

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 1st MARCH 2023

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[9:30]

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

PUBLIC BUSINESS - resumption

1. Vote of No Confidence – Chair of the Health and Social Security Scrutiny Panel (P.7/2023) - resumption

The Greffier of the States (in the Chair):

We recommence this morning with the first item of business, which is returning to the proposition brought by Deputy Bailhache, a vote of no confidence in the chair of the Health and Social Security Panel, P.7/2023. As agreed yesterday evening by the Presiding Officer, the first speaker this morning will be Deputy Southern, so I call upon Deputy Southern to speak.

1.1 Deputy G.P. Southern of St. Helier Central:

Thank you, Ma'am. I remembered to get it right first time in many a year. Members will be glad to hear that this debate is coming to an end, penultimate contribution from me and then one further statement and we can all make our minds up what we want to happen. As on many occasions, whenever I am in doubt, I go back to basics. The basics are that a complaint has been made. A complaint about the behaviour and attitudes of 2 of my members of my Scrutiny Panel. Although the Minister for Health and Social Services cannot talk today I can talk on her behalf. I have had an extensive conversation with her and the words she uses is: "My officers feel browbeaten" by the attitudes and the behaviours taken by 2 of my members. That is not going to go away unless, of course, you vote against the no confidence motion and then I will be able to get on with my business. I can form a 3-person panel almost overnight, I think; I have sounded people out and we can get on with our duty to conduct proper scrutiny. A complaint has been made and I will just read from the letter because that is the basics: "In our private meeting with Professor Mascie-Taylor on Thursday 1st December 2022 - which was held prior to a quarterly hearing that same day - you will recall that we discussed the Professor's appointment to the newly created role of chair of the Health and Care Board. During the private meeting I was asked about the appointment of Professor Mascie-Taylor and was asked if I had encouraged him to apply for the role. I confirmed that I had suggested that Professor Mascie-Taylor may wish to consider applying for the role considering his wealth of experience and knowledge of global health system and the issues facing our health service. In the public meeting that followed [immediately followed public meeting - the previous one was private], Deputy Ward then referenced this discussion very clearly and the matter was then reported on in the media and led to questions in the Chamber. While I have no issue with the above being known and reported on, it is how it came to be public with which I am concerned." And the phrase used by a member of my panel: "Could the fact, on your own admission, that you did encourage Professor Mascie-Taylor into applying for the post, that that maybe skewed the independence or your position as making that final decision?" It appears to be a game of words. I would use the word not bullying this time but innuendo. Was that a decision made independently or are you really not up to it, are you just picking a favourite. That is the innuendo contained in that phrase and that is what people often object to. Elsewhere in the complaint: "On Thursday, 2nd February 2023, in a private meeting [again a private meeting] with myself and my officers, I feel bound to write to you and strongly convey my concerns as part of my own duties as a Minister and States Member. As you know, and for the sake of posterity, I requested that my chief officer withdraw from the meeting as I found the Deputy's behaviour wholly inappropriate of a person holding public office, and that officers should not be subjected to what I considered to be clear vitriol and disrespect from the Deputy. I consider that the Deputy's behaviour in no way upheld the requirement to maintain the integrity of the States nor did the Deputy fulfil the requirement to promote and demonstrate leadership. Instead, the Deputy felt it appropriate to talk to the chief officer in such a way that the Deputy disrespected the chief officer's right to be treated with dignity and respect at work under the States of Jersey Codes of

Practice. The Deputy's behaviour also clearly infringed on those same rights of those more junior civil servants who accompanied me and the chief officer to brief the panel. As you know, one of my priorities is to address poor behaviour and culture within H.C.S. (Health and Community Services), and so when we, as States Members, are unable to act as standard bearers for model behaviour, it makes this challenge more difficult - accountability and scrutiny, in my view, can be conducted in a way that is respectful and dignified." That is what I have tried to do, turning to myself, for the past 23 years. I believe, by and large, I have met those standards. The complaint has been made yesterday: what happened to the complaint? Why was this complaint not taken to the Liaison Committee and the answer is it was and it was discussed at the Liaison Committee. The question arises: why was this not put before the Commissioner for Standards, and the answer was the Commissioner for Standards had been recently appointed but was not in place. The question then arises: but if this complaint was to go to the Commissioner for Standards how long would it take to get a ruling from the commissioner? Surely some days, perhaps weeks, before it would. In which case it would be sitting there, hanging over the work of the Scrutiny Panel for some time. That is the case. If you decide that you wish to vote for a motion of no confidence in me then albeit do so. But if you think that the circumstances of this particular case are such that you wish to vote against the motion of no confidence in me then please do so. I would encourage people - nice word "encourage people" - to vote one way or the other to make sure we get a clear decision out of this process today. With that, I encourage people to vote anyway. Thank you.

The Greffier of the States (in the Chair):

Deputy Scott, I saw your light on. Do you have a ...

Deputy M.R. Scott of St. Brelade:

Yes, just a point of clarification.

