of St. Peter		
Connétable of Trinity		Connétable of St. John		
Connétable of St. Martin		Connétable of Grouville		
Connétable of St. Clement		Connétable of St. Ouen		
Deputy C.F. Labey		Connétable of St. Mary		
Deputy M. Tadier		Deputy K.F. Morel		
Deputy S.G. Luce		Deputy S.M. Ahier		
Deputy M.R. Le Hegarat		Deputy I. Gardiner		
Deputy R.J. Ward		Deputy I.J. Gorst		
Deputy C.S. Alves		Deputy K.L. Moore		
Deputy L.J Farnham		Deputy P.F.C. Ozouf		
Deputy S.Y. Mézec		Deputy P.M. Bailhache		
Deputy T.A. Coles		Deputy D.J. Warr		
Deputy B.B.S.V.M. Porée		Deputy H.M. Miles		
Deputy C.D. Curtis		Deputy M.R. Scott		
Deputy L.V. Feltham		Deputy J. Renouf		
Deputy H.L. Jeune		Deputy R.E. Binet		
Deputy A. Howell		Deputy M.E. Millar		

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

**2.2 Proposed Government Plan 2023-2026 (P.97/2022): twenty-first amendment (P.97/2022 (Amd.21)) - second amendment (P.97/2022 Amd (21).Amd.(2)) - Play.com Site**

**The Greffier of the States (in the Chair):**

There is a second amendment to the amendment lodged by the Connétable of St. Helier and I ask the Greffier to read that amendment to the amendment.

**The Deputy Greffier of the States:**

After the words “including to St. Saviour schools.” insert the words “Development of the new primary schools and the new open spaces will be subject to ratification in a town masterplan, to be developed by the Council of Ministers and approved by the States Assembly.”

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

This amendment, in particular the comments by the Council of Ministers, seem to me to be another of the rescindments by stealth of Island Plan decisions that we are seeing quite a lot of these days. Members may recall that the Island Plan, the bridging Island Plan which is now in force commits us to developing a town masterplan and yet within 6 months we are being told by the Council of Ministers that St. Helier does not need a masterplan. But I am not going to rehearse the speeches that I made in the last debate, nor indeed do Members wish probably to rehearse their own speeches. They will see this as a similar last-ditch attempt to that of Deputy Coles, which was so narrowly defeated just now and which the narrowness of that defeat of St. Helier’s elected representatives gives me some hope. Because I am going to take a leaf out of the Council of Ministers’ book with rescindments by stealth and I am going to bring a rescindment of this part of the Government Plan to the States because I believe the future of the Town Park is too important to give up without a fully objective, comprehensive look at the alternative options for the primary school. I do not believe it has been done. There is no point in having a long debate about whether we need a masterplan. Clearly the Council of Ministers - I nearly said the Council of Manners, a Freudian slip - does not believe that master-planning is important, so let us not waste any more time. Let us put our minds together, those of us who care about St. Helier’s open space. Let us work on a rescindment of this decision and see if we can get it turned round. I would like leave to withdraw the amendment, Ma’am. Thank you.

**The Greffier of the States (in the Chair):**

It is a matter for you, Connétable, then the amendment has been withdrawn.

[10:15]

**2.3 Proposed Government Plan 2023-2026 (P.97/2022): twenty-first amendment (P.97/2022 (Amd.21)) - Gas Place Primary School Site - resumption**

**The Greffier of the States (in the Chair):**

We return to the main amendment unamended. Does any other Member wish to speak?

**2.3.1 Deputy R.J. Ward:**



Just briefly, there are couple of things to be mentioned. When Government talks about the work and what it is doing and its plans, this has only happened because of the work of Backbenchers. Nothing was happening. We had this group, and I cannot even remember the name of it, the something development - what is it called, the one that is looking at - Future Places, that is it. None of us are involved in that. The Minister is. I am talking about Deputies here who are representing that area, were elected on a clear manifesto which seems to be irrelevant to some people, a clear manifesto where we made our points as to the way we wanted it to happen. If we are not to be included, what are we to do? What we are seeing is a Government that simply does not like challenge. Whenever it gets challenged it seems to respond with, well, obviously its collective responsibility and causing its Members to vote down regardless without even listening clearly to debates and listen to clear, clear reasons why. So now we are in a position where I do support having a school because it is desperately needed. I am very pleased to see that Springfield could be a reasonable-sized park and that is the most important part of this. The reason I brought that to the Island Plan is because we know what will happen if we do not say that that area will be a park: that will be developed; it will be sold off to developers yet again. The homes that we are talking about, we have to have some checks and balances and I will be coming back to this Assembly again and again and again with questions. I know Government do not like questions either. I know they do not like the questioning. I know how many people do not ask questions, there is only Reform and a few others who are questioning Government at the moment. I would urge other Members, please, get some questions in because it is clear from this debate that we need to have more questions for this Government and hold it more responsible, so it has more clarity. If it is holding back a report, that is a very, very wrong thing to do and the residents of St. Helier will want to know why it is holding back that report. Personally, I do not think it exists but that is just a personal opinion. I am sure I am wrong. But it will be nice to see it, it will be nice to see where we are so we make a step forward, but we will be holding you to account. I urge you not to be threatened by Reform's interest, not to be threatened by the Deputies that were elected in that area. Work with us, we will be honest, but we will be absolutely - what is the best word I can use? - analytical in what we are looking at. We will be objective and analytical and if you have not seen that in some of our Members, I can mention Deputy Feltham, Deputy ... in fact, I can mention all of the new Members, analytical in the extreme. I invite you, Ministers, we meet every Monday between 2.00 p.m. and 4.00 p.m. every single week to discuss where we are, what we are doing. We have that communication. It is an important thing for our organisation and our sharing of ideas. That is about organisation. Come and talk to us because the majority of us are in that district and others will be very interested to see what you are doing anyway, but we need to know what is going on. We are not a threat; we are here to work for the good of that constituency and we believe genuinely that that is what we are going to do. So, please ... I was just going to say: "Look at your attitude" but that sounds absolutely like I have gone back to teaching again, and I apologise for that, I did not mean that. Look at the approach that you are going to take because we want to work with it, but we had to have this debate. I am very disappointed obviously that we are where we are but let us see that we can develop the best resources. I know Springfield School, I go in there every single week, sit in the corridors, the kids' reading, and they have not got the space that they need and they are working miracles, so we need to get this done but it needs to be the best place. My concern is, and this is the final thing I will say on this because I know we want to get on with this, but if there is an issue, please do not hide it. If at some point, there is an issue with that site and we have to come back and say: "Do you know what? Play.com site or some other site might have been necessary or might be necessary", please do not hide it. One of the real strengths of good governance is knowing when you have got something wrong and that is okay. It is okay to be wrong. I make that plea now, let us move this forward, but let us move this forward in openness and genuine consensus if we are going to get anywhere.

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

I am pleased to follow Deputy Ward, even though he is leaving the Assembly now, but I wanted to address Deputy Ward for a couple ... I will do it very shortly because I would like to reassure Deputy Ward that our working together, as we had in the previous Assembly, has not changed for me being now in the Government as the Minister for Children and Education. We worked a lot together to make sure that we have sites for primary schools in St. Helier and I am sure that we will have ups and downs like any infrastructure project; you will come into some challenges and difficulties as you are going forward. The only thing I can promise to Deputy Ward and to other Members of the Assembly from my perspective, I will be sharing how the progress will be done. I will welcome to come and work with us together. The plans will be shared, and the feedback will be welcomed as well. It is our Assembly decision to deliver the best school and the best neighbourhood feeling because it is not just the school. It is the park, it is the facilities, it is walking, it is cycling, it is running. So, we have had our debate, we had the vote and let us move on on this together, working together to deliver in the best possible outcome for that area of St. Helier.

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

Even though I remember in the first debate Deputy Coles said that it was going to be a win-win today either way, I think there is an important lesson that we should try and learn from what we have been through. What I cannot help noticing and feeling, and it is not just something that this Government or this Assembly I think is prone to doing, but I think there is a pattern and a history of treating St. Helier differently and, I would say, unfairly to what we would do with other Parishes in other communities. It seems to me that we accept that in other communities and other Parishes we want to do things for those communities but, when it comes to St. Helier, it is as if we can do things to St. Helier in a kind of disjointed and alienated way, if you like, from the actor and those who are being acted upon. I am sure she will see your light, Deputy Scott, in a moment. Thank you. I am reminded of the old political slogan, I did not realise it went back to the 1500s in Poland, about nothing about us without us. Again, I am always reminded about how delicately Ministers, in particular Ministers for Infrastructure, Ministers for the Environment and Government generally, how delicately they deal with any interactions with the country Parishes. So if they want to do something, even on their own land and on their own roads in a country Parish, they will interact to the nth degree, they will consult to the nth degree and make sure that the Constable is fully on board, that the Deputy, in the past when it was a Parish Deputy, was fully on board with what was being done and that almost nothing could be done without the say-so of the royalty, the political royalty of that Parish. I am sure that Deputies who have been representatives for the country Parishes will know exactly what I am talking about. They would feel betrayed if things were happening in their areas that they did not know about and if things were done to their areas without much consultation or against the wishes of the people and certainly the representatives. What I have seen here is that constantly, as far as I can remember, the Constable of St. Helier is treated with contempt, sometimes among his peers. I hope that is not quite the case, and we have seen some more solidarity perhaps in recent votes, but certainly in the Assembly and from the Council of Ministers. They would never treat a Constable from a country Parish like that. We are seeing history repeat itself again with the separation of town and country, which I think is highly divisive. What we have seen in this debate is that I feel slightly saddened to have to potentially vote for an option here which is suboptimal because it is all that is left on the table when we have, let us face it, the Town Park, I know it is partly adjacent to St. Saviour as well, but it is effectively in St. Helier South and St. Helier Central. When we have got 8 of the 9 representatives of that area with a strong mandate saying that this is something we want you to hold back on for the sake of 100 days, then you have effectively got one of the 9 representatives for that area calling the shots. That does not bode well for democracy in those constituencies, and I would put that down, I think it is a pyrrhic victory for this Government. It is inconceivable, I would suggest, that if we had 8 Better Way candidates out of 9 representing an area that they would not want to have some say and that the Government would ignore the wishes of those representatives. Same for any party if it was the Liberal, Conservatives or Progress or any. I would say that, okay, the Government might have

got its way narrowly on this but at what price? We are going to be passing some proposals today for the school and the park. I believe they are suboptimal and I believe that, once again, the people of St. Helier and the people of that area have been treated in an unfair way compared to what we would expect other communities, other areas, we can call it Les Quennevais, St. Brelade's Bay, Maufant, St. John, wherever in the Island you live or represent, double standards, and I think that is unfortunate.

#### **2.3.4 Deputy M.R. Scott:**

With respect to Deputy Ward who has now left the Chamber along with Deputy Tadier, I do want to commend the Backbench work that has gone on in terms of progressing the amendments that the Government has produced. There just have been some comments made by my fellow Deputy which seem to suggest that Members like me have contempt for the Constable of St. Helier, and I really want to say that is far from the case. In fact, I have a lot of sympathy for the things that he has raised but at the end of the day I do consider what is best for the Island when I consider these sort of things. I do not happen to take it personally when perhaps the Constable has voted for things which I had not thought in the past were supportive of St. Brelade. I do not regard that as contempt, I regard that as a decision that reflects his values and his interests. It concerns me, it really concerns me if St. Helier Deputies have some sort of victim mentality suggesting that because we do not agree with certain decisions, that we have got something personal against them. Of course, I really want to stress that that is not the case. I do feel that some good points have been raised also in terms of the problems we have in terms of transparency, the problems we have in terms of agreeing things before masterplans have been produced so that we have these grand ideas to have really good plans for areas such as St. Helier, but we keep finding that we are kind of dealing with things piecemeal. It has happened in my area too, it is happening in Quennevais, it is happening in St. Brelade's Bay, all of which supposedly have plans that have been approved for them. Yet they have not been implemented and this piecemeal development takes place, which I think tells us something a bit more about what the Backbencher community needs to think about, which is perhaps we do need to address these bigger issues about how are you going to address this problem with transparency and consultation?

[10:30]

How are you going to address this delay in masterplans and this sort of prioritisation? So, I do very much hope that we can work on, not sweating what might be regarded as smaller stuff, getting our ducks in a row, really addressing these very big fundamental issues that get in the way of us making progress. So, I will be supporting this amendment and I do want to repeat my deepest respect for the Constable of St. Helier.

#### **2.3.5 The Connétable of Trinity:**

I just wanted to take this opportunity to say that I regret the Constable of St. Helier pulling his last amendment because as Chair of the Planning Committee, I would really, really appreciate an overall masterplan for St. Helier which clearly gives an indication of the direction of travel to improve the facilities and the quality of life for his parishioners. So often we have to consider at the Planning Committee individual applications based on their own individual planning merits without having any idea how they fit into the overall scheme of things. We have seen multiple occupation of units with no idea where the occupants' children are going to go to be educated, where they are going to have access to play, where those children are going to have access to youth clubs and activities and services. While I appreciate that we do need to keep building homes, it has to be the right homes and, not only homes for now, but where are the people who are going to take these small flats going to move to in the future? Really this whole issue needs to be considered in the round and I would much rather that officers in the department were putting their shoulder behind this sort of work rather than just sort of spurious things like trying to prevent development of larger properties in the countryside, which is just a diversion of their skills. So, really and truly, that is all I had to say other than something I missed in my last speech, was that it does appear to me that it suits the Government's

convenience to compensate their arm's-length organisations and private developers with millions of pounds when it suits their convenience. There we go, that is something for the future, but I certainly look forward to the Constable of St. Helier bringing forward his next proposition.

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

The Chair of the Planning Committee has beaten me to it, I think he has shortened my speech by about 95 per cent. I too was disappointed that we did not get to debate the Constable of St. Helier's amendment on master-planning because if there is one thing that is needed when it comes to town planning it is to have a big overall scheme that knits together so that any one small part of it is part of a much bigger project that works. As the Constable of Trinity has just said, developing piecemeal without thought for what happens in the future is not a good way to proceed, especially in St. Helier. That is all I wanted to say really, and I move forward with this. I look forward to better things for the centre of town with more green, more open and more amenity space, more pedestrian ways of crossing around town, for cyclists as well, and more improvements to make it a better place to live.

### **2.3.7 The Connétable of St. Helier:**

I am sorry to disappoint my colleague from Trinity and I want to thank him for his excellent speech on Deputy Cole's amendment and for giving his support to town. But what I can say to both him and Deputy Luce is that the masterplan for St. Helier has not been pulled. It is in the Island Plan. Because we did not debate my amendment, we can argue it has not been rescinded like the other things, but what I indicated when I withdrew the amendment was that I believe that the issue of extending the Town Park is too important to leave today. I am not one of those Members who pledge to extend it and then change their mind because I became a Minister, so I still have work to do. As I have said, I am going to talk to my colleagues who voted for Deputy Coles' amendment about how we can put a stop to the "act in haste, repent at leisure" again words of the Constable of Trinity, we can put a stop to that approach and make absolutely sure that there is not a better alternative. I might say a better way - in that phrase beloved by the Chief Minister - a better way to deliver both a primary school and a proper town park. So, the masterplan has not been pulled but work to save the vision for the Town Park will continue, and I hope Members will take that away from this debate. I will not support the amendment obviously because there is no detail about how these extra pocket parks will be provided. Deputy Jeune was absolutely right when she said in her speech in the previous amendment that pocket parks and big town parks are not the same thing, and you need both. Excuse me if I sound greedy but I think, yes, we will be arguing for a park on Springfield School if and when it is redeveloped but that is a long way in the future. But we also need a larger park in the town centre for all the reasons that have been so well-rehearsed today. So, I will not be able to support the amendment, but I will be bringing back a rescindment to make sure that we pursue the vision of a bigger town park.