The Greffier of the States (in the Chair):

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

Deputy G.P. Southern:

No, Ma'am.

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

Could I ask a point of order? It is a point of order about removal of members of a panel, I do not know if I can ask ... I cannot just see it in Standing Orders. Does a chair of a panel have the ability or power to remove, in the way it is suggested, members of their panel?

[9:45]

The Greffier of the States (in the Chair):

No, there is no facility within Standing Orders for a panel member to be removed. The members are approved by this Assembly. What would normally happen is that members choose to resign, to step down from the panel, if the relationship reaches a point of no return. But there is nothing in Standing Orders that requires members to resign and similarly the chair has no power to ask Members to resign.

Deputy I. Gardiner of St. Helier North:

Can I lift the défaut on Deputy Moore and Deputy Ward please?

The Greffier of the States (in the Chair):

Are members content to raise the défaut on Deputy Ward? The défaut is raised.

Deputy I. Gardiner:

Moore and Ward.

The Greffier of the States (in the Chair):

Sorry, and Deputy Moore. That draws to an end the debate. I call upon Deputy Bailhache to reply.

1.1.1 Deputy P.M. Bailhache of St. Clement:

I can understand some Members' frustration with this debate and their wish that it would just all go away. But there is an important principle at stake. That principle is the right of Scrutiny Panels to carry out their work fearlessly and without interference from the Executive. I have tried hard to avoid this debate. On receipt of the letter from the Minister one might have hoped that Deputy Southern would have discussed the matter with his Vice-Chair but he did not. If I had not approached him I do not think we would have had a discussion at all. One might have hoped that he would have done any number of things; getting the parties together around a table in order to try to resolve matters and understand the problem or going to the Scrutiny Liaison Committee, for example. After Deputy Gorst's wise intervention yesterday one might have wished for some form of conciliation from Deputy Southern. I would have accepted the terms set out by Deputy Gorst and withdrawn the proposition. It is pretty much indeed what I suggested to Deputy Southern at our meeting. I asked Deputy Southern, after yesterday's sitting, if he wanted to do a deal. But the proposal was dismissed out of hand. It takes 2 to tango. You cannot negotiate with someone who is unwilling to compromise. To those who say withdraw the proposition without any corresponding move from Deputy Southern, I respond that solves nothing. The impasse continues. Deputy Southern has clearly made up his mind that trust has broken down between the Minister and the panel. That is indeed what he said. The Minister's letter dropped into fertile ground in Deputy Southern's mind. It is a pity that the Minister did not speak and correct me, Ma'am, if she was advised not to speak. My understanding was that she was advised not to vote but that she was able to speak if she wished.

The Greffier of the States (in the Chair):

That is absolutely right, Deputy.

Deputy P.M. Bailhache:

It is a pity she did not speak because it would have been useful, I think, to hear her response to some very relevant questions from Deputy Tom Binet. Did she want Deputy Southern to react in this way? Had she discussed it with him beforehand? Was there some kind of a plan that Deputies Ward and Howell should be removed from the Scrutiny Panel so that it could be reshaped? The letter had obviously been crafted with great care and lots of footnotes. If that is the case, there is certainly work to be done because I, for one, am not prepared to see the Scrutiny Panel moulded to the wishes of the Minister and good members chased off for no good reason. With some honourable exceptions, the Government's reaction to this debate has been disappointing. Neither the Chief Minister, nor the Deputy Chief Minister, nor either of the Ministers involved with the panel, have chosen to speak. They seem to have decided that it is an internal Scrutiny squabble and sat back and washed their hands of the whole matter. That seems to me a pity. Does not the Government have an interest in vibrant and effective scrutiny? Does it really want Scrutiny Panels chosen by the Chair, as Deputy Southern wishes, so that they become pale shadows of their leader and may be dominated by a particular party? Do they really want panel members docilely to toe the party line? I begin to sound a bit like another Backbencher who said, and I quote from Hansard, on 10th December 2020: "It is perhaps part of our DNA but stirring things up is another way of describing holding others to account." Who was that Backbencher? It was of course the Chief Minister, then Senator Moore, in the course of another no confidence debate. How sad that perceptions change when one achieves power. She was right then and I am afraid wrong now. Stirring things up is sometimes necessary to hold Ministers and officials to account. That is what Deputies Ward and Howell have done and what they should continue to do. That is not to say, and I cannot emphasise this strongly enough, that breaches of the code of conduct and the code of practice are acceptable. They are not. Members and their officials are entitled to be treated with the respect that is due to any human being. I do not