### **2.3.8 Deputy T. Binet of St. Saviour:**

I just thought I would take a brief moment. On reflection yesterday evening my comments were probably slightly inappropriate for which I apologise, but it certainly does not change all the other things I said or the stance that I took.

### **The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If no other Member wishes to speak, I call upon the Chief Minister to reply.

### **2.3.9 Deputy K.L. Moore:**

I thank all Members who have participated in this debate and on the amendment also. Of course, life is full of compromises and, particularly when it comes down to a Government Plan, some of those can be difficult. But I think today we can be grateful to you all for your support on this particular amendment which I hope Members will see is well-intentioned and also a good reflection of the

vision that is being delivered and developed through the Future Places group. We are extremely grateful to the Constable of St. Helier for his participation in that group. It is a shame that he does not feel able to support this amendment given that it is the result of some of his deft negotiating with the group. Indeed, this vision has been developed with his input and our desire jointly to improve and enhance the experience of living in St. Helier. We only need to look back at the Jersey Opinion and Lifestyle Survey, of which I have spoken on many occasions both recently and during my time as a Senator, where it was so clear that there is a divide of opinion in terms of Islanders and their satisfaction with the environment in which they live, whether that is in town or in the country. I think this is a great first step in achieving that, both in improving the education facilities for children which, as I outlined in my speech on the amendment are much needed, and particularly in this area, and also - as Deputy Rob Ward pointed out in his amendment to the bridging Island Plan - will help us to deliver our sustainable transport aspirations as well by reducing the number of car journeys for families in and around town by delivering a school on the Gas Place site. I do think it is worth at this point just reading an excerpt from the Deputy's amendment to the Island Plan which says very simply: "The site is the perfect location for a primary school in the north of St. Helier, not only would there be sufficient space to build a school that would be fit for purpose, but given the size of the site there would be sufficient additional space to provide outdoor play areas and sports facilities for the school children, which facilities are sadly lacking in the other St. Helier primary schools. In addition, there is an opportunity to further extend the area of the park." We agreed with him then and I agree with him now. I do hope that the rest of the Assembly will support this amendment. Clearly there have been some expressions of discomfort and some requests for greater collaborative working during the course of this debate. I would remind Members that the Government has adopted the values of the public service and 2 of those are always improving and always respectful. So, we will endeavour to continue in that vein and take on board those comments and endeavour to make our own improvements in light of the comments that we have heard loud and clear from Members today. But with that I do hope that Members will put the education of children and improvement of St. Helier first today and support this amendment.

**The Greffier of the States (in the Chair):**

Do you call for the *appel*? The *appel* has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the amendment has been adopted.

<b>POUR: 43</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of St. Brelade				
Connétable of St. Peter				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy S.M. Ahier				
Deputy R.J. Ward				

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

**2.4 Proposed Government Plan 2023-2026 (P.97/2022): sixth amendment (P.97/2022 Amd.(6)) - as amended (P.97/2022 Amd.(6).Amd) - Walking and Cycling Routes**

**The Greffier of the States (in the Chair):**

Moving on, the next amendment listed in the running order to the Government Plan is amendment 6, Walking and Cycling Routes, lodged by the Connétable of St. Helier. The main respondent is the Minister for Infrastructure. There is an amendment to your amendment, are you accepting that, Connétable?

**The Connétable of St. Helier:**

I was not going to but in view of the many promises of collaborative work from the Council of Ministers we have heard during this debate, and in view of my respect for the Minister for the Environment in particular, I am happy to accept the amendment.

**The Greffier of the States (in the Chair):**

Greffier, then if you would read the proposition as amended.

**The Deputy Greffier of the States:**

Page 2, paragraph (i), after the words “Appendix 3 to the Report” insert the words - “, except that in Table 47 on page 81, after the words ‘Carbon Neutral Initiatives’ insert the words ‘including the provision of cycling and walking routes’.”

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

Just very briefly as to the amendment. I have accepted the amendment. We have a lot of new Members in the Chamber who probably were not even thinking about politics for example when in 2005 in frustration over the lack of progress on cycling the St. Helier Roads Committee sent a draft cycling strategy to the then Minister, who never replied to it. That was 17 years ago and we are still waiting for a cycling strategy incredibly. Most jurisdictions have had them for years. Most jurisdictions have had walking strategies. But Members have heard me say this before. Previous Council of Ministers and previous Ministers for Infrastructure have not delivered. I am simply going to be optimistic as it is the time of year to be optimistic and hope that things will change and that we will see from this newly badged meeting of Ministers and the Constable and whoever else we co-opt on to it, that we will see some real progress on walking and cycling.

[10:45]

As I point out in my report, the absence of an active travel strategy was one of the main reasons I believe why the Overdale project failed, because if it had been there, they would not have needed to carve up the road because people would have already been travelling by bicycle and on foot and by bus. So they really do need to get on with it because the absence of an active travel strategy will be one of the reasons why I will be suggesting that the new primary school that has been adopted just now will just lead to traffic chaos because there is no safe way to walk to that school from some of the places in the catchment area, and people will be driving their children there. So there is an enormous amount of work to be done and I will just, as I say, sit down and let the Government get on with it. I maintain the amendment as amended.

**The Greffier of the States (in the Chair):**

Is the amendment as amended seconded? **[Seconded]**

**2.4.2 Deputy T. Binet:**

I would just like to thank the Constable most sincerely for this course of action and just reassure him that I genuinely intend to work with him as closely as I can, and just to let him know I am as keen as he is to see these walking and cycling routes delivered, along with the remainder of the public realm work that we have discussed. So I thank him again and just hope that everybody supports this.

**2.4.3 Deputy J. Renouf:**

I too would like to thank very sincerely the Constable, especially as he referenced his faith in me, and I would like to echo the Minister for Infrastructure in saying that this is something which I believe in very passionately, a lifelong cyclist. I believe very strongly in active travel, and I very much hope that we do not end up disappointing the Constable or indeed the Assembly in our ability to bring that forward, and I look forward very much to working with him and other St. Helier representatives on this strategy.

**2.4.4 Deputy R.J. Ward:**

Just a couple of things, as the person who brought the stuff on carbon neutral, as the person who brought the designated lanes proposition, as the person who reassigned money from the bridging Island Plan to active travel. There are some ways you could do things now, and I do not know if it is calling out but I am afraid I have to. The Constable and the Minister for Infrastructure and the

Minister for the Environment, you could sit down and do this tomorrow by looking and designating some lanes in your Parish and create a small cycling route and test it out to see how it works. Consult with the Dutch Cycling Embassy; they were brilliant when they came over. We sat down with maps, with Infrastructure Department officers who were extraordinarily keen to get this done, and we mapped out routes parallel to Queen's Road. I do not want to cycle down Queen's Road. I am a cyclist; I have been for years. I used to cycle when I was in London. I was a cycle courier in London, believe it or not. I was a lot younger then. The most dangerous ... no, it is not the most dangerous job, that is crab fishing in the Baring Sea, but anyway, that is just one of those facts I have in my head. There are opportunities to do this that exist right now, and it is great that we are doing this and we are all going to vote for it and say: "Yes, lovely, have a cycling strategy, have another group and another review and another plan and another whatever." It is already there if you want to do it. You just have to take a bit of action. Get a map, look at it, pick it out, go and talk to the residents, explain to them and convince them why it is a good thing to do, trial one of them, see how much it is used, extend it, and in 3 or 4-years' time you will have more of them and you will change culture. It is simple. You do not need to do a lot. You do not need much money. The money has already been allocated in the bridging Island Plan through Active Travel, one-point-something million, the proposition I brought yet again. You get on with it. As I said before, take the credit, it is fine, have the plaques, open the things, cut the ribbons, absolutely fine, but just get on with it. That is all you need to do.

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

Coming from a Parish which is very well provided, broadly, with cycling routes, I would just like to add one point, and that is really towards a request to be flexible. I have on occasion had parishioners offering strips of land to add to a cycle route, but the response from the department has been: "Oh, no, it is no good because it is not 3 metres wide," which is the requisite width of a cycle route. Now, I think in a small Island such as ours where space is restricted, where roads are narrow, we have to compromise a little bit. Let us have a cycle route, even though it may not be to a national standard, to enable cyclists, and particularly children on bikes, to get off the road. So, I urge flexibility in the deliberations of the Minister for Infrastructure.

#### **2.4.6 Deputy C.F. Labey of Grouville and St. Martin:**

Along the same veins as the other speakers, I would like to concur. I have been banging this drum probably since 2009, when I made an amendment in the budget at the time to kick start the eastern cycle network. I also got a proposition passed whereby there would be a planning gain for the eastern cycle network if a development was over so many houses. It is a shame that the Constable of St. Helier was not at the Comité des Connétables I think it was last week - I have lost grip of time after this week - but again I was banging the drum because I have furnished the Constables, although maybe not all the new ones, a couple of years ago with maps and asked them to plot out cycle networks in their own Parishes. Because recognising that we are not going to have dedicated paths everywhere and we are going to have to use country lanes and to designate might take a new designation, and we have quite a few designations of roads, 15 miles an hour, tourist routes, et cetera, so it is going to take the Minister for Infrastructure, the Minister for the Environment and the Constables to work together on this. The will is there. They have the roadmap that was agreed. We just need people to do the work now and it is not going to take much if it is a case of redesignating country lanes to create a network, because that is definitely the way we have to go. So, I would implore everyone to get together, especially the Constables. I do feel they are key, especially in the country parishes, to provide these roads. Thank you, Sir ... Ma'am, sorry.

#### **The Greffier of the States (in the Chair):**

I think we are even, Deputy, as I misgendered you first thing this morning.

#### **2.4.7 Deputy P.F.C. Ozouf of St. Saviour:**



I will be very brief, just to say that there are lots of initiatives that could be done within 100 days to get cycle paths and additional roads. We had a Visite Royale in St. Saviour with some opportunities to open up some historic paths. There are old maps of historic paths around our Island. We can also work with farmers to put some pedestrian ways across and along fields. There is so much we can do with the energy and the enthusiasm, and it is not just words, it is action. We in St. Saviour can get on with this and I wholly endorse the comments made by the Constable of St. Helier and others. I know the Council of Ministers colleagues will want to get on with this as soon as possible. With those notes, I enthusiastically support this as a St. Saviour Deputy. There is lots we can do in St. Saviour to make it better.

#### **2.4.8 Deputy A. Curtis:**

I just really wish to add an extra thing that I feel is almost missing in the description, but I am sure will not be in execution: cycling and walking routes are great but the place to put your bike at the end of the route is equally important. I am sure all of us will be wanting action on better placement of bicycle racks, especially around the beaches, especially around places such as Havre des Pas, which anyone who has tried to visit will find nowhere to leave their bikes. I would urge, in line with the Connétable of St. Brelade, flexibility, first looking at putting a few more bicycle racks at some very obvious places.

#### **2.4.9 Connétable D. Johnson of St. Mary:**

Simply to record that on Monday morning I have the pleasure of being invited to the opening of a path to be opened by His Excellency, and I am sure His Excellency will be delighted to have the opportunity to open many more paths during the course of his stay here.

#### **2.4.10 Connétable K.C. Lewis of St. Saviour:**

I hope you can hear me.

#### **The Greffier of the States (in the Chair):**

Yes.

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

Excellent. I am on a headset. Sorry, apologies for the technical problems so far today. Just very briefly, while I was the Minister for Infrastructure I did actually join the Dutch Cycling Embassy, and lots of ideas, I just wish it was so simple. It is not just about money, and it is not just about the will. Everything we do in Jersey is a retrofit and there must be compromises all round. We were very lucky that we inherited the western cycle routes, if you like, the railway walk from Corbière Lighthouse, which brings cyclists and walkers right into town. We have extended that considerably. It is now possible to cycle basically from Corbière Lighthouse right the way down to Havre des Pas. We have put in bridges, we have done all sorts of things. I wish my successor, Deputy Binet, the very best of luck carrying that on. It is not easy. St. Saviour will be bringing in green lanes, which will join the dots. We have the lane through in St. Peter's Valley so that will be terrific. That will be very, very popular. We have more cycle parking in Sand Street but, as I say, this is all about compromise because we are going to have to take away parking. In the countryside, it is not too bad, but getting the eastern cycle track through is problematic. We cannot take away people's gardens. Getting the cyclists coming in from east and west into the centre of town, we are going to have to take away many roads for parking just to get cycle lanes in just to keep people safe. These are the compromises that we are facing and, as I say again, I wish all concerned the very best of luck.

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

I am pleased to follow the Constable because I do not agree that compromise is always the way forward. It certainly is not always the way forward with design, and I would say to him, and the

Constable of St. Helier let us hope for some far better design for cycle racks and cycle covers when it comes to St. Helier because some of what happened in the last few years is not acceptable.

#### **2.4.12 Deputy M. Tadier:**

I am partly reacting to what the former Minister for Transport and Technical Services said, the Deputy - Constable now - of St. Saviour about it is a problem because everything is a retrofit. It just made me think that when the Island of Jersey finally separated from France, the European mainland - France did not exist, of course, 6,000 years ago - there were not any roads. Everything is a retrofit, is it not? Victoria Avenue did not just appear out of the magma. It was built at some point. It was a retrofit because there was no road there before. All of the roads, even the great cycle track that we have running from Corbière to St. Aubin was a retrofit, as a railway and then as a pedestrian and cycle path. Talking of that, I am reminded of when I was young how you would sometimes get shouted at if you were cycling to school - in my case, it was from Don Farm to La Moye, for example - because at those times it was not a given that you were allowed to cycle there. It was really negotiated, I think, by stealth that it was a shared space. It was considered to be a pedestrian space. I think a lot of these things have happened organically and I do respect as well that we have a Minister for the Environment who cycles a lot. He cycles everywhere. I am a fair-weather cyclist, I must admit, and it is something I want to do more. The other point is that I think there are 2 challenges. Certainly, when it comes to disability - and this is only partly linked - I realised having to take an elderly parent out towards the end of her life in a wheelchair that that is when you start to appreciate. You look at the pavements. You look at where the pavement has dipped down. You look at the accessibility issues. I am sure it is the same for people pushing a pram. That is the only time that perhaps you start to realise about what other people are going through when they are struggling to manoeuvre about town or wherever. I think the same has to be said for cycling.

[11:00]

I would put a challenge to maybe all of us, is that 2 good things that we could do as an Assembly, and I appreciate that not all disabilities, for example, necessitate a wheelchair, but it is a good starting point if we were all to try and go out and negotiate with a frame or with a wheelchair or a pram around town and see how we got on. Similarly, to try and cycle around the Island for a day and see how we all get on, whether it is in town or in the provinces, I think that would be really useful. When I was campaigning with my colleague in St. Brelade, Nigel Jones, who is another well-known cyclist and environmentalist, it is only when he started pointing out the cycle racks, as has been alluded to by Deputy Alex Curtis, that you have some cycle racks that you would destroy your bike if you tried to park it there because there is no support. You put your wheel in and, of course, it is going to be doing that all the time. We would not accept that if it was car parking, I would suggest. I think it is the little things like that in terms of the street furniture, in terms of the practicality, that we also need to be mindful of. We do that by getting out of our cars and potentially getting on to 2 wheels if we are able to do that.

#### **2.4.13 Deputy R.S. Kovacs:**

I just wanted to touch on the points that both Deputy Ozouf and then my Constable of St. Saviour, Constable Lewis, mentioned. There is truth in both parts. I was also saying during the campaign that especially in St. Saviour we have a few very narrow roads, which have sides of very tall walls, where whatever you do, you cannot put any cycles routes, but those are just a few. That does not mean that ... as Deputy Ozouf said, when we did the Visite Royale, we have seen all these alternative routes that could be taken and there are wide possibilities, and the private landowners as well are willing to collaborate to see those links happening. So I would say that definitely where there is a will there is a way and we can find those ways if we want to. As the Constable of St. Brelade said, we need to be flexible. We do not need 3-metre-wide cycle roads because this Island cannot sustain

it. As we can see, neither are our roads in conformity with the size that is required but we still use it and we find a flexible way to make it work for our Island. That is all that needs to be done.

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If no other Member wishes to speak, then I close the debate and I call upon the Connétable of St. Helier to reply.

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

When I accepted the amendment, I thought that was going to speed things up. I forgot that, given the chance, people love to talk about transport. I am not going to go over all the contributions. Many of them were useful. They will be on Hansard, and I am sure the Minister and his team will be poring over them and taking what they can from them. Just a couple of comments. Deputy Labey referred to my not being at the Comité des Connétables when she presented her scheme for getting the Parishes to work out the cycle routes. I have said it before and I will say it again that we need a holistic approach to planning cycling in Jersey and to have the Parishes' and the Roads Committees' and the roads inspectors' contributions will, of course, be useful. In fact, I think in my opening speech I mentioned that St. Helier had sent a cycling strategy for St. Helier to the Minister back in 2005. That was before the Minister earned the sobriquet which I gave the last one, the "Minister of Inaction", but I am sure he bears me no rancour for saying that. So yes, the Parishes can make a big contribution, but it is not up to the Parishes to design a cycle strategy or routes for the Island. That is up to the Minister and his or her team working with the Parishes, and I am sure the Minister for Infrastructure would accept that that is one of his responsibilities. I am grateful for his kind remarks and the fact that we are likely to continue our informal meetings over a single glass of beer in the new year. Mention was made of our new Lieutenant Governor opening paths. That reminded me of the wonderful tradition that used to obtain in this Island, and it was introduced by local historian Frank Falle - I hope I can mention his name - called the Governor's Walks. That would be something that I would be really keen to discuss with the Connétables to see if we can get that back because it would be a shame if our new Lieutenant Governor was not able to enjoy those days out in the Parishes culminating in a nice meal in the Parish Hall. Let us see if we can put that together again. That will, of course, encourage walking strategies on the Parish level. Yes, I am not going to sit down without endorsing the remarks made by a couple of Deputies about cycle racks. Of course, cycle racks come at the end of the journey or the beginning of the journey. You have to have the routes before you have the racks, and one of the problems with our approach to cycling in this Island is that we have not had a strategy, so officers have been going out and putting cycle racks everywhere. It is quite hard to walk around parts of St. Helier without walking into cycle racks. A lot of them are different from each other but that is not the real problem. The real problem is there is no route to them. You have to cycle illegally to get to the cycle rack, unless you are going to be like me, determined to be legal and so you walk your bicycle, crashing into people, to try to get to the cycle racks. There are some real issues there that need to be resolved by the Ministerial team. But the spirit of this amendment is one of positivity. There are lots of positive ideas out there. We want cycling to be safe and we want it to be responsible, and the only way to do that is to make sure that there are safe, segregated cycle routes around the Island and, importantly, around the town. So, I look forward to working with Members of the Assembly and with the Ministers on these proposals and I maintain the amendment as amended.

**The Greffier of the States (in the Chair):**

Do you call for the *appel*, Connétable? The *appel* has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had an opportunity to cast their votes, I ask the Greffier to close the voting. **[Interruption]** The voting has been closed, Deputy. That is probably why. I can announce that the proposition has been carried.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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Connétable of St. Helier				Deputy I. Gardiner
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I.J. Gorst				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				

**Deputy I. Gardiner:**

Apologies, it was not an abstention.

**2.5 Proposed Government Plan 2023-2026 (P.97/2022) - as amended****The Greffier of the States (in the Chair):**

That brings us to the end of the amendments, so we now resume the debate on the main proposition as amended. Does anyone wish to speak on the main proposition?

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

I believe as Chair of the Corporate Services Scrutiny Panel I am the main responder to this and, therefore, do not have a time limit on my speech, but I would like to assure Members I will try to keep it under 2 hours, and if the ushers could lock the doors, please. **[Laughter]** Firstly, I would like to thank my colleagues on the Corporate Services Scrutiny Panel and our officers for all of their help and contributions in putting our report together on the Government Plan. The other Scrutiny Panels provided comments and we worked together and in consultation with the Government beforehand to work out what would be the best way of scrutinising this document. Those other panels produced comments and mine produced a kind of overarching report where we make findings and recommendations across the plan. So I thought it would be helpful to speak broadly about some of those observations we made about the presentation of this plan. I guess the short comment to make there is that there is room for improvement and how this plan is presented to the Assembly I think does need some thinking on how it can be presented in such a way that it becomes clearer to us as politicians exactly what it is we are agreeing to, how those budgets work and what those breakdowns are, but also there is work to be done to make this document or at least a version of it or a supplementary document more accessible to the wider public. In particular, we have made a recommendation on how this can be made more accessible for children and young people as well, as that is something I am sure we are all very keen to promote. I guess some specifics on that that we would comment upon: we did struggle to find how the links between the different component parts of the wider government programme link together. As well as the Government Plan document, there is the Common Strategic Policy, there are the Ministerial plans, and trying to see how each of those align is not quite as clear as it ought to be. While we agreed key priorities in the Common Strategic Policy, they are referenced in the Government Plan document but not that much. It would be more helpful for growth bids and those areas of investment to be more closely aligned, certainly in their narrative at least, to those priorities that the Assembly has signed up to and perhaps also how they link up with the Jersey performance framework as well because that would over time enable us as an Assembly to track progress or otherwise from the Government on these and hold them to account as a result of it. The Government Plan annex document was not made publicly available at the same time as the Government Plan. Scrutiny was shared an almost final version of that when we asked for it, and we are grateful for that and that was helpful, but it would be better to not have to be in that situation in future years of the Government Plan. If those documents can be produced at the same time it helps us do our work in going through it line by line, understanding exactly what it means and, of course, it is better for the public as well. So, there were times, certainly I experienced this from my panel's perspective, where there were delays in receiving information from the Government in a timely manner to enable us to do our work. Some of that I am assured was simply a mistake. I did have a very brief conversation with the Chief Minister about one of those incidents and I accept her word on that for how that happened, but I would ask Ministers in future years to be much more vigilant on that and try to provide information to Scrutiny in as timely a way as possible. The document itself does not make it particularly easy to look at it and immediately identify how spending and taxation evolves over time. Of course, in this document we are only approving specifically 2023,

but if you are going to look at a number and find it not exactly presented in context it can be difficult to know whether it is a good number or a bad number or ought to be changed. So understanding more clearly how government department spending has gone up and down over different years, how income we are receiving through taxes has gone up over years, is helpful context to understand what is happening. There is some detail in the Government Plan on that, but we have said that more detail on that would be helpful. On that point, something that I did raise with Government on a few occasions, and I was disappointed with how long it took to come back on this, was that when the Government Plan was first presented, when we had breakdowns of spends by government departments, we did not have clear breakdowns of spend by Ministerial responsibility. That is important because as Scrutiny Panels we scrutinise Ministers and to be able to look at some Government spend and identify exactly which Minister is the one who is responsible for delivering on that and ensuring that it is being spent properly is important for us. When we still have these super departments, Infrastructure, Housing and Environment, which is accountable to 3 Ministers, to have one head of expenditure is not helpful.

[11:15]

I know that was addressed with an amendment to the Government Plan that made that a bit clearer, but I have memories in previous Government Plans of there being at least a page which says: “By the way, that breakdown of spend you saw in previous pages, this is what it looks like when you map it against Ministerial portfolios.” So not just how much Ministers individually are responsible for spend in that year but how much growth they are responsible for, because that helps you identify whether those common strategic plan priorities are being pursued. If we have said one thing is a priority and then we look at growth spend for a particular Minister and realise there is not much of it, that can help you measure whether you are keeping to those priorities. One enjoyable moment in our scrutiny process on this was the public hearing we had with the Minister for Treasury and Resources. It is always enjoyable to have him before our panel and have some good back and forth there, and we did, let us say, disagree on how in line with the Fiscal Policy Panel’s recommendation on the value for money savings the Government had kept to. We are of the view that the points that the F.P.P. (Fiscal Policy Panel) made about projecting future savings in further years of the Government Plan being an inappropriate thing to do if you cannot provide the detail for it is something that we agreed and believed that is not presented properly in this Government Plan, where beyond 2023, in those years beyond that, they still maintain projections for making £10 million of savings in each of those years without at this point being able to tell us exactly how that will be broken down and, therefore, how credible it is. When that is contributing to a bottom line and we have to keep our eye on the horizon for where we are going with that bottom line to make sure the Government is spending within its means, that can cause some concern. Because if we can commit next year to some perfectly reasonable value for money savings that do not affect services and that we are perfectly happy are okay, if we are committing to years beyond that without that detail and it comes to those years and it turns out those savings are not viable, you then risk yourself being put in a position where your budgets either do not add up or you have to find some cuts somewhere to make up for it. That is not a good position to be in and I strongly recommend to the Government and the Minister for Treasury and Resources to pay closer attention to that recommendation from the Fiscal Policy Panel in future years. So, one area that we were slightly disappointed with was support for people with mortgages where, of course, alongside the mini-Budget that the Government presented earlier this year, which had some very good measures in it to support people, one area of concern was for those who have mortgages who were suffering from the sudden and unexpected rise in interest rates. We did have a discussion with the Minister for Treasury and Resources about whether the Government was thinking of putting something in the Government Plan or an amendment into it to provide support for those people and we had it indicated to us that they were looking at it. So, my panel said: “Okay, great, if you have got this, then we are not going to spend our time and resources looking at bringing an amendment”, even though we wanted to, and then too late in the day we then

found out that for whatever reasons, and they may be perfectly good reasons, the Government had decided not to pursue that kind of amendment. By that point there was no way that my panel had the capacity to be able to step in and provide for something there. So it is disappointing that we did not get an opportunity to look at what could have been done through something like the mortgage interest tax relief mechanism to see what we could do. That is not to say what we might have come up with would have been accepted, but it would have at least provided an option or discussion there. I do not criticise the Government for that, it is just something to observe there. So there do continue to be concerns about some of the large spending areas, and in particular Government I.T. (information technology) programmes, which is something we were greatly concerned about in the previous term of office where that number seems to go up and up and up every few years without really much to show for it. There are aspects of those I.T. programmes which have been delayed. They have acknowledged that those have been delayed and we have found that, and that is something that I hope the Government will pay a great deal of attention to ensuring that that is reined in and that whatever improvements to Government I.T. systems are made are tangible, have a positive effect for those working in the public service and for how information is handled, but without the ever-increasing exponential increases in budgets that we have seen previously. Because it does not feel like good value for money. Yes, I think I was being generous in how I phrased that, to be perfectly honest. So, the full detail of our findings and recommendations can be found in our report and we await the Government's response to those eagerly, and hopefully that will help inform how we scrutinise the Government Plan in future years and how it is presented. So, I am going to start getting a bit more political now and say that there is one point I will make because I am pre-empting what I think will be the Government's defence of some of the comments we have made about the presentation of the Government Plan not being as clear as it could be. One thing that I am sure they will say in their defence is that: "We just did not have as much time as we would have liked." They will point out the slightly later election this year than we had had previously and the truncated period, therefore, that there was to produce a Government Plan and for Scrutiny to do its work on it. I do not have much sympathy with that and the reason I do not have much sympathy for it is because when every one of us in this room was considering putting our names forward to run for election and, therefore, be in the running to be part of a Government, we knew at that point what the timetable would be. We knew that in the last States sitting in December a Government Plan would have to be produced and my view is that if you are putting yourself up to be in the running to be part of the Government, then if you do not think you have enough time after an election to do that work, you should do it before the election. You should stand before the public to say: "If you vote for me, this is the kind of stuff you are going to see in the Government Plan." I believe that if our political process evolves so that manifestos more closely resemble what Government plans look like, then that will enable us to expedite these processes much more efficiently and for there to be greater certainty at the ballot box for what they are going to get by Governments when they are elected. So I would make a political recommendation to the Government and to anyone else out there who is thinking of forming a Government in future that it would be a good idea to present that stuff before an election rather than rush it afterwards. If we do that, just coincidentally, we would be behaving in the same way that actual normal democracies work rather than the weird and inefficient system that for some reason we still maintain in Jersey. The last point I will make - I guess it is more of a question to the Chief Minister, who I hope will be able to indicate an answer sooner rather than later to this - is whether she is prepared to take the Government Plan in parts. I would ask her to do that because I do not think she is at risk of disrupting the Government's ability to deliver on its plan, but it would be helpful, I think, for the Government to know through the voting records which parts of the Government Plan there is unanimous support and which parts there is perhaps greater concern on. That can help her and her team inform themselves what areas might need greater attention in future years because the different parts of the Government Plan do achieve different things. Some of them are just about tax, some of them are just about heads of expenditure, some of them are just about particular funds, and that might be helpful for her to understand where there might be greater areas

of concern and enable Members to have a mechanism to clearly indicate that to her. So I guess I am asking her if she would be prepared to do that in different parts. I understand that has been done in previous years. That is all I have to say on that.

### **2.5.2 Deputy M.R. Scott:**

As Chair of the Economic and International Affairs Scrutiny Panel, I would like to thank my fellow panel members for the work they have done on presenting comments on the Government Plan, which have been published so I will not be taking you through them in depth, you will be glad to hear. I also would like to thank the members of other Scrutiny Panels who have worked on reviewing the Government Plan in what have been challenging circumstances for the reasons that my colleague Deputy Mézec has described. I look forward to working with the 3 ... well, is it 4? Well, hopefully 4 Ministers within our remit, and there was a bit of a wrinkle there, with the areas of concern or that we have highlighted and with the recommendations that we have put forward. I would like to thank the Ministers for responding to one of the recommendations at least, albeit at a very late stage, of trying to align Ministerial responsibilities with the budgets and agree that it would be good to see more work there, so thank you very much.