believe that the codes have been broken and I accept the point made by Deputy Le Hegarat and others that it is difficult for Members to resolve conflicts of evidence when they were not present at the meetings. But I also think that Deputy Luce was quite right to ask rhetorically: is there sufficient evidence of bad behaviour to require the 2 Deputies to resign? That is the real question. The burden of proof seems to me to be on those making the assertion. Deputy Southern, in his speech just now, spoke about the alleged breach of confidence from a private meeting. I cannot do more than repeat what I have put in my report. There was no breach. The matter was put into the public domain first of all by the Minister herself and she was then questioned by Deputy Ward. There was no breach of the confidence of a private meeting. There are some rather non-specific allegations in the letter. Deputy Howell allegedly subjected officers to, and I quote, “clear vitriol and disrespect”. Those are strong words. Vitriol is defined in the dictionary as acrimonious or scathing speech. But what did Deputy Howell actually say? We do not know because it was not explained in the letter and the Minister has not spoken. I was there and I can only say that I heard no vitriol. The Minister requested her chief officer to withdraw for the sake of posterity, whatever that means. I doubt very much whether posterity will be interested in the affairs of this particular Scrutiny Panel. But the Minister said that her Chief Officer was asked to withdraw because Deputy Howell’s behaviour, and again I quote was “wholly inappropriate for a person holding public office”. But in what way? What did she actually do? These vague and non-specific allegations are awfully easy to make and not so easy to rebut but they are not, I suggest, sufficient evidence of bad behaviour to demand resignations from the panel. Scrutiny Panels are appointed by the Assembly. It is not open to Chairs of Scrutiny Panels to seek to dismiss members of the panel. I told Members when I opened this debate that I had seen nothing which, in my opinion, amounted to inappropriate questioning from the 2 Deputies of the Minister or her officials. Firm questioning, yes. Persistent questioning, yes. Both the Deputies may have strong views but people who stir things up make you think. If you are open-minded to people who challenge you, you are compelled to look at things from a different point of view. That ought to be constructive for the Minister and her officials. None of that also should be a problem for a competent chair. Deputy Southern has, I am afraid, grossly exaggerated the conduct of the 2 Deputies to justify his position. I do not believe that the relationship between the Minister and the Scrutiny Panel is broken or beyond repair. Between sensible and moderate people, it is always possible to find common ground and to find an accommodation. The letter sent by the Minister was, as I have said before, a misjudgement. It should not have been written. It should be withdrawn. It is always better to talk. If you talk, you can usually find a solution. So how should Deputy Southern have reacted to the Minister’s letter? Should he have run away from the problem and try to push the Deputies off the panel as he did, or should he have tried to address the issues by discussion and persuasion? I have no confidence in a chair who chooses the former and I move the proposition.

The Greffier of the States (in the Chair):

Do you call for the *appel*, Deputy?

Deputy P.M. Bailhache:

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 had an opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the proposition has been carried.

| POUR: 17 | | CONTRE: 15 | | ABSTAIN: 14 |
|---------------------------|--|--------------------------|--|----------------------------|
| Connétable of St. Brelade | | Connétable of St. Helier | | Connétable of St. Lawrence |
| Connétable of Trinity | | Deputy G.P. Southern | | Connétable of St. John |
| Connétable of St. Peter | | Deputy M. Tadier | | Connétable of St. Clement |
| Connétable of St. Martin | | Deputy M.R. Le Hegarat | | Deputy L.M.C. Doublet |

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

[10:00]

2. Establishment of a Climate Council (P.117/2022)

The Greffier of the States (in the Chair):

We move on to the next item of business which is the Establishment of a Climate Council, P.117/2022, lodged by the Minister for the Environment and the main respondent is the chair of the Environment, Housing and Infrastructure Panel. There is an amendment lodged by Deputy Coles of St. Helier. Minister, do you accept this amendment? I understand that Deputy Jeune is acting as rapporteur for this item.

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

Yes, we accept this amendment and we have discussed with Deputy Coles whether to split it.

The Greffier of the States (in the Chair):

Is it part (b) of the amendment that you accept?

Deputy H. Jeune:

We are accepting part (b) but opposing part (a), yes.

The Greffier of the States (in the Chair):

Do you wish to have the proposition read as amended by part (b)?

Deputy H. Jeune:

Yes.

The Greffier of the States (in the Chair):

Then, Greffier, if you could read the proposition as amended, including part (b) but not part (a).

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion, in accordance with the amendment made by the Environment, Housing and Infrastructure Scrutiny Panel to the Carbon Neutral Roadmap, agreed on 29th April 2022, to approve the establishment of a Climate Council for Jersey with terms of reference and membership as set out in the report, except that on page 4, after the words “States Assembly.” there should be inserted the words “The Council will consider and advise on Carbon Sequestering initiatives that would be applicable to Jersey.”

2.1 Deputy H. Jeune (Assistant Minister for the Environment - rapporteur):

The proposed new Climate Council will provide independent science-based advice on setting and meeting carbon budgets and preparing for climate change. The independent council will report on and evaluate the Government of Jersey's progress on reducing carbon emissions and the climate change policy initiatives being delivered by the Carbon Neutral Roadmap. In developing the terms of reference for the Climate Council I considered that they should be proportional to the size of the Island to maintain maximum efficiency with minimum overheads. Therefore, it is intended that the council will present a report to the States Assembly at the end of every 4-year delivery phase for the term of the roadmap up to 2050, in simple terms, providing an end-of-term report. The first 4-yearly report from the Climate Council will need to be signed off and presented to the States Assembly by the end of quarter 1 2026. The council will be made up of 5 members - at least one must be a full-time Jersey resident - covering areas of expertise in energy, economics, climate technology and income inequality and just transition. For those Members unfamiliar with this term, it means the process of shifting to a low or zero-carbon economy in a fair and just manner so that no sector of the community is disproportionately impacted. This is one of the 5 principles underpinning the Carbon Neutral Roadmap. The council is estimated to cost between £40,000 to £60,000 incurred every 4 years. As this proposal was brought forward as an amendment from the previous Environment, Housing and Infrastructure Scrutiny Panel with no specific budget line, the cost of the 2026 council will come from the Climate Emergency Fund via reallocation of funds. Future costs of the council will be considered as part of the long-term financing strategy that we have started to develop. The key performance indicator for overall success of the Carbon Neutral Roadmap is the Island's annual greenhouse gas inventory which is reported on annually. I will not be opposing part (b) of the amendment to the amendment; however, it needs to be acknowledged that the use of the term "sequestering" in the amendment is inaccurate but that its meaning is still clear in this context. As an independent body, the council will have the opportunity to determine for itself where its attention and efforts are best placed which means that the carbon sequestration would not be given additional weight on consideration over other Carbon Neutral Roadmap policies such as heating, transport and sustainable finance. I commend the proposition as amended to the Assembly.

The Greffier of the States (in the Chair):

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

2.2 Establishment of a Climate Council (P.117/2022): amendment (P.117/2022 Amd.)

The Greffier of the States (in the Chair):

As we said, there is an amendment lodged by Deputy Coles of St. Helier South to part (a) of the proposition and I ask the Greffier to read that amendment.

The Deputy Greffier of the States:

After the words "set out in the report", insert the words " , except that the delivery phase for the Climate Council should be 2 years instead of 4 years, with all references to the 4-year delivery phase amended accordingly".

2.2.1 Deputy T.A. Coles of St. Helier South:

Firstly, I would like to thank the Minister and the Assistant Minister for their acceptance of the second part of my amendment. Carbon sequestration is an important part of our efforts on our impact on our carbon emissions for climate change. I would also like to just point out that this amendment is not intended in any way, shape or form to devalue, discredit any attempt with the Climate Council. It is an incredibly important initiative that we need to maintain and continue on our roadmap to ensure to get to net zero as quickly as possible. So why do I consider every 4 years is too long for the report to be produced? With the United Nations Framework Convention on Climate Change meeting every year, it is important that we stay on top of any changes and be involved in any new developments

that these conventions bring. Being prepared to change earlier in a political term rather than waiting until a new Government is elected seems more logical. We must also consider that a number of the initiatives and incentives have a financial implication. Would it not be better for us to measure twice and cut once before spending money which might be in the wrong direction? We also have to consider that technologies and developments move very quickly and we do not want to fall behind and choose the wrong initiatives. When we look at things like the electric car, is the electric car the best way forward? Are we going to spend money on initiatives like improving our infrastructure to be able to charge electric cars around the Island or whether something like the hydrogen fuel cell might overtake this within that 4-year period and save us money on the infrastructure for electric cars and develop it towards more hydrogen-effective vehicles? There are also considerations that we are producing alternatives for fossil fuels like biodiesel and synthetic fuels. It might be considered that one of these takes a bigger shift within that 4-year term but biodiesels and synthetic fuels may require different storage parameters and therefore we may need to shift how we are looking at storing these fuels. I also then look at recruitment and retention around this Climate Council as it is important that we maintain consistency but with the council meeting every 4 years it is possible that members, even accidentally, may find themselves unable to commit from one council term to another or choose not to return for the following 4-years' report. This would lead to another recruitment process which would add additional costs and potentially impact the completion of the report on its 4-yearly basis. Surely we want consistency on this council? It is important to note as well, as the Assistant Minister for Energy and Climate Change mentioned, that there are key performance indicators that means the department is collecting data at regular intervals throughout the year to ensure that their K.P.I.s (Key Performance Indicators) are being adhered to. This is not just on a 4-yearly basis, so the data would be available to be reviewed every 2 years as well. I had been considering whether or not to bring this for the council to review every year; however, I just deemed that that may be too regular but 4 years for me just seems too long a period between reports to make sure that we are progressing in the right way, and so I compromised within myself to think that maybe 2 years was better. Though I acknowledge that 4 years was the recommendation brought forward by the previous Assembly, we do have to remember that we are now a new Assembly and we do have the right to make adjustments where we feel that they are required and for me this is one of those fields where I believe a shortened period is preferable to the 4 year.