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

Just very quickly, I would like to reiterate the point about taking it in parts. We have often before not had that and it is either/or, it is a binary decision. With transparency, openness and consensus that we talk about so much, I think it would be a very interesting point to have that gauge of which parts are popular and which are not. It is likely that the Government will win each one and I think if you are going to talk about genuinely using this Assembly rather than just forcing something through, for genuine debate and understanding where Members are coming from, that is a really good idea. I have written some things down. Deputy Alves will be very pleased with me because I have done a mind map, but I am going to take a lot of it out because I am trying to be positive. There are some really negative things in here which I did not like. I think the rent-a-room is a mistake and I will be holding Government to account for that constantly because I do not think it was the right thing to do and the right use of taxpayers' money. I think we have made an error with that, particularly with the lack of safeguarding, and I raise that again because it is a real concern of mine. There are other issues as well in terms of dealing with things, but the positives are the acceptance of the extension of the bus pass. That has made a huge difference. I got here early this morning because ironically, I had to bring the car in for a very specific reason, drop my wife off at work, so I was here really early. I went for a cup of coffee in one of the many wonderful cafés, perhaps one not owned by one of the Ministers, let us be honest, and I chatted to somebody who sat down and said to me: "By the way, well done with the bus passes, my son who is 15 uses it and it has just made a huge difference." That has been a really successful thing that this Assembly adopted, so well done to us. Extending that to all full-time students I think is a really positive step forward and it will make a financial difference. I thank the Minister for Health and Social Services. I would like to thank the Minister for Health and Social Services so much for the amendment to my amendment, which I could accept, in terms of travel for off-Island treatment. That will make a difference to people's lives, a direct difference to people's lives at the most difficult time in their life. So, thank you for that. The G.P. (general practitioner) change will make a difference to people's lives. Thank you, Deputy Alves, for bringing that. There are some things, and I know the Government has not got all of its way, but you know what, that is okay, we all learn from that and it is a good thing. I really do think that we all learn and we move forward and it has been a good set of debates at times. I would just say that I made up a little word wall ... I was going to say Ms. Alves then, sorry, Deputy Alves, but I am not going to ... but there are some words and one of the ones was ... and I will say this in the nicest possible way. Sometimes we heard: "I agree in principle but" and I have to say one of the real key underlying foundations to politics and politicians and us is the principles we stand on.

[11:30]



We must not go against them. I know sometimes pragmatism is used and well-intentioned ... I will not go over all the words. This phrase that was used by the Chief Minister: "Always improving and always respectful." I have to say I do not think sometimes the attitude towards us as Reform has been respectful and I think we need to get over that and we need to realise and understand that challenge is not a bad thing. We need to learn how we work together on that challenge when we do not agree. So, those are the final things I would say and I would urge to take this in parts if at all possible. I know it means 8 votes but they are quick if we get on our buttons and get on with it. It will not take that long.

**Deputy I.J. Gorst:**

I would just be grateful for your view, Ma'am - this is not a speech - whether the Government Plan can be separated in the way that is being requested. I know the Finance Law can have separate votes but my ...

**The Greffier of the States (in the Chair):**

I think we have in the past voted paragraph by paragraph. I am pretty sure we have.

**Deputy I.J. Gorst:**

But then the whole Government Plan would not work, would it? So you would have a plan that did not quite literally add up. I just wondered if you could consider it before giving your opinion.

**The Greffier of the States (in the Chair):**

Thank you. Does any other Member wish to speak? If no other Member indicates a desire to speak, then I close the debate and call on the Chief Minister to reply.

**2.5.4 Deputy K.L. Moore:**

I thank all Members who have contributed to this rather lengthy Government Plan debate but, of course, each and every one of those amendments and the debates that ensued were extremely important and I am grateful for the candid challenge for everybody who has shared their views. Of course, that has delivered a Government Plan that is even stronger than it was when we began the week. Of course, some of those challenges will be tricky for us to deliver but deliver we will because we fully respect the will of this Assembly. Perhaps I would start with my approach on taking the Government Plan in parts. I have - and I am grateful to the Greffe team for circulating - the plan as amended. I would share the view of the Minister for Treasury and Resources in his question there that it may be somewhat difficult and challenging to set out in that approach because if part (a) were adopted but part (b) not, there could be some considerable practical challenges. Therefore, I would ask Members to vote for the Government Plan as amended as a whole.

**The Greffier of the States (in the Chair):**

I will just say it is a matter for you, Chief Minister. This is your proposition, so you can choose if you wish to take the vote as a whole or by paragraph.

**Deputy K.L. Moore:**

Thank you, Ma'am. So I will ask Members to vote for the Government Plan as amended as a whole and not in parts. I think Members have had ample opportunities today to express their views on various aspects of it and we understand that there are differing opinions. But ultimately I think this Government Plan supports the ambitions of Islanders. It invests in public services, reduces our debt and keeps our taxes down. Importantly, the plan delivers balanced budgets. It ensures that we are spending within our means and maintaining sustainable public finances for the long term. Our plan reflects a Government and an Assembly that is on the side of hard-working Islanders, helping individuals and their families through these turbulent and difficult global economic times. This is a plan which puts the needs of Islanders first and supports hard-working individuals and their families,

reducing the burden on them while seeking more from those who have more to give. It also sets out a plan for protecting our future, meeting our carbon targets, and it is, of course, the first Government Plan of this new Government. We have already rehearsed the issues that have arisen as a result of the time constraints that we have worked within, and I again thank officials who have supported us through this, the Greffe who have done their bit, which is not insignificant, and, of course, Scrutiny, who have done their best to scrutinise in a shortened period. I am grateful for that. I know how difficult it is and I am grateful, too, for their reports, which are helpful. Deputy Mézec talked about presentation and how that can be improved. I would agree and I recall in previous Scrutiny Panels making similar requests and I, too, at one point during this process asked for a summary document that was accessible to the public to be produced. I can only apologise that I did not ensure that that was done because I agree with the Deputy that it would be useful for members of the public who have an interest in how we are at the end of the day raising their money and then spending it. Next year we will have a slightly different and an improved Government Plan, I hope. There have been sensible discussions during this debate about how we can better collaborate, listen to each other, work together, and indeed I take those on board, and I look forward to that shining through in the next Government Plan that we shall deliver. Of course, also, I am very mindful that we cannot keep adding to growth bids and adding to our spending year on year. So, the next Government Plan will give a greater layout of our value for money programme and how we are driving that forward, and delivering better value and better services for Islanders through our work. We also would like to commit to delivering a sustainable funding mechanism for primary care in the next Government Plan. I think that came through loud and clear from Members. It was, I think, agreed in 2012 that one of those sustainable funding mechanisms would have been agreed by that Assembly and it should have been done by September 2014, so we are, of course, considerably behind that. But we must deliver one and deliver a future sustainable primary healthcare service that is fit for Islanders, both now and into the future. It has, of course, been a difficult week for Islanders. We have all been hugely moved and disturbed by the events of the past week, where not one but 2 unthinkable tragedies have befallen Islanders and we have lost 12 of our own. Of course, our thoughts are with all of the families and our emergency services who have responded, as well as our healthcare workers who were there for everybody when they needed them. That is, of course, what they train for and what they are there to do, but without wanting to make a political point of it, I think it is really fitting that this Government Plan also identifies an increase in funding for our emergency services because they most certainly deserve it. **[Approbation]** We all recognise the huge value of their contributions, their training and their service to our lives and that has been so very clear in the past week. I think at that point I can only thank Members once again for their contributions and I commend this Government Plan to the Assembly and I ask for the *appel*.

**The Greffier of the States (in the Chair):**

The *appel* has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have now had an opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the Government Plan has been adopted.

<b>POUR: 37</b>		<b>CONTRE: 11</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier		Deputy G..P. Southern		
Connétable of St. Lawrence		Deputy M. Tadier		
Connétable of St. Brelade		Deputy R.J. Ward		
Connétable of Trinity		Deputy C.S. Alves		
Connétable of St. Peter		Deputy L.J Farnham		
Connétable of St. Martin		Deputy S.Y. Mézec		
Connétable of St. John		Deputy T.A. Coles		
Connétable of St. Clement		Deputy B.B.S.V.M. Porée		

Connétable of Grouville		Deputy C.D. Curtis		
Connétable of St. Ouen		Deputy L.V. Feltham		
Connétable of St. Mary		Deputy R.S. Kovacs		
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy K.L. Moore				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

### **3. Draft Finance (2023 Budget) (Jersey) Law 202- (P.102/2022) - as amended**

#### **The Greffier of the States (in the Chair):**

The next item is the Draft Finance (2023 Budget) (Jersey) Law 202-, P.102, lodged by the Minister for Treasury and Resources. For the purposes of this debate, the main respondent will be the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

#### **The Deputy Greffier of the States:**

Draft Finance (2023 Budget) (Jersey) Law 202-, a law to set the standard rate of income tax for 2023 and to implement parts of the Government Plan 2023-2026 by amending the Income Tax (Jersey) Law 1961, the Customs and Excise (Jersey) Law 1999, the Goods and Services Tax (Jersey) Law 2007, the Stamp Duties and Fees (Jersey) Law 1998, the Taxation (Land Transactions) (Jersey) Law 2009, the Taxation (Enveloped Property Transactions) (Jersey) Law 2022 and other enactments. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

### 3.1 Deputy I.J. Gorst (The Minister for Treasury and Resources):

For new Members, they will be aware that the Government Plan now needs to, for taxation measures, to be put into law and be brought into immediate effect, and that is what this legislation does. It is quite short this year because most of those measures were amended during the mini-Budget and the Finance Law that we approved there. So, I have very little to say, you will be pleased to know, and I commend the changes in the Finance Law to the Assembly in principle.

#### The Greffier of the States (in the Chair):

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

#### 3.1.1 Deputy S.Y. Mézec:

Just very briefly, having voted against the Government Plan just now, to clarify had it been taken in parts we would have voted in favour of some of those parts. The Finance Law itself, though, as the Minister for Treasury and Resources indicates, referring to the taxation measures in it, having gone through it there is nothing in it that we find objectionable and those changes that are proposed in it go in the correct direction of travel at the very least, so that means we can vote in favour of this.

#### The Greffier of the States (in the Chair):

Does any other Member wish to speak? If no other Member wishes to speak, I close the debate and call on the Minister for Treasury and Resources to reply.

#### Deputy I.J. Gorst:

Could I call for the *appel*, please?

#### The Greffier of the States (in the Chair):

The *appel* has been called for. Members in the vicinity should return to their seats and I ask the Greffier to open the voting on the principles of the Finance (2023 Budget) (Jersey) Law. If all Members have had an opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the principles have been adopted.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				

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

Deputy Mézec, can I take it that the Corporate Services Scrutiny Panel does not wish to scrutinise this matter?

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

That is correct, Ma'am.

**The Greffier of the States (in the Chair):**

There are amendments consequential on some of the amendments that were adopted. Minister, are you wishing to propose the Articles as amended by those amendments? That would be the first amendment, which Deputy Andrews ...

**3.2 Deputy I.J. Gorst:**

If I may, Ma'am, yes, as you intimate, Members have voted for and against various amendments. The 2 amendments standing then for the Finance Law, Amendment (1) and Amendment (4), and I would like to propose the Articles *en bloc*, as amended by those 2 amendments.

[11:45]

**The Greffier of the States (in the Chair):**

Are Members content to take those Articles proposed as amended by the amendments? Very well then. Are the Articles seconded? [**Seconded**] Does any Member wish to speak on Articles 1 to 64? If no Member wishes to speak ...

**Deputy I.J. Gorst:**

Could I then just call for the *appel* again?

**The Greffier of the States (in the Chair):**

The *appel* has been called for. Members are asked to return to their seats and I ask the Greffier to open the voting on Articles 1 to 64. If all Members have now cast their vote, I ask the Greffier to close the voting. I can announce that the Articles have been adopted.

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				

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

Do you wish to propose the matter in Third Reading, Minister?

**3.3 Deputy I.J. Gorst:**

If I may, Ma'am, thank you.

**The Greffier of the States (in the Chair):**

Does any Member wish to speak in Third Reading?

**Deputy I.J. Gorst:**

Sorry, Ma'am, perhaps it could be seconded.

**The Greffier of the States (in the Chair):**

Sorry, yes, is the proposition seconded? [**Seconded**] Does any Member wish to speak in Third Reading?

**Deputy I.J. Gorst:**

May I then just call for the *appel* once more?

**The Greffier of the States (in the Chair):**

The *appel* has been called for. I ask the Greffier to open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading.

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				

Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

#### **4. Draft Finance (2023 Budget) (Jersey) Law 202- (P.102/2022): Acte Opératoire**

##### **The Greffier of the States (in the Chair):**

The next item is the Draft Act declaring that the Finance (2023 Budget) (Jersey) Law has immediate effect, which is the addendum to P.102 lodged by the Minister for Treasury and Resources. For the



purposes of the debate, the main respondent is the chair of the Corporate Services Scrutiny Panel. I will ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Act declaring that the Finance (2023 Budget) (Jersey) Law 202- has immediate effect. The States make this Act under Article 12 of the Public Finances (Jersey) Law 2019.

**4.1 Deputy I.J. Gorst (The Minister for Treasury and Resources):**

It literally does what it says on the tin and I commend it to the Assembly.

**The Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] Does any other Member wish to speak on the proposition? Very well, Minister.

**Deputy I.J. Gorst:**

May I call for the *appel*, Ma'am?

**The Greffier of the States (in the Chair):**

The *appel* is called for. Those Members who are in favour of adopting the amendment, please show ... I will ask the Greffier to open the voting. If all Members have had an opportunity to cast their vote, I ask the Greffier to close the voting. I can announce that the Acte Opératoire has been adopted.