The Greffier of the States (in the Chair):

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

2.2.2 Deputy S.G. Luce of Grouville and St. Martin:

I will speak very briefly, if I may, because I will have a little bit more to say when we get to the main proposition. But I would just like to say that my Scrutiny Panel looked into this issue, along with all the other issues around the Climate Council on 30th November last year; we met the Minister. On this particular subject it was explained that at the end of every 4 years the Climate Council will independently report and evaluate the Government of Jersey's progress on reducing carbon emissions and the climate change policy initiatives being delivered in the Carbon Neutral Roadmap. But Members need to remember, as Deputy Coles has just said, the data and statistics will also have to be reported back to the U.K. (United Kingdom) on an annual basis so the data there to inform a review will be available every 12 months. Nevertheless, my panel asked the Assistant Minister if she deemed a 4-year reporting schedule was sufficient to which it was explained that it was, in her view, acceptable and that a complete report would be produced by the Climate Council every 4 years. She felt that annually would potentially make life more difficult for them and it was explained that reporting every 4 years would be a way of "holding the Government to account" but the question I would have, is it possible to hold a Government to account right at the end of their term? If they have not done a particularly good job for 4 years, it is a bit late to try to change their views. The first report is due to be produced, if this debate goes ahead today, just before the end of the term of this

current Government but on my personal note - and this is not the view of the panel - but on my personal note, I think Deputy Coles brings a good point to the Assembly today. We have declared a climate emergency, we do know our weather is changing dramatically, we do know we need to act, and I would like Members to consider whether coming back with a report on how we are doing every 4 years is frequent enough. Thank you.

2.2.3 Deputy J. Renouf of St. Brelade:

If I may start with an observation. Later this year we have the Rugby World Cup and the Women's Football World Cup. Next year Paris will host the 2024 Olympics and in 2026 we have the Men's Football World Cup and of course in 2026 we also have an election in Jersey. Perhaps Members can see where I am going with this. All these Titanic events have one thing in common: they happen every 4 years. Why could that be? To understand more I turned to the wisdom of Google and I found this answer: 4 years is long enough to allow for preparations for the next event but short enough to keep people interested. There in a nutshell I think you have the reason why the first part of this amendment is, in my view, wrongheaded. The report of the Climate Council needs to feel like an event, it needs to feel special, it needs to be something which Government and everyone connected to the Carbon Neutral Strategy is building towards. The idea behind the Climate Council is to provide a review of a 4-year term of Government's work towards net zero. It is not a political holding to account, it is a: how has that strategy gone? How has the strategy been progressed? Has it done what it was supposed to do? The idea behind the Climate Council is to provide a review of a 4-year term of Government's work towards net zero and it will highlight areas where there might have been difficulties and suggest ways to improve.

[10:15]

It is not intended to help finetune government strategy as it goes along for the very good reason we already have those mechanisms in place. We have them internally in government and we have them politically through Scrutiny and through this Assembly and, of course, we have them publicly in that the media and social media are continually holding us to account. The idea of a 2-year review seems to be borne of a slightly neurotic fear, a lack of confidence even, that without outside help this Assembly will be unable to do the job of holding Government to account or that we might somehow miss some tectonic shift in the technologies leading to net zero. I reject that. I believe that Scrutiny and this Assembly and the media and the public are capable of interrogating what we are doing, holding us to account, and if there are new ideas coming through, we will certainly get to hear about them. Our whole net-zero strategy is built on engagement, openness and accountability, we want to move together. But it is not just that a review every 2 years is unnecessary, I think it is also damaging. Just as with a major sporting event or an election, there will need to be a lot of preparation. The Climate Council will need support. First people will have to be recruited and we cannot guarantee, for the same reasons as Deputy Coles talks about 4 years, we cannot guarantee that those who are available for one review will be available in 2 years' time for a second. That will not matter so much for a 4-year end of term review but it might matter for a mid-term review where continuity of recommendations would be important. Officer time will have to be spent servicing the council, information has to be provided, papers written, officers made available for questioning which also takes preparation. Of course it would cost money, another £50,000 on top of the approximately £50,000 we estimate it would cost for the 4-year review. The difference between a 2-year and a 4-year review is that a 2-year review pitches you into a near-continuous cycle of reviewing. Attention is continually diverted from the task you are trying to accomplish to the review of the task you are trying to accomplish. We are not a big Island, we do not have a huge army of civil servants to deploy to make net zero happen, yet solving many of the challenges poses the same difficulties here as they do for a much larger jurisdiction. One example, the U.K. has now had 2 big attempts at launching schemes to help with home heating. Just a week or so ago a £450 million scheme to encourage households in England and Wales to upgrade their gas boilers to heat pumps and other low-carbon

alternatives was condemned for failing to deliver after suffering a “disappointingly low take-up”. Less than a third of the money available has been used in the first year of operation. That comes after the failure of the previous scheme in 2021 when the Government scrapped its flagship £1.4 billion green homes grant scheme, the centrepiece of Boris Johnson’s promise to build back greener from the COVID-19 pandemic just over 6 months after its launch. So we know it is difficult and we know we have to do it better than that. I know it is fashionable in this instant gratification world where a rush to judgment via social media is sometimes the default position but doing net zero means sweating the details. It is a long-term business. I would rather spend a few months more getting it right rather than risk discrediting the net-zero journey with a flawed and badly thought-out scheme that would distract time and energy from delivery. The temptation will be to get something out of the door quickly, to demonstrate progress rather than to get it right. That kind of: “How are you getting on with delivery of what you have promised?” scrutiny is a job best done by Scrutiny and by this Assembly, not a Climate Council. The central point I would make is this: a Climate Council meeting every 2 years will do more to hinder the journey to net zero than to speed it up. What we have at the moment is a hierarchy of oversight. We have day-to-day or rather month-to-month oversight within Government. We have quarterly Scrutiny meetings in which political oversight is exercised and I have to say that there is a considerable degree of expertise and knowledge in that Scrutiny Panel. Then in the Assembly, Ministers can be questioned every 3 weeks on any aspect of our carbon neutral strategy. Propositions can be brought if it is felt that we are on the wrong track. Then finally, at the end of a 4-year term of Government, there is a natural moment for us to ask in outside experts and look at the whole programme in the round and say: “Okay, how did they do? Is there anything that could be done better by the next Government?” The Climate Council. So for me the 4-year cycle makes perfect sense. It fits with our electoral cycle and it fits with the psychology of making the Climate Council a big moment, something that matters, something that we build towards, not something that is part of business as usual. So, I urge Members to vote against this part of the amendment. Now the second part of the amendment is one we have accepted but I do just want to say a few words about it. We have accepted it on the basis that it changes very little. The Climate Council, as Deputy Jeune has said, would already have been considering carbon sequestration because it is part of the Carbon Neutral Roadmap. You can take 2 views about an amendment that makes no difference: one would be to argue against it because it is pointless but then the counterargument would be: “Well if it does not change anything, why are you arguing against it?” and that is what we have gone with. However, it might just help Members if I explain a little bit about the approach we are taking to carbon sequestration, so let me spell out where we are. First of all, there are 3 main routes to sequester carbon neutral ...

The Greffier of the States (in the Chair):

Deputy, I am loath to interrupt you, but this is the debate on the amendment on part (a), so part (b) is perhaps better for the main debate.

Deputy J. Renouf:

Part (b) is already moved on. I beg your pardon.

The Greffier of the States (in the Chair):

Well it is points you can raise in the main debate.

Deputy J. Renouf:

Yes, indeed. In that case, I will rest the argument with the point that the Climate Council should be something that feels important, something that we build towards, something that does not feel like it is something we have to prepare for on a continuous basis. I think on that basis it can make a really valuable contribution because it will be bringing in outside expertise to review progress over a period of time rather than trying to finetune and provide that scrutiny that is already present in this Assembly,

already present from public opinion, and already present in Scrutiny. The 2 things feel complementary to me: a 4-year cycle for the Climate Council and regular scrutiny from within this Assembly. Thank you very much.

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

I rise really to make the point that in the last term the Environment Scrutiny Panel did bring exactly the proposition that the Deputy is bringing today, that a Climate Council be formed, and that was amended by the Minister of the day back to 4 years. We proposed initially 2; he amended it back to 4. In that debate, which was debated in the Chamber here, that was accepted as being a pragmatic solution which the Minister has just outlined. So, I do not really see the point in going over old ground again and I think the proposition by the Minister is perfectly acceptable. I am not sure if the Deputy was aware this has already been debated at length in the last term.