<b>POUR: 47</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				

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

**5. Draft Criminal Justice (Deferred Prosecution Agreements) (Jersey) Law 202-(P.103/2022) - as amended (P.103/2022 Amd.)**

**The Greffier of the States (in the Chair):**

The next item then on the Order Paper is the Draft Criminal Justice (Deferred Prosecution Agreements) (Jersey) Law 202-, P.103, lodged by the Minister for Home Affairs. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Criminal Justice (Deferred Prosecution Agreements) (Jersey) Law 202-. A law to make provision for the disposal of certain criminal offences by way of deferred prosecution agreements. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

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

I would firstly like to apologise for not being able to be present in the Assembly today. I am pleased to present the Draft Criminal Justice (Deferred Prosecution Agreements) (Jersey) Law to the Assembly. This draft law demonstrates Jersey's continued commitment to developing a suite of laws containing the tools to effectively deter and sanction economic crime. This draft law is intended to provide an additional tool to tackle challenges with regard to establishing corporate criminal liability. It is important that criminal liability is properly attributed to the natural person as well as the legal entity that it is culpable for. Where corporate bodies and legal entities commit crimes, it is important that they are held to account and are sanctioned like natural persons. However, prosecuting legal

entities for certain offences, especially for economic crimes, poses several challenges for prosecutors. A legal entity may be capable of committing a criminal offence by the acts of its officers or employees. Further, many criminal offences also contain a requirement for the defendant to have a particular mental state when committing the offending conduct. The route to establishing the criminal culpability of the legal entity is for a prosecutor to identify a natural person or persons whose conduct and state of mind can be attributed to the company so that the natural person requires the company's directing mind and will. This is known as the identification doctrine. Currently, a criminal act can only be attributed to a legal person where a natural person or persons committing the offence can be said to represent the directing mind and will of the legal entity. While this might be the case for the board of directors collectively, it becomes much more difficult to identify the directing mind and will where the criminal conduct results from the acts of individual directors. These difficulties were highlighted in the English case of the Serious Fraud Office v. Barclays where it held that neither the chief executive officer nor the group chief financial officer constituted the directing mind and will of Barclays, despite both of them being on the board. The identification doctrine is, therefore, a significant challenge for prosecutors in Jersey and elsewhere in the British Isles and the Law Commission of England and Wales, for example, considers it to be an inappropriate and ineffective method of establishing criminal liability of corporations because it ignores the reality of complex, modern, corporate decision-making and because it discriminates against small businesses compared to large multi-national businesses. So, to address some of these legal issues the United Kingdom introduced deferred prosecution agreements, known as D.P.A.s, in 2013, almost 10 years ago. D.P.A.s create an alternative mechanism to dispose of criminal conduct by legal entities subject to certain conditions being met, and they have been used successfully in the U.K. for cases of fraud, bribery and other economic crime. Guernsey has also recently committed itself to the introduction of D.P.A.s because they also acknowledge the challenges that they face in this respect. Hence to further address the existing legal issues I have lodged this proposition which, if adopted, would introduce an effective and efficient D.P.A. regime for Jersey. Effective because it provides the Attorney General, as Jersey's prosecution authority, with an additional tool to sanction legal entities, addressing the issues arising from the directing mind and will requirements. Efficient because we will achieve this without the need for any additional resources. Any additional costs which might arise during the D.P.A. process will have to be covered by the respective legal entity and not the public purse. A D.P.A. under the draft law of this proposition is a statutory agreement pursuant to which the legal entity agrees to comply with the requirements imposed upon it by the D.P.A., and the Attorney General agrees not to seek leave of the Royal Court to progress criminal proceedings in relation to the offences at any time while the D.P.A. is in effect. The introduction of the D.P.A. regime is part of a broader policy which looks to increase Jersey's enforcement effectiveness, which also includes the introduction of civil financial penalties by the Jersey Financial Services Commission for certain contraventions and the introduction of a corporate criminal offence of failing to prevent money laundering, both of which have been adopted by the previous Assembly. The requirements the D.P.A. may impose on a legal entity under the draft law might include but are not limited to a significant financial penalty, victim compensation, charitable donations, disgorgement of profits - and by that, I mean that there is a requirement to account for and pay over any profits from any criminal conduct - and also remedial actions in the form of compliance programmes to prevent any reoffending in the future. However, if these requirements are not being met the prosecution of the entity might be resumed. It is important to note that the Attorney General will only be able to offer a D.P.A. if certain criteria are met. In particular, the legal entity must first submit a self-report regarding the offence it committed which includes all the evidence necessary for a prosecution to be brought. It is intended that the entity will need to submit the self-report before it is being investigated if a D.P.A. is to be available. D.P.A.s will, therefore, provide an opportunity for entities to come clean about potential criminal conduct. A D.P.A. is not intended to be a means for legal entities to evade prosecution for criminal law conduct which is already the subject of an investigation or prosecution. The D.P.A. regime provides a gateway for entities which want to do

the right thing, where they recognise that an offence has been committed and, therefore, the D.P.A. regime provides an option for the rehabilitation of the well-intended corporate citizen with the incentive that the entity may avoid being convicted of an offence and the potential catastrophic consequences that that entails, including the significant negative impact on their employees and other stakeholders which might have nothing to do with their criminal conduct. This gives an opportunity for organisations to wipe the slate clean. The entire D.P.A. process is subject to supervision and approval by the Royal Court. The D.P.A. needs to be in the interests of justice and the terms of the D.P.A. need to be fair, reasonable, and proportionate. Any financial penalty paid under the provisions of the draft law will be paid into the Criminal Offences Compensation Fund, the Confiscation Fund, and might, therefore, be used to prevent or suppress future criminal conduct, thereby enhancing the Island's defences against criminality going forward. The draft law also ensures that due legal process is being followed. In addition to the role of the Royal Court in supervising the D.P.A. process, there are rights of appeal to the Court of Appeal for legal entities and connected persons. The Attorney General will also need to publish guidance which outlines the entire D.P.A. process and its requirements to the public. As we all know, Jersey is going to be assessed by MONEYVAL next year regarding our compliance with the F.A.T.F. (Financial Action Task Force) methodology and this proposition is relevant from this perspective, too. The F.A.T.F. methodology provides requirements regarding criminal justice measures under the so-called Immediate Outcome 7, I.O.7, which is concerned with the effectiveness of systems for combating money laundering and terrorist financing. The adoption of this proposition will help to improve the assessment of Jersey's regime by MONEYVAL, and I anticipate that the Minister for Treasury and Resources, Deputy Gorst, and the Minister for External Relations, Deputy Ozouf, will want to comment on this matter, too. Finally, I would like to acknowledge that the draft law contained in this proposition has been developed with input from the Law Officers' Department as its main stakeholders. Consultation has taken place with the relevant subcommittee of the Jersey Law Society and criminal law practitioners. The Deputy Bailiff and the Bailiff were also consulted in view of the role of the Royal Court in the D.P.A. process. The adoption of the draft law would enable the creation of an effective additional criminal justice measure.

[12:00]

It would help to address an issue with sanctioning legal entities while adding another important tool that may be used by prosecutors to address criminal offending and protect the Island's international reputation as a very well-regulated jurisdiction. Therefore, I recommend this proposition for adoption by the States Assembly.

**The Greffier of the States (in the Chair):**

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

**5.1.1 Deputy M. Tadier:**

When this was reported in the *Jersey Evening Post* it gave rise to ... well, it was them who chose the headline, which was: "Owning up to crimes could stop prosecution" which I think is a very interesting headline philosophically. It is also probably, I think, definitely over-simplistic and, of course, it only applies to a specific entity. In this case it is a corporation, not a natural person. I think it is interesting. I think we do need to at least pass some comment on it nonetheless because what this shows ... and I referred to it yesterday, indeed, in a different speech about the rise of the corporation and the way in which companies and corporations ended up having more rights legally than individuals and more privileges. What we have seen here is the necessity to create a new vehicle, albeit adopting a vehicle which is being created elsewhere, the D.P.A., because there are inherent contradictions in the fact that legal companies have a personality in their own right but they do not have the corresponding responsibilities that ordinary humans would have. So effectively what we are saying here is that if a

company or corporation commits an offence which a natural person might go to prison for, for a very long time potentially, if it happens in a company that is not the case because it is very difficult to prove who is responsible for it. That is essentially my reading of it. I still think it is worth saying that that is, therefore, a problem with the corporation and how it works rather than the law, so we are having to adapt new laws and I suspect this is something which will change in the future. It could be that in 20 or 30-years' time there is a completely different relationship between companies who misact and what they are liable for and how they may or may not be prosecuted. I think the bottom line still remains true, and I tweeted it the other day saying that owning up to crime could stop prosecution but only white-collar crime. I know it is pragmatism, I know we do not have much choice of this, but I think it is important to not pass this without comment. When it talks about the advantages, a D.P.A. can help an organisation get back on track after it has come clean over criminal misdemeanour. It is likely to give that company more sympathy and credit to the public than if it had been found guilty of a criminal offence by a court. Of course, all those advantages could be applied to how we deal with natural humans who commit misdemeanours for all different sorts of reasons. I just want to put on record that I am slightly uncomfortable with the fact, even though I understand why we are doing it, about people who commit crime on one level being given the full force of the law, not being given an opportunity to have a D.P.A. in their own right, but companies who often - and we have seen it over decades - can create so much devastation, whether it is environmental or social or in the area of health outcomes, often not being held to account. So, I just wanted to put those comments on record for what they are worth.

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

May I apologise for not being in the States Assembly. I am fully in favour of this, wearing my hat as the Minister for Financial Services with Deputy Gorst. As the Minister quite eloquently says, effectively it strengthens our arsenal in broadening out the powers. It is not a replacement; it is broadening our powers. It acts as a dissuasive provision, which has been successfully adopted in other jurisdictions such as the United Kingdom, United States and in other matters. I wholly support the Minister for Home Affairs. I thank her for her and her team's work. This is a team effort in relation to dealing with the many issues dealing with the matter now and dealing with another matter which is coming next on the Order Paper. Can I assure Members that this is a joint effort led by the Minister for Home Affairs. In strengthening our powers, a dissuasive element is important as well and I hope Members will give their enthusiastic support for the proposition of the Minister.

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

The Children, Education and Home Affairs Scrutiny Panel received briefings and has published a comment paper and checked on the consultation process. A deferred prosecution agreement has been in place in the U.K. since 2014. Deferred prosecution agreements or D.P.A.s provide a greater opportunity to secure prosecutions for unlawful activities of corporations. It is very difficult to secure prosecutions and impose penalties against corporations without D.P.A.s, partly because of the difficulty in assigning responsibility within the organisation. I want to assure Members that a criminal prosecution can still occur but a D.P.A. allows for a much greater opportunity to address unlawful activity in corporations that are encouraged to self-report, which will save time and they will be expected to fund the costs of the process. The D.P.A. process will support current measures to address anti-money laundering and countering the financing of terrorism regulations and is a more effective way to bring some justice to corporations when acting unlawfully.

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

I stand to support the Minister for Home Affairs with what I think is a really important change to our system. This particular piece of legislation is already winning plaudits for the way that it will be and can be used. I do understand Deputy Tadier's concerns but I think what his concerns highlight is that it has over time been shown that it can be quite difficult to prosecute corporations where they have

committed offences. So rather than from that point reaching the conclusion that this is making it easier for corporations, I think this is adding to the ability of prosecution services to make sure that corporations do act appropriately. For me, one part that is particularly important is that if a prosecution has already started then a D.P.A. cannot be entered into. So, the officers of the corporation must approach the prosecution services in order to seek a D.P.A. The Attorney General's office, I have no doubt, will act appropriately robustly when they are entering a D.P.A. and they will think about the appropriate length that that should be entered into and the appropriate actions that the corporation should undertake and any appropriate penalties. So, I think rather than us being concerned that it is going to let corporations off, as that headline intimated, I think it is going to help in exactly the opposite direction. Of course, it does have the full support of the Financial Crime Political Steering Group, which is made up of the heads of all of the authorities involved in fighting financial crime in Jersey and ensuring that we act appropriately and ensuring that we meet the very highest international standards. It has my full support.

**The Greffier of the States (in the Chair):**

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

**Deputy H. Miles:**

I think I would like to take the Articles *en bloc*.

**The Greffier of the States (in the Chair):**

No, we are not up to that point yet, Minister. We are on the Principles first.

**5.1.5 Deputy H. Miles:**

I am so sorry. In that case I would like to answer Deputy Tadier. I am sorry, Ma'am, am I at the right point?

**The Greffier of the States (in the Chair):**

Yes, this is the point where you sum up from the speeches that have been made in relation to the principles and then we go to a vote on the principles. Then you will be able to propose the Articles after that.

**Deputy H. Miles:**

Yes, Ma'am. I do apologise. Thank you, firstly, to the Minister for External Relations and Financial Services for supporting this proposal and also to the Minister for Treasury and Resources for addressing some of Deputy Tadier's points. I would like to make another point regarding what Deputy Tadier said and that was his point about ordinary humans not having the opportunity to avoid prosecution. I would like to remind Deputy Tadier that we are fortunate in the Island of Jersey that we have had a system for over 800 years that does allow ordinary humans to admit their mistakes and avoid prosecution. That is, of course, the Parish Hall Inquiry system based upon a very important honorary system. That Parish Hall Inquiry system permits offences to be discussed as part of the prosecution process and for ordinary people to work in consensus with Centeniers to avoid prosecution. That is all I wanted to say on that matter and about the principles.

**The Greffier of the States (in the Chair):**

Do you call for the *appel*, Minister?

**Deputy M. Tadier:**

Can I ask a point of clarification?

**The Greffier of the States (in the Chair):**

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

**Deputy H. Miles:**

Yes.

**Deputy M. Tadier:**

Does the Minister accept that obviously only certain offences can be dealt with at a Parish Hall Inquiry and when they are of a certain gravity they have to be automatically referred to Magistrate's or the Royal Court? It does not necessarily apply, certainly not to these kinds of financial crimes.

**Deputy H. Miles:**

Yes, I agree, that is correct. There is a list of prescribed offences which must be referred to the Magistrate's Court. I call for the appel, please.

**The Greffier of the States (in the Chair):**

The *appel* has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had an opportunity to cast their votes, I ask the Greffier to close the voting. The voting has been closed, Deputy. I did allow quite some time. I can announce that the principles have been adopted.

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				

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

We then move on to the Articles. There is an amendment, Minister, that you have lodged to Article 9. Do you wish to propose the Articles as amended by that amendment?

**5.2 Deputy H. Miles:**

Yes, Ma'am, I would like to take the Articles *en bloc* and propose at the same time my amendment to Article 9, the purpose of which is outlined in the report.

[12:15]

**The Greffier of the States (in the Chair):**

Do you wish to say anything further or is that your proposal?

**Deputy H. Miles:**

That is my proposal, thank you.

**The Greffier of the States (in the Chair):**

Are the Articles and 2 schedules seconded? **[Seconded]** Does any Member wish to speak on the Articles and schedules? If no Members wish to speak, then I call on the Minister to reply. There is nothing really to reply to. Do you wish to take the *appel* on the Articles and schedules, Minister?

**Deputy H. Miles:**

Yes, I would take the *appel*, thank you.

**The Greffier of the States (in the Chair):**

The *appel* is called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the Articles and schedules have been adopted.



<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
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Deputy C.F. Labey				
Deputy M. Tadier				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
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Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				

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

Do you propose the matter in Third Reading, Minister?

**5.3 Deputy H. Miles:**

Yes, I would like to propose the matter in Third Reading.

**The Greffier of the States (in the Chair):**

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

**5.3.1 Deputy I.J. Gorst:**

I just want to thank the officials who have worked on this piece of legislation. It has not been straightforward. They have had to draw on best practice elsewhere and they have worked very closely with the Law Officers' Department and, as I say, all authorities involved in fighting financial crime. I know the Minister will join me in thanking them for what I think is an excellent piece of legislation.

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak, I close the debate and call on the Minister to reply.

**5.3.2 Deputy H. Miles:**

I would just like to echo the words of the Minister for the Treasury and call for the *appel*, please.

**The Greffier of the States (in the Chair):**

The *appel* is called for. If Members could return to their seats, I ask the Greffier to open the voting. If all Members have had the opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading.

<b>POUR: 48</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
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Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				

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

**6. Draft Non-Profit Organisations (Amendment of Law) (Jersey) Regulations 202-(P.104/2022)**

**The Greffier of the States (in the Chair):**

The next item on the Order Paper is the Draft Non-Profit Organisations (Amendment of Law) (Jersey) Regulations 202- (P.104/2022) lodged by the Minister for External Relations and Financial Services. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Non-Profit Organisations (Amendment of Law) (Jersey) Regulations 202-. The States make these Regulations under Article 2(3) of the Non-Profit Organizations (Jersey) Law 2008.