2.2.5 Deputy M. Tadier of St. Brelade:

I cannot help feeling that the Minister is making very heavy weather of this. He started off his debate by basically saying: "In order to find out whether 4 years was better than 2, I Googled why the Olympics and the World Cup is held every 4 years. Google told me that it is so they have enough time to prepare for those events." But there is a key difference here, that those are massive international sporting events that happen every 4 years involving hundreds of countries potentially and thousands of competitors and millions of viewers. We are talking about a Climate Council based in Jersey which will meet either every 2 or 4 years. It seems to me that we cannot underestimate the importance of climate change and I also suspect that as the consequences of climate change become more and more visible year on year and even month on month, that people are going to start to panic. I think that the penny is only starting to drop but it should have dropped of course 40 or 50 years ago. Are we really debating whether we want to wait 4 years in between each meeting of the Climate Council when climate is one of the universal crises that, not just Jersey is facing, but that the whole world is facing. The Minister seems to have adopted very quickly the politics of the Chicken Licken political party. I almost thought I might be listening to Jersey's first Chief Minister when I heard him, a fellow St. Brelade former politician, when he says words like "neurotic", "damaging", "discrediting", "flawed" and "wrongheaded" when in fact all that Deputy Coles is trying to do ... and I know from working closely with Deputy Coles about his green credentials and how much he cares passionately about all things environmental, that he wants to see the right outcomes for Jersey. There was a strange argument, I think, when Deputy Renouf, the Minister for the Environment, said that he wanted more continuity and he came to what I think must be the wrong conclusion to say that if you want continuity you are more likely to get it on a 4-year cycle of meetings than on a 2-year because those individuals will be able to be the same every 4 years but if it is every 2 years that these people are required to meet, they are less likely to be the same people. How on earth does that logic stack up because surely if you want continuity, you have more regular meetings or more frequent meetings. It seems to me that in a 4-year cycle that life is much more likely to get in the way, is it not? So somebody might get a new job, they might move country, they might have ill health, God forbid, they may even die. Some people in a 4-year period may not be the same people 4 years later who were the original Climate Council but if it is every 2 years you can probably plan that a bit better. I will give a counterexample, I am chair of Le French Festival, as it is called. The Franglais does slightly grate with me but I did not choose the name, I inherited it. We do it every 2 years. We do it every 2 years for exactly the same reasons that Deputy Renouf might have outlined. We do it because every year it is a bit too much but we want to keep it fresh in people's minds and we also need the time to arrange it, so 2 years seems like a relevant period. But I highlight again, we are not talking about festivals or sporting events here, we are talking about a Climate Council. I would finish by just reading - and I hope that Members have read it - because I think the conclusion which is very short in Deputy Coles' amendment here, and we are only talking about the amendment is that: "These amendments will not impede or distract from our goal to be carbon neutral but it allows us to check

progress at more regular intervals and add a necessary term of reference for the Climate Council to consider.” What struck me is, in speaking to that conclusion, is that if the council are allowed to meet, not just once during our term ... so we have 4-year terms of office, as does the Government, if indeed the Government will last that long, we are not sure. We just effectively had a vote of no confidence in the Chief Minister and Minister for Health and Social Services today, and I am sure the Chief Minister-in-waiting, Tom Binet, may have other ideas, so maybe we will see a 2-year cycle for this Government and a 2 year for the next but let us wait and see about that; I digress not too much. But it means that the Climate Council can then have 2 meetings during our term and it may well be on the first meeting they come out with recommendations and they feed stuff into us but 2 years later they realise that the Government, or the Assembly indeed ... they have been recommending, and so they can then come back after the recommendations have been made and say: “Now we are holding you to account for these” or: “You are doing certain things really well and we commend you for that but we need to have this public meeting so that we can tell the Government and hold the Government to account.” That seems to me instinctively that it is the better way to do it.

[10:30]

So to err on the side of caution, I think it seems much more sensible to have bi-yearly, 2-year meetings rather than every 4.

2.2.6 Deputy M.R. Scott:

I cannot help noticing that the St. Brelade’s representatives are all contributing to this debate. I am just responding to some of the arguments that I have heard against Deputy Coles’ proposition which I do not really find are holding water. So the Minister for the Environment, as my colleague Deputy Tadier said, I did find it very strange that there was a comparison with sporting events because I was thinking: “Well why would you compare this with sporting events?” because when it comes to climate change and all the efforts that are being made to try and counter it, there are technological advances, there are world events. It is very different from sport. Sport does not change. Okay, maybe, the rules of rugby and football might change a little bit, you might wear the odd helmet or something, but this is not so fundamental, some of the things going on that can affect the way in which a jurisdiction may wish to counter climate change. So, why is there not a comparison with the Government Plan, for example, where the budget gets looked at again and then renewed? So, I did find that a really sort of odd way of justifying opposing this amendment. Also, there was this argument about ... which I think was essentially, well, this is giving more work for the department, more officer time, but I do see in the main proposition that a part-time person is to be recruited. Well what is that person going to be doing over 4 years as a part-time person, why would they not be doing ... I would have thought they would have more work to do or at least the consistency of work to do if it was every 2 years rather than 4 years. With my colleague, the Constable of St. Brelade, where he mentioned that the States Assembly had made the decision before, well, I have to point out that there are certain decisions of the previous States Assembly that have been reversed even now, so I could not really find much of an argument to not support this proposition. Then there was this last little point that really triggered with me, which was the discussion of performance measures, the mention of Scrutiny. Anyone been on a Scrutiny Panel and asked for K.P.I.s, performance measures, not had them, still looking for them? I think it is quite useful having a Climate Council who is tasked with looking at performance measures and has got to be given them. Maybe it should be Government saying: “Yes, we will give them to you, that is our job” so I am going to support this amendment.