## **6.1 Deputy P.F.C. Ozouf (The Minister for External Relations and Financial Services):**

Again, I am sorry that I am working from home, but I am grateful for the digital capability. Jersey, as Members will know, has a long-term policy of compliance with the highest international standards in the area of combatting money laundering and the financing of terrorism. This Government, as previous Governments have, remains absolutely committed to that policy in furtherance of the worldwide and ongoing fight against financial crime. As Members will be aware, the F.A.T.F. is the international body that sets the standards in respect of combatting financial crime and there are a number of changes that are constantly being made. The F.A.T.F. introduced a specific recommendation, recommendation 8, in an effort to address existing and emerging threats to non-profit organisations or, as they are known as, N.P.O.s. In April of this year the previous Assembly unanimously approved the Non-Profit Organisations (Amendment of Law) 202-, known as the N.P.O. amendments law, which introduced a package of amendments that sought to address deficiencies identified in Jersey's N.P.O. regime so that it complied with recommendation 8 and, therefore, with developing the international standards in Jersey. This amendment makes an additional change to that N.P.O. law and is the final piece of the new not-for-profit regime. It solely, however, relates to those N.P.O.s that are administered by a trust company business. Article 2 of the N.P.O. law, which we will go on to debate, sets out those regulated not-for-profit organisations that are not provided in the prescribed service in the course of trust company business under the Financial Services (Jersey) Law 1998 and exempt from having to comply with some of the requirements of the law following and including registering with the Financial Services Commission. In order to meet the F.A.T.F. standard recommendation 8 and to ensure that all N.P.O.s are treated in exactly the same way with no exceptions, this amendment will remove the exemption so as to bring regulated N.P.O.s under the broad set of obligations of the law. I can say that a public consultation was issued by the Jersey Financial Services Commission in August and no unintended consequences were identified. Officials briefed the Economic and International Affairs Scrutiny Panel at the end of the month and Members will have seen their helpful comments paper submitted by the panel confirming the panel's support. I am sure the chair or members will wish to speak in respect of this legislation. I am grateful for their fast work in among so many other duties that they have. To provide some comfort to the panel as well as other Members of the Assembly, I can confirm that there is a wide-reaching awareness campaign underway that is being carried out in partnership with the Jersey Financial Services Commission, the officers of the Charity Commission and the Association of Jersey Charities. The campaign will raise awareness across the not-for-profit sector with a supportive and collaborative approach. A number of webinars and lunch and learn sessions have already been held and more will be organised during the course of 2023. In other words, anybody involved in the not-for-profit sector who is affected by this will have all the support necessary on how best they can comply with these requirements to bring themselves into line with international standards. In the vast majority of cases this will simply mean registering with the J.F.S.C. (Jersey Financial Services Commission), something which has become almost universally necessary should they wish to do so, for example when they need to open a bank account. This is a small but important amendment, critical to meeting the international standards set out by the F.A.T.F. This will be assessed importantly in the upcoming MONEYVAL evaluation, which was the subject of some discussion in the previous debate. I hope Members will support the proposition. These regulations, if passed, will remove the exemption under Article 2(2) of the Non-Profit Organizations (Jersey) Law 2008 for not-for-profit organisations that are provided with a prescribed service in the course of their trust company business. I propose the regulations.

### **The Greffier of the States (in the Chair):**

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

#### **6.1.1 Deputy M. R. Scott:**

As Chair of the Economic and International Affairs Panel, just to inform the Assembly that the panel has heard comments on this amendment and that we are supportive of it.

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

I think it is very important and very timely that this piece of legislation has come to the Assembly because we have MONEYVAL for next year and that will be very much essential to Jersey’s financial regime. We also need to ensure that we have more robust legislation and I think this will absolutely complement that. I have to say a massive thank you to the Minister and his officers for the time they have given and the Economic and International Affairs Panel as well during the last couple of months.

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If no other Member wishes to speak, then I call on the Minister to reply.

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

I am grateful to the Chair of the Economic and International Affairs Panel, and the Member, for their work and their thanks to the officials. There has been a great deal of work and I should signal to Members that, as has been explained previously, there is a huge amount of work that has been ongoing with all of our agencies and the commission and the industries themselves that are affected by this. We realise that it is a huge amount of work but it is necessary to maintain Jersey’s standards and the esteem with which Jersey is held internationally. I am grateful for Members’ support and I ask for the *appel* for the principles.

**The Greffier of the States (in the Chair):**

The *appel* has been called for. Members are invited to return to their seats, and I ask the Greffier to open the voting. If all Members have now had the opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the principles have been adopted.

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
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Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				

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

How do you wish to propose the regulations, Minister, in Second Reading?

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

I would propose them together, if I may. They are relatively simple. They are simple in terms of their explanation, so I propose them in their parts and the citation.

**The Greffier of the States (in the Chair):**

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on the regulations? Are you content to take these as a standing vote?

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

The *appel*, please.

**The Greffier of the States (in the Chair):**

The *appel* has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the Regulations have been adopted.

<b>POUR: 47</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
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Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
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Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
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Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				

Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

Do you wish to propose the matter in Third Reading, Minister?

### 6.3 Deputy P.F.C. Ozouf:

I do, and in so doing may I offer particular thanks to all of the officials that have been working on this at speed to bring this matter before the Assembly in such a timely way. That is officials within Government and outside and the Charity Commission. We also offer our continued ability to reach out to any organisation that is affected by these regulations, that we are there to assist them and to take them through whatever obligations they have in a meaningful and proper way, in the way that we normally do. I propose the matter in the Third Reading.

#### The Greffier of the States (in the Chair):

Are the Regulations seconded in Third Reading? **[Seconded]** Does any Member wish to speak? If no Members wish to speak, I close the debate. Minister, do you wish to have the *appel* or are you content to take this as a standing vote?

[12:30]

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

Voting in the normal way, please, Ma'am.

#### The Greffier of the States (in the Chair):

As an *appel*?

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

Yes, please.

#### The Greffier of the States (in the Chair):

The *appel* has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have now cast their votes, I ask the Greffier to close the voting. I can announce that the regulations have been adopted in Third Reading.

<b>POUR: 48</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
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Connétable of St. Saviour				
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Deputy M.R. Le Hegarat				
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Deputy R.J. Ward				
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Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

## **7. Draft Food (Jersey) Law 202- (P.105/2022)**

### **The Greffier of the States (in the Chair):**

That brings us to the final item, which is the Draft Food (Jersey) Law 202-, P.105/2022, lodged by the Minister for the Environment.

**Deputy J. Renouf:**

I am perfectly happy to move this now but I am mindful it has been a long morning and if people would like to take lunch first before we talk about food, I would also be very happy to do that. Keep going? Okay, let us go.

**The Greffier of the States (in the Chair):**

First, if we ask the Greffier then to read the citation.

**The Deputy Greffier of the States:**

Draft Food (Jersey) Law 202-. A law to regulate food for the protection of human health and consumers' interests, and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

**7.1 Deputy J. Renouf (The Minister for the Environment):**

I am gratified that the excitement is so great, and we are keen to keep going with it. I know this is the one we have all been waiting for. We are fortunate to live in Jersey where we have access to so much high-quality food. Indeed, the reputation of our food has led to Jersey becoming a food destination and to some of our products being exported around the globe. This is due to the hard work and professionalism of our farmers, horticulturists, agriculturists and those in the dairy and fishing industries, the latter of course particularly in our mind at the moment. It is also due to the skill and professionalism of our retail and hospitality industries. There is another group of professionals who work to ensure our food is as safe as possible and to facilitate seamless imports and exports of food to and from our Island, namely our customs officers, plant health specialists, trading standards officers, fisheries officers, the States veterinary service and Environmental Health officers. They all have an important role in keeping our food safe. The proposed Food (Jersey) Law ensures officers have the necessary tools to continue to do their job fairly and effectively. The current law dates from 1966 and, as I have remarked elsewhere, like many things that began life in the 1960s, myself included, it is starting to show its age. I am, therefore, bringing this new Food Law before the Assembly to modernise regulation of our food industry and make it fit for purpose in the 21st century. I only wish it were possible to have the same kind of thoroughgoing makeover myself. In the next few minutes, I am going to talk about the law in 3 different sections. First, I will look at the background to this legislation; the why, if you like. Second, I am going to pick out some of the main points in the legislation; the what. Finally, I will briefly address the timetable going forward; the when. I am not going to go into great detail in this speech regarding every one of the 63 Articles in the new law. Instead, I propose to introduce its main aims. I will then listen to any points that are raised by Members and use my summing up as an opportunity to respond to issues if there are any that need addressing in more detail. First of all, some background. Currently the primary legislation governing food safety in Jersey is the Food Safety (Jersey) Law of 1966. Associated with this law is a raft of secondary legislation, regulations and orders that have been introduced over the last 50-odd years in an ad hoc way to deal with an evolving food market. During the years when the U.K. was part of the European Union, there was also a reliance on European regulations under Protocol 3 to help cover some of the gaps in our own legislation. Then the months approaching Brexit saw regulations and orders being drafted at speed to ensure these gaps were closed, but these were really sticking plaster solutions and we require better developed and more comprehensive solutions that are specific to the Jersey context. There are a number of particular weaknesses with the current legislation. It does not deal with emerging and recently emerged pathogens. It does not deal with changes in technology such as microwaves, sous vide and cook-chill. It does not deal with changes that are required post-Brexit. It does not deal with the rise of allergies as a common and complex food safety issue. It does not deal with advances in food safety such as H.A.C.C.P. (Hazard Analysis and Critical Control Point) and other food management systems. It does not give comfort to export partners that Jersey-regulated food meets all the required standards. Sitting behind all these points is

a bigger point. The public has a greater interest in what it is consuming, so there is much greater demand for information and labelling, for example, to cover methods of production, allergens or specific ingredients such as palm oil. The main points of the legislation. This draft law is designed first and foremost to protect consumers by ensuring that food standards are high and that all producers have a clear framework in which to operate. It is also designed to maximise opportunities for the import or export of food while safeguarding our hard-won reputation for high-quality food with high welfare standards. The law will facilitate the Solent trade route, helping improve food security. Equally important is the confidence the proposed law will bring to those jurisdictions to whom we export, be it the U.K. to the north, the E.U. (European Union) or other third countries. All are looking for a demonstrably well-regulated industry. This law, along with accompanying regulations, will give the reassurances they seek. The law introduces a regulatory regime which is nuanced, and which enables a light touch approach of persuasive compliance. It allows for appropriate action to encourage compliance with as little interference as possible in ongoing businesses. Safeguarding public safety remains the guiding principle. Each possible regulatory action has routes for discussion and appeal. Should legal appeal be the route taken, this is through the more accessible and less expensive Magistrate's Court in the first instance. I have just noticed that all the things I changed to "Ma'am" will now have to return to "Sir".

**The Bailiff:**

If that would be convenient, Deputy. [Laughter]

**Deputy J. Renouf:**

Luckily I do not believe there is a fine in place for the reverse mistake. It is worth emphasising that there has been considerable consultation on this new law with all stakeholders through multiple avenues. Feedback has been overwhelmingly positive. The law has also been presented to Scrutiny and I am grateful for their engagement and comments relating to the law. They expressed broad support and sought clarification regarding controls that we might have over the import of food that might be subject to lower or different welfare requirements, such as chlorinated chicken. A response to those comments was published earlier this week and I apologise to the committee for the lateness of that submission. I will pick up on those points shortly. I believe that the industry is ready for this law and it is important to say that most food business operators are already doing what the proposed law requires of them, but I would like to just pick out a few specific areas to highlight. Article 1 of the proposed law includes a definition of "food business". This definition is deliberately broad and this is to ensure loopholes are closed and that we know who produces what. When investigating foodborne illnesses, it is vital all sources can be investigated, but it is important to emphasise that people cooking occasionally for a school fête or a charity cake sale should not be required to have a licence under Article 6 of the new law. This will come down to regulations, but I can assure Members that care will be taken in drafting the licensing regulations to ensure large producers are captured but genuine occasional producers are not. When it comes to the import and export of food, Jersey has a delicate path to tread. We need to maximise our freedom to set our own rules for food import and export while at the same time satisfying the U.K. that we are not a back door point of entry into their territory and assuring other jurisdictions that we are compliant with our international obligations. In the last 5 years we have seen the U.K. leave the E.U. and the single market, new free trade agreements concluded between the U.K. and third countries, which have been extended to Jersey, and we are governed by the extension of World Trade Organization rules to include Jersey. The turbulence these changes have brought about offer both challenges and opportunities to our food business operators. This law provides at Articles 7 and 8 for regulations that will meet those challenges. I would also like to draw attention to Articles 19 and 20, which deal with food labelling. The aim here is to provide powers that will enable regulations to be brought forward to deal with, for example, the labelling of allergens. The point to note is that it is the detail of the regulations that will allow us the flexibility to produce labelling that works for Jersey. There will be a need for extensive consultation, which is

mandated by Article 60 part 2, before these regulations are brought in. Nevertheless it is my intention to move quickly on this. Labelling powers are also necessary as we think about greater consumer demand for information about the type and origin of different ingredients in food from genetically modified foods to palm oil. One other point. The law also provides for regulations relating to the offering of the food that has passed its “best before” date to the charitable sector. It is a small point but one that I hope will help in that area. Perhaps the most important point to make about this new Food Law is that it is an enabling law. Most of the detail will follow with secondary legislation in the form of regulations and orders. The bulk of that follow-up work will in fact be in the form of regulations that require the Minister to return to the States to lodge the regulations for debate. For example, the provision of labelling relating to allergies will be dealt with under regulations on which there will be full consultation with all stakeholders before these regulations are brought before this Assembly. Similarly, the licensing of food businesses will require regulations and will, therefore, come back before this Assembly. The schedule is the final part of what I have to say. What happens next? It is clear from what I have said about this law that much of the most important work will follow in the form of secondary legislation. If this law is passed, the intention is to start work on the next steps while the law is awaiting Royal Assent. This will include beginning work to produce codes of practice under Article 5 to provide practical and Jersey-specific guidance for businesses in relation to different aspects of the law. It will also include starting work on regulations relating to licensing of food businesses, the labelling, as already mentioned, and the hygiene regulations. This draft law is good for our food businesses, good for public health and will give our officers the necessary tools to continue to protect us. It is a Jersey law to regulate food matters in the 21st century for the benefit of Jersey. I make the proposition on the principles.

**The Bailiff:**

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

**Deputy A. Curtis:**

Apologies for not doing it earlier. I wish to raise a declaration of interest in this. I run a business that will require licensing under any food law as it is a food business by definition of the law. I do not believe it is a direct financial interest, but I just wanted that on record.

**The Bailiff:**

Thank you very much, Deputy. I do not think you need to withdraw or anything like that, nor is it a direct interest.

**Deputy D. Warr of St. Helier South:**

Sorry, Sir, I am in the same situation as Deputy Curtis.

**Connétable M.O’D. Troy of St. Clement:**

The same situation, Sir.

**The Connétable of Grouville:**

The same, Sir.

**The Bailiff:**

You should still nonetheless stand, gentlemen, when you speak. It is quite all right, it is done now. It is getting to the end of the year and all those kinds of things. People are getting tired.

**The Connétable of St. Saviour:**

I hope you can hear me clearly.

**The Bailiff:**

Yes. Are you standing up, Connétable? **[Laughter]**

### **7.1.1 The Connétable of St. Saviour:**

I am not making a declaration, Sir. I have a few queries. I welcome this Draft Food (Jersey) Law. It is an excellent piece.

[12:45]

I have been through it. I have just a few observations. I am very keen on food and food security for the Island. I would dearly love to see an Aldi and a Lidl come to the Island but sadly I believe their operating models do not fit in with the way the Island works and with our population. Just a question for the Minister. I know the “consume by” dates are very important on products but there seems to be a trend at the moment to phase out the “best before” dates and I wonder if the Minister has any comments on that.

### **7.1.2 The Connétable of St. Clement:**

Just something for the future. We are involved in hospitality, as everybody knows in this Assembly. There is an element that might be missing, and it is an element to do with cross-contamination. There is nothing in the proposed law that refers to kitchen sizes. In an Island where property has got huge value, kitchen sizes are reduced to postage stamps and that is not satisfactory. I am wondering if in future the Minister would consider having a look at professional kitchen sizes in the context of States buildings, schools and cafés, because it is becoming very, very difficult to produce food that has no possibility of being cross-contaminated in small spaces with multiple chefs. That is the only thing I would observe. The other thing is a congratulatory remark. I know that your officers are going round and they are speaking to people and training people in a very open manner and taking them through the steps, which possibly has not been the case in previous situations.

### **The Bailiff:**

Deputy Ozouf, did you wish to declare an interest?

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

Yes, if I may, Sir. If I may make a declaration of interest, I run a not-for-profit business selling Rwandan coffee and tea. I should make that declaration. I do not think it is relevant but is a necessary declaration. It is already in my declaration of interests.

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

Can I start by saying I am sure Members are relieved to note the powers of observation of the Minister extend to noticing the difference between yourself and the Greffier. I rise on behalf of my Scrutiny Panel to say this is, as the Minister said, maybe something we have been waiting for and that we should be waiting, because this law is currently 1966; quite outdated. One of the things it will do, as the Minister has alluded to, is to move away from something that is very black and white, and I use the example of a fridge, an individual fridge in a restaurant. Under the current law, if that fridge stopped working and was found to be wrong by officers, they could close that kitchen completely. Under this new law they will be able to exclude the use of that fridge while allowing the kitchen to keep operating, which is very important, as I am sure we can all appreciate. The new regulations are going to be intelligence-led and that is going to be good for business. Because, as in many parts of regulation departments, we all know where some businesses are good and some businesses are less than good and this will allow officers to concentrate on those areas, which need upgrading. So we know that the upgrades to this law have been ongoing for some time and when Brexit came along it slowed down the procedure considerably and it was important that we came up to compliant standard expected by the E.U. because we must look in both directions, both north and south. The panel noted that there had been a public consultation that was generally supportive and, in particular, the responses agreed that this new law was going to be much fairer and businesses also felt that it would

have much more support for their reputation if protecting their reputation should be necessary. We also noted there is going to be no increase in costs to the department and that the existing budget and the existing staff would cover what will happen when this comes into being. But we did note of course that, across the whole of the I.H.E. (Infrastructure, Housing and Environment) Department, we are short of staff, but it is heartening to see that the Minister and the department intend to start some apprenticeships when it comes to Environmental Health officers, so we encourage that. I do have to take the opportunity to just alert Members to one thing, which the panel were a little bit surprised about, and maybe wrongly. I certainly personally recollect being told, I am sure, that after Brexit and when this new law came in, Jersey would have the right to restrict certain foods coming into the Island. Looking back at my notes, I am not sure if my recollection was quite true. But it is clear now that, because of our signing up with the U.K. to free trade arrangements with various countries that we will not be able to restrict, at our borders, the importation for, and I use this example, chlorinated chicken. We will have to allow its import and, as the Minister suggested, it will be then down to a labelling procedure, which will be the means by which we will alert the public to that. But certainly I and my panel were concerned that, in the chicken in particular, food which is included in many fast-food outlets, and people may be used to ordering food on the internet, having it delivered to their home and literally put it straight on to plates to be consumed. At what point would they be alerted that the chicken in their Pad Thai, or whatever it might be, would be chicken that has come from a chlorinated source. So I will leave it there. It is no doubt that labelling, as the Minister has said, will have a great part to play in allergens and certainly we had some correspondence from the public on Scrutiny about the labelling allergens and people who suffer from allergies to all sorts of foods these days. But I just end by saying that we note, as the Minister suggested, that there are lots of bits and pieces in this law, which still need to be worked on. But it is right that it comes to the Assembly now and we support it.

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

I am pleased to follow the panel chairman. I just want to explore a little bit an element of labelling to which he referred earlier. The Minister suggested that the southern supply route would be enhanced. I would be interested in his views on how product coming from that direction may be labelled, given differences in languages. So I would refer to Article 20 of part 4, which suggests that the States may, by regulation, make provisions, and it could be that is yet to come.

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

It is really just to pick up on the point raised by the panel chair about importing of foodstuffs to the Island. I share that concern. The Minister knows very well that I share the concern. To be honest, as the U.K. signs free trade agreements, it has not signed many, but it will continue to do so. As it does so, many of those countries that it will do so will have lesser standards, certainly different standards, but many I would consider as being lesser standards around food regulation and food hygiene. So, I am very concerned because I also believe that when I was on Scrutiny I was told Jersey would be able to still stop goods at the border. I have since been told we cannot do that. I challenge that strongly and I believe that we need to try to make sure that our standards are not compromised by agreements that the U.K. enters into. Because it does not really matter whether Jersey enters into those agreements or not as well, because of the free flow of goods from the U.K. to us. If something is imported to the U.K. it can very easily end up here and none of us would know. So I am not convinced that this Food Law does anything to ameliorate that situation. I am not convinced that labelling is even beginning to scratch the surface of that. As Deputy Luce said, if I am buying chicken in a restaurant in Jersey it is not going to come labelled on my plate as being chlorinated. It is just going to be put on my plate and I will be eating it. We do not ask every restaurant the origin of every item in our meals. So the Food Law is important and I will certainly be supporting it, do not get me wrong there. I am just picking up on an area, which I think is an area of weakness within the law, while appreciating that the regulations are not yet before us. But it is

this area of the importation of goods that do not meet the same standards as we would expect in our own hygiene regulations, and that does concern me.

**The Bailiff:**

I am conscious that we are reaching 1.00 p.m. and I know that there was some suggestion as to whether one rose before this particular item. Can I just ask whether Members wish to continue as this is the last item of business and of course there will then be arrangement of future business and there will then also be Christmas greetings in the usual way. Or whether Members would like to continue or whether we should rise for the adjournment.

**LUNCHEON ADJOURNMENT PROPOSED**

**Deputy I.J. Gorst:**

Could I make the proposal that we continue and, if we are not complete by ... I see the Minister does not think he will be able to finish.

**Deputy L.J. Farnham:**

I would like to propose we carry on and finish the agenda.

**The Bailiff:**

We carry on and finish. I think that is what Deputy Gorst was about to propose as well. Can I assume that is seconded? **[Seconded]** Does any Member wish to speak on whether we continue until we have finished without adjournment?

**Deputy M.R. Le Hegarat:**

I propose we adjourn.

**The Bailiff:**

We have to deal with this one first. We have to deal with the sequence of propositions. The first one is whether we continue or not.

**Deputy M.R. Le Hegarat:**

I would like to speak in relation to the fact that we do not continue because I believe that we have at least an hour to an hour and a half bearing in mind speeches, et cetera, so I certainly would like a break. We have been here since 9.00 a.m. and it is now 1.00 p.m.; that is 4 hours.

**Deputy K.F. Morel:**

Yes, I echo Deputy Le Hegarat's views. But I also wanted to say, if it is decided to continue, I do have a meeting that I must attend at 1.00 p.m. so I will have to move for that.

**Deputy A. Curtis:**

I would like us to continue but if we do not I would like anyone proposing an adjournment to be a reduced adjournment, less than one hour.

**The Bailiff:**

We will have to make that proposition, if you really want to, after we have decided this proposition. Otherwise no one knows what they will be voting on.

**Deputy M.R. Scott:**

I would like to continue but I also, like Deputy Morel, have a meeting at 1.15 p.m.

**The Bailiff:**

The proposal is we continue until we finish and, if that is defeated, then the natural thing is we will adjourn, unless there is another proposition to be brought.

**The Connétable of St. Lawrence:**

I wonder if you could help us by advising us how many people still expect to speak?

**The Bailiff:**

We are still on the principles, we have not moved on to Second Reading, and I have at least one other person who wishes to speak, plus the Minister will need to respond, and that is simply on the principles. Obviously I cannot answer that for the Second Reading.

**Deputy R.S. Kovacs:**

Can anyone else in the room indicate if at all they want to speak either on the principles or after, to kind of have an idea?

**The Bailiff:**

I have already had that question and I have indicated I have one person on the chat who wishes to speak. The Minister will need to respond. I do not mind asking the question, does anyone intend to speak on the principles other than the 2 that I have mentioned? Does anyone have anything they wish to raise on the Articles? I would imagine the Christmas greetings will take approximately 15 minutes or so. We are looking forward to yours particularly, Deputy Southern. We should bring this particular debate, the proposition is do we continue and do you wish to respond, whoever made the proposition?

**Deputy L.J. Farnham:**

No, Sir, can we just get on with it please?

**The Bailiff:**

Yes, very well. Those in favour of continuing until we finish the order now please show? Those against? The no's have it. I will deal with the *appel* if you want.

**Deputy M. Tadier:**

Can we have the *appel* please?

**The Bailiff:**

All right, the *appel*. The vote is on whether or not we continue, a vote *pour* we continue until we finish, a vote *contre* is that we will adjourn. I ask the Greffier to open the voting and Members to vote. A vote *pour* is to carry on. Very well, if Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition to carry on has been defeated.

<b>POUR: 18</b>		<b>CONTRE: 23</b>		<b>ABSTAIN: 0</b>
Connétable of St. Lawrence		Connétable of St. Helier		
Connétable of St. Martin		Connétable of St. Brelade		
Connétable of St. John		Connétable of Trinity		
Connétable of St. Mary		Connétable of St. Peter		
Deputy G.P. Southern		Connétable of Grouville		
Deputy C.F. Labey		Connétable of St. Ouen		
Deputy M. Tadier		Connétable of St. Saviour		
Deputy R.J. Ward		Deputy S.G. Luce		



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

**Deputy L.J. Farnham:**

Sir, it has not been a good week for me, can I propose the adjournment? **[Laughter]**

**The Bailiff:**

The adjournment is proposed in accordance with Standing ... the Assembly stands adjourned until 2.00 p.m.

[13:00]

**LUNCHEON ADJOURNMENT**

[14:01]

**The Bailiff:**

We continue with the debate on the principles of P.105, the Draft Food (Jersey) Law. The next to speak is Deputy Ozouf. Deputy Ozouf? Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles ... one last try, Deputy Ozouf? If no other Member wishes to speak on the principles, then I close the debate and call upon the Minister to respond.

**7.1.6 Deputy J. Renouf:**

A last lap or, as I like to think of it, the dessert course. As some Members will know, I do indeed have a bit of a sweet tooth. I would like to thank Members for their contributions and to pick up on some of the points that were raised. First, Deputy Luce remarked that this law has been long delayed and that is correct. However, one must always look for silver linings and there is a small advantage in the delay in that it has allowed the law to respond more fully to the post-Brexit situation. So I would like to talk briefly about trade and the import of food that we might consider to be of lower welfare standard, which was raised by several Members. Whenever this kind of an issue arises, we all crave certainty, absolute clarity, clear black and white rules. In my limited but hopefully rapidly growing experience, this is not easy to provide in matters relating to international trade agreements. The formal situation is that Jersey does retain the right to restrict imports of foodstuffs, for example as it does with the import of liquid milk. It is also the case that free trade agreements, which the U.K. signs with third countries, are not automatically extended to Jersey. We have to agree to the goods chapter, as it is called, being extended to the Island and it is through this mechanism that we might

find ourselves exposed to importing items that the U.K. has agreed to import, with which we may not be comfortable. However, it is also the case that there is a decision of the Assembly that we should seek to extend goods chapters to the Island, and we must also be mindful that the U.K. negotiates free trade agreements on the basis that the goods chapters will be extended to all the Crown Dependencies. So, the situation is nuanced. We do retain rights, but we would have to be wary of how we use them, particularly as we depend on the U.K. for entrustments in areas of international trade and indeed for the licensing of medicinal cannabis. So we need to be a responsible partner. It is for this reason that I regard labelling regulations as a sensible, pragmatic, extra string to our bow, in terms of giving us some *de facto*, if not *de jure*, control over imports. I would not wish to make too much of it but Members might like to consider whether a labelling requirement for a particular food product might be worded in such a way that food importers might end up questioning whether there was any point in bringing that product to our market. As I say, it is a pragmatic extra power. Let me talk about the southern supply route. It is important to say that the reason why we will be able through this law to support imports from France is that by having a licensing scheme for imports and exports, we hope to be able to provide reassurance to the U.K. that we are not a back door to the U.K. market. In practice this means that we can allow the import of food without an onerous inspection regime that might be the case were that food to be going directly to the U.K. because we will be able to provide certainty through our licensing scheme that anything coming into Jersey is not going any further. In terms of labelling of food from the Continent, which was raised, we already of course have access in Jersey to food from many parts of Europe and the world that is labelled in Polish, Romanian, French, and so on. Where that food is produced for the mass market, it is common for the main ingredients and other vital information, cooking instructions and so on, to be in English and certainly in my experience when I am in French supermarkets. But where it is not we will be able to make our own labelling regulations as we feel is appropriate to our market. On kitchen sizes, the main risk here I think that we want to identify is cross-contamination and hygiene. This will be captured within the priority secondary legislation, in particular the hygiene regulations. I think we are unlikely to specify kitchen size directly because there are many ways of working safely, including time separation of different activities, and there might be only low-risk products being used in a small kitchen, for example. So, I hope that has answered the points that were raised in the discussion and I would like to move to put the proposition to the Assembly.

**The Bailiff:**

The principles to be voted on. Do you call for the *appel*?

**Deputy J. Renouf:**

Yes please.

**The Bailiff:**

I invite Members to return to their seats. The vote is on the principles for the Draft Food Law. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				

Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F Stephenson				
Deputy M.B. Andrews				

Deputy Luce, does your panel wish to call the matter in? How do you wish to deal with the matter in Second Reading then? How do you wish to propose the Articles, Minister?

**7.2 Deputy J. Renouf:**

*En bloc.*

**The Bailiff:**

You would like to propose them *en bloc*? Are they seconded *en bloc*? [**Seconded**] Does any Member wish to speak on the Articles in Second Reading? Those in favour of adopting the Articles in Second Reading kindly show. Those against? Do you propose in Third Reading, Minister?

**7.3 Deputy J. Renouf:**

Yes please.

**The Bailiff:**

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

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

May I just add from an External Relations point of view in relation to the extra matters, which Deputy Kirsten Morel and the Minister has also ably dealt with? The External Relations will be dealing with the trade matters but safeguarding Jersey’s position in the best way that we possibly can. I do not wish to make any other further observations apart from to allay Members’ concerns in relation to trade matters. That these will be dealt with by Jersey officials and this week we have been involved directly in certain trade negotiations, for the first time having our Jersey people involved in some of the trade discussions, both in terms of goods and services. I hope that is helpful to Members.