2.2.7 Deputy H. Jeune:

The frequency of the Climate Council reports were subject of an amendment to an amendment and subsequently agreed by the last States Assembly in April 2022; that is less than a year ago as part of the Carbon Neutral Roadmap debate. The agreement was to align the Climate Council at the end of

each term of Government, as has been discussed. Increasing reporting frequency would increase demand on officer time, reducing their capacity to deliver the changes we, as Government, and as an Island need to make that will result in emissions reduction. The part-time position is specifically designed to be part time for 6 months only to support the Climate Council in developing a report; rather than meeting, it will be developing a report, not in a post for the full 4 years. Doubling reporting frequency would double the cost of the administration of the council and this would be between £80,000 to £120,000. As I stated before, there is no specific budget line for the council, so this would have to come from the Climate Emergency Fund via reallocation of funds, diverting further climate emergency funding away from greenhouse gas emission reduction delivery. I believe that we have robust accountability mechanisms in place to monitor our progress regularly. Progress on Jersey's net-zero journey is subject to international scrutiny. The key performance indicators for overall success of the Carbon Neutral Roadmap is the Island's annual greenhouse gas inventory which is reported annually to the U.N.F.C.C.C. (United Nations Framework of Convention of Climate Change). Jersey's emissions and inventory will be used to monitor progress in emissions reductions between Climate Council reporting cycles. This international reporting will continue, as is our obligation under the extension of the Paris Agreement. Our emissions inventory is prepared in accordance with international guidance and best practice and is made publicly available via opendata.gov.je for everyone to see. Existing internal governance of the Carbon Neutral Roadmap is robust and sufficient to monitor. Responsibility for the governance of delivery of the policy rests with officers within the operational departments and is overseen by the Carbon Neutral Programme Board and Sponsoring Group. Internal reporting on all policies is completed monthly. Officers provide regular updates on progress to the Environmental Ministerial team and the Environmental Ministerial team updates the Council of Ministers on progress of the Carbon Neutral Roadmap as required. The Environment, Housing and Infrastructure Scrutiny Panel also offers important oversight of the roadmap progress and it is falling within their remit. The panel can choose to review the roadmap policies and legislative changes at any point, holding Ministers to account for their decisions and actions, and I hope they do so. The role of the States Assembly is also extremely important to hold Ministers to account and can question the Carbon Neutral Roadmap progress at any time. So I believe we have robust accountability mechanisms in place to monitor our progress regularly in between these reports that will be every 4 years by the Climate Council. So with all this in mind, I urge States Members to reject this amendment.

2.2.8 Deputy S.Y. Mézec of St. Helier South:

I will be relatively brief and it is largely just to point out that what we have just heard does not make any sense. We are told simultaneously that there are already a myriad of reporting mechanisms going on and collating that will all be so difficult to do every 2 years instead of every 4 years. I am sorry, that just does not make sense. If we already have these reporting mechanisms going on frequently, then it surely cannot be that much more difficult to increase the frequency of the Climate Council's meetings, as Deputy Coles pointed out. But we have just heard the Assistant Minister say that due to the extra cost of holding this Climate Council more frequently that it would double the costs. I would challenge that because that does not intrinsically sound right to me anyway but she said that the funding would have to come from the Climate Emergency Fund. Just to be clear to States Members, that is not true. We will have a Government Plan debate later this year; we can pick whatever funding source we like for it. It does not have to come from that particular fund if we choose it not to, so please do not believe that kind of thing because that is not how the rules of this Assembly and our budget setting works. I think the Minister for the Environment has made a mistake in bringing up this comparison with global sporting events like the World Cup, et cetera, being every 4 years. Does anyone really think that is a reasonable comparison to the work that we are doing? The natures of those 2 events and the scales of them are totally different. If you get something wrong in between sporting events, at the end of the day it is not that big a deal, it just means one future competition might not be as enjoyable as another might be. But if we get into a 4-year term and

something goes wrong relatively quickly into it, we will only have an opportunity to properly analyse it at the end of that 4 years rather than go for every 2 years and change direction if necessary. That strikes me as making complete sense. We have to remember that this is a climate emergency, reporting back every 4 years in this way does not sound like much of an emergency to me. I am reminded of the words of Greta Thunberg who asks people to consider how you would respond if your house was on fire, being how we should think about how we respond to the climate crisis, and a 4-year reporting term does not give it the sense of urgency that, frankly, it deserves. Two years makes absolute perfect sense, so I will be supporting the amendment.

The Greffier of the States (in the Chair):

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

2.2.9 Deputy T.A. Coles:

I am glad that the Minister for the Environment mentioned the World Cup and the Olympic Games hosted every 4 years because between the World Cup and between an Olympic Games, there is the European Championships and there is the Winter Olympics. So there is a sporting event happening every 2 years because it keeps people interested in the sport and the activities which are going on. So then I think: "Okay, these are grand international events, so let us think locally." Let us think back to what we do locally. We have the Island Games, these happen every 2 years. It is a bi-annual event because locally it keeps us interested. I jest of course because when we think of things like the World Cup, it is 6 years in the planning for a World Cup. They are appointed 6 years before they are hosted so the countries have time to develop the infrastructure to build through, so I do not really feel that that argument holds much water in this because we need to keep people interested, we need to keep working forward, we need to have our actions against climate change monitored and counted properly. The Minister also mentions about the fact we have the media will keep us in line, Scrutiny will keep us in line, the Assembly will keep us in line, so why are we having a council to tell us what we are doing and what we need to do? Because it is supposed