**The Bailiff:**

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

**Deputy J. Renouf:**

We will take the vote please.

**The Bailiff:**

Very well, those in favour of adopting in Third Reading kindly show. The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The law has been adopted in Third Reading.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G..P. Southern				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy M.R. Le Hegarat				

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

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

### **The Bailiff:**

That concludes the public business and we now come to the arrangement of future business.

### **8. Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):**

Two propositions have been lodged since the Consolidated Order Paper was published. Deputy Scott has lodged Assembly approval for supplementary planning guidance, P.114/2022, and this has been listed for the January meeting. The Minister for the Environment has lodged the Draft Sea Fisheries (T.C.A. - Licensing of Fishing Boats) (Amendment of Law and Regulations), P.115/2022, and these have been listed for the meeting on 7th February 2023. The next meeting, you will be relieved to know, is unlikely to be as long as the one we have just had. But, as always, Members should bear in mind the continuation days that have been set aside if needed. Before I sit down, I would just like to

thank the Bailiff, the Greffe, the Greffe staff, and Ushers for still being in good spirits after such a long and gruelling week. Thank you.

### **8.1 Deputy J. Renouf:**

One further matter in relation to future business. The Constable mentioned the fisheries proposition, which has been lodged for February. I would ask the Assembly's permission to bring it forward to the 17th January meeting. The proposition concerns regulations relating to fisheries and, in particular, licensing of French fishing boats in relation to their replacement vessel policy. This is to do with the negotiations that are ongoing between the European Union and us, through the U.K., in relation to the ongoing extent in what is called the "Extent and Nature" negotiations. We are hoping to conclude a deal. As part of that it would be very helpful if these regulations were discussed early in order for us to have in place the relevant instruments to enable us to meet the requirements of those negotiations.

#### **The Bailiff:**

Your proposition is would the Assembly please list it, notwithstanding the fact that the lodging period has not been fully complied with, for the next sitting, which is in January.

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

Exactly.

#### **The Bailiff:**

Is that seconded? [**Seconded**] Does any Member wish to speak on the listing or anything of that nature? Those in favour of permitting this to be dealt with in January kindly show. Those against? Very well, then, chair of P.P.C. (Privileges and Procedures Committee), in the light of that, do you have any further proposition with regard to public business going forward?

[14:15]

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

No, just to say that we will take the Draft Sea Fisheries (T.C.A. - Licensing of Fishing Boats) (Amendment of Law and Regulations) Regulations at the next meeting.

#### **The Bailiff:**

Do Members agree to take the future business as proposed by the chair of P.P.C.? Very well. That then concludes, to a great extent, the business of the Assembly.

## **CHRISTMAS GREETINGS**

### **9.1 The Connétable of St. Helier:**

I had been looking forward to making the traditional speech on behalf of the Connétables, because for the first time I would not have to play second fiddle to the senior Senator, who invariably had all of the best lines. Although I suppose going second was better than going last, not that this was a problem for former Deputy Judy Martin who always managed to get us laughing in her Christmas speech on the part of the Deputies, however acrimonious were the debates that had just been occupying us. But that was before the tragic events of last week, the loss of 3 fishermen last Thursday on the vessel L'Ecume, and of 9 of my parishioners at Haut du Mont in Pier Road on Saturday morning. It is impossible for us now to think about the coming period of festivity and family reunions without reflecting on the recent experience of those bereaved by the recent tragedies and how sombre and grief-stricken their Christmases will be. The whole community has of course rallied around to support generously and various professional and voluntary bodies involved in the aftermath of last week's tragedies have been marvellous. I say "of course" because that is what Jersey does. That is what Islanders do so well, whether it is in response to the most recent events or to other national and

international shocks, which struck a chord with Islanders, such as the invasion of the Ukraine in February. As of this morning, the outpouring of collective grief has been echoed by His Majesty King Charles III and the Queen Consort. While this past year has had its moments of shared rejoicing, such as is always the case on Liberation Day, and this was supplemented with the Island's celebration of Her late Majesty the Queen's Platinum Jubilee, these moments were surely overshadowed by the loss of Her Majesty on 8th September. Once again, Islanders came together to mourn in the darkness that followed the disappearance of the person who had become our lodestar. The Parish Halls played their part then, as they have done on other occasions, in providing a place where parishioners gather in good times as well as bad. Returning to the twin tragedies that are concentrating minds as well as efforts at present we have been particularly well served by our Honorary Police forces this year. **[Approbation]** They are still providing cover at various points around the Haut du Mont cordon. Parish officers are still delivering hot food and drink to Honorary and States officers, while even our Parish refuse workers have been delivering early hot breakfasts. This work, and the work of the States police, fire service, Andium Homes and trained counsellors will be ongoing in the days and weeks ahead, both in investigating the loss of the fishing vessel's crew and the explosion at Haut du Mont and in the aftermath of both tragedies, bringing comfort at a time of sorrow to relatives of the victims and more than 30 displaced households. On behalf of the Constables, I wish you and your family a very happy Christmas and a peaceful New Year. I hope that you will have the chance to stretch your legs after sitting in your chair for so many hours. We extend our greetings to the Deputies and their families, the Dean and his family, the Deputy Bailiff, the Crown officers, the Greffier and her team, the Judicial Greffe and the Jurats, the Ushers and Jan, to the Scrutiny officers and everyone else who works so hard to enable the workings of this legislature. The Constables work closely with the emergency services, and we wish their officers a very happy Christmas and a restful New Year with their families. We acknowledge the vital contribution of everyone who works in health and social care, especially those who will be working while we are sitting down in front of the turkey next weekend. Speaking of turkeys, and the ones who would not vote for Christmas, this speech would not be complete without mentioning the General Election on 22nd June this year. With my Father of the House - although we are not a House - hat on, rather than my senior Constable hat, I have to confess that I still have to pinch myself sometimes when I come into this Chamber and deal with the conflicting emotions with which our newest Members will already be familiar, stage fright, self-doubt, even surprise, chief of which is surely the sense of pride in being elected to represent the people of this Island. I want to finish by extending especially warm greetings at Christmastime to the newly elected Members of this Assembly. **[Approbation]**

## **9.2 Deputy G.P. Southern of St. Helier Central:**

My fellow Deputies and Connétable, I speak to you at the end of what has been an eventful year for us all. The last election saw not only the demise of the Senators, but perhaps one of the biggest changes this Chamber has seen, with so many Ministers entirely new to this Assembly. It is of particular satisfaction to me to see the doubling of numbers of my Reform Jersey colleagues. My ambition to see party politics delivering real democracy in a Jersey dominated by a caring, social democratic party, is coming to fruition, although even I have to admit there is some way to go yet. We have also welcomed our new Lieutenant Governor and I hope that he and Dr. Kyd enjoy their time here and are already feeling the warmth of the Jersey welcome. However, it is with sorrow that I speak at a time when Jersey has seen 2 tragic events with the loss of 12 lives. What has emerged from these tragedies is that we have seen once again the amazing response from Jersey people who came forward spontaneously with offers of help. We are particularly grateful to the response of our emergency services, and it is clear from the Facebook reaction to journalist questions at the press conference that the public will brook no criticism of the fire service, the police or the paramedics that serve us so well **[Approbation]** and I hope that this will still be remembered in the next round of pay talks. Thanks, and appreciation do not pay the bills. I speak also as Britain seems broken, suffering unprecedented strikes as many key workers, especially in the public sector, seek pay rises that will

help them cope with rampant inflation. The British Government have responded with scrooge-like stubbornness. Let us not, in the next round of pay talks, follow their example. At this time of year many will make reference to Charles Dickens, the supposed originator of Christmas as a time for charitable giving. In *A Christmas Carol* Scrooge's nephew says Christmas is: "... a kind, forgiving, charitable, pleasant time; the only time I know of ... when men and women seem by one consent to ... think of people below them as if they really were fellow passengers to the grave, and not another race of creatures bound on other journeys." But Dickens did not believe that charity was only for Christmas. Scrooge was told by Marley's ghost: "Mankind was my business. The common welfare was my business" and having learned his lessons from the spectral visitations Scrooge extended his good intentions beyond Christmas Day. He did more than deliver an enormous turkey to the Cratchit family. He raised Bob's wages, then he allowed them a warm fire and he cared for Tiny Tim like a father. Do we need to be stirred by ghosts in order to do our human duty by those who today are cold and hungry not just at Christmas but throughout the year? Thanks to this week's decision the Tiny Tims of today will receive free healthcare. We are a wonderfully generous Island, as our response to the recent crisis with so much generosity has shown. We must commend Andium Homes, for example, who promptly rehoused all those rendered homeless by the explosion. **[Approbation]** We must harness this can-do attitude to eliminate the scourge of poverty from our Island, to ensure that the Bob Cratchits of today as well as the Mrs. Cratchits earn enough to feed their families without having to resort to today's equivalent of the workhouse, the foodbank. We had no need of them just a few short years ago. This is perhaps another of our insidious imports from the U.K. that threaten to take us back to Victorian times. Let us remember our duty to all mankind and hope for a more prosperous New Year for all. My season's greetings go to His Excellency and Dr. Kyd, the Bailiff, the Deputy Bailiff, the Greffier of the States, the Deputy Greffier and the Assistant Greffiers, the Dean, the Attorney General and the Solicitor General, the Viscounts and their staff, the Ushers and all of the States staff behind the scenes who have enabled the States meetings to operate, to wish Jan season's greetings, now she takes a break from pouring our tea and, in particular, I must focus on the Scrutiny officers and research assistants who do such a wonderful job enabling us and particularly me to stay competent **[Approbation]**.

### **9.3 The Bailiff:**

The Connétable of St. Helier and Deputy Southern, thank you for your kind words and expressions of collective good wishes on behalf of the Assembly. I am very happy indeed to have this traditional opportunity to reciprocate them. The difficulty with being the third speaker, as the Connétable of St. Helier has suggested, is that pretty well everything that one might have wanted to say has already been said by other people, but even so and notwithstanding the injunction in Standing Orders against repetition, I might repeat that. **[Laughter]** Notwithstanding the injunction in Standing Orders against repetition, I would not wish this opportunity to pass without reflecting a little on the extraordinary year that we will shortly leave behind us. I will not speak for long. It has been an arduous week of States business and a difficult time for us all in this Chamber and in the Island more widely. It would be easy to approach these reflections with an element of sadness and sombreness in the light of very recent events. I will touch on these in just a moment. Looking back to last year, however, we could not have expected the year that 2022 was going to be. We looked forward with anticipation perhaps to the first Liberation Day where we could all join together after 2 years of COVID restrictions, and this was augmented enormously by a royal visit by the Earl and Countess of Wessex, and then a celebration of Her Majesty the Queen's Platinum Jubilee. Although these were happy and entirely positive events for Jersey and its people, the Russian invasion of Ukraine was a sobering backdrop to them. Then of course there was a general election and there are now many new faces in the Assembly and a new Government. No sooner however had the new Assembly been elected and then sworn in before the Royal Court we faced the enormous shock and deep collective sadness of the passing of Her late Majesty the Queen. I am not going to dwell on that event at all, because a great deal was said at the time and rightly so both in this Assembly and in the Island



more generally. We also of course, unprecedented in the life of any Assembly since the 1950s, proclaimed a new sovereign, our King, and I am sure that that ceremony will live in the memories of many of us for years to come. Of course, we appointed and swore in a new Lieutenant Governor and his Excellency, Admiral Kyd and Dr. Kyd have, if I may put it this way, thrown themselves into Island life and shown what a marvellous addition to the Island they are and will be. The Assembly, if I may say so, has worked extremely hard and with enormous commitment and enthusiasm. It has met for 48 days this year, including special sittings, and this new Assembly alone has passed 16 propositions and has conducted the longest ever Government Plan debate in the last 5 years, with 26 amendments and 10 amendments to amendments.

[14:30]

In addition, it has conducted the longest ever debate in the 135-year history of the Assembly, the bridging Island Plan, lasting 10 days with 103 amendments and 13 amendments to amendments. It is possibly true that a greater familiarity with Standing Orders might have eased the business of the Assembly, including the arduous one over the last few days, but it has been impressive, and the enthusiasm and level of knowledge displayed has equally been impressive and if I may say so you are entitled to feel proud of the first few months in the life of this new Assembly. I think I can say however with confidence that Members can now be treated as seasoned debaters and the honeymoon period is over, so we will address familiarity with Standing Orders in the new year. In reflecting on the business of the Assembly, it would be wrong not to say that both I and all Members have relied on the Greffier and her team. We rely on them for their commitment and dedication, and I would like therefore to pay a tribute to the enormous contribution to the work of the Assembly made by the Greffier, the Deputy Greffier and the team at the States Greffe. **[Approbation]** Perhaps I am particularly aware of their contribution because of the amount of assistance I get on a regular basis and I am grateful for the level of support and guidance that I receive in the day-to-day functioning of my office. We might a little over a week ago have been simply anticipating this just passed Government Plan debate and a gentle end after that to the business here. That was not to be and the 2 tragedies over the last 10 days or so took place. I do not intend to speak about them. Others in this session have done so and I agree with all that has been said by the Connétable of St. Helier and Deputy Southern. The Chief Minister spoke in the Assembly earlier this week. In the last few days, we attended a vigil where His Excellency and the Dean in their different ways encapsulated the feelings of the Island and said what needed to be said and provided a space for reflection, for hope and indeed for optimism. I do not need to say more. It would perhaps be inelegant to do so. We are both sorrowful but also extremely proud of the efforts of Islanders in support of those affected. It is in this sad context that Jersey is at its best, and I echo all that has been said about the emergency services and the honorary services within the Island that have responded so magnificently to the challenge that has been placed before them in the last week or so. **[Approbation]** That perhaps is the relevance in a way of this time of year. Whether you approach this period from the point of view of the traditional and much-loved Christmas story with all the optimism, light and new promise that that brings, or simply from the natural human experience of the winter solstice, which itself signals the beginning of the increasing light in the world as the seasons change, this is a time when we may go still, we may reflect on what has happened for good or for ill, on the friends that we have lost - and we have lost a number from this Chamber - and the friends that remain in who we may rejoice and anticipate with optimism and hope what is to come. Before concluding, it is right that I give Members the statistics of the fines that have been levied. We have levied £300 total so far, not including this week, so there will be a significant amount further. What I can say in this season of giving and goodwill is that no one has paid up yet **[Laughter]** and we know who you are and the Chair will feel perfectly content to reflect in its rulings and in its attitude whether there are outstanding bills from Members who should have paid their fines. Levity, if indeed it was levity, aside in any event whatever your views and whatever your philosophies it is time now for us all to pause for a while and for everyone to take an extremely well-earned rest. No matter what Christmas

may mean for you, I would like for myself and for the Deputy Bailiff, on behalf of His Excellency and the Crown officers, the Dean and for the Greffier, the Viscount, the Chief Usher and all members of the respective teams to thank you for your kindness, your support over this last year and wish you and your families a peaceful and happy Christmas break and an optimistic and joyful 2023. Thank you. **[Approbation]** That concludes all matters for the Assembly for this year and the Assembly stands adjourned until 17th January.

## **ADJOURNMENT**

[14:36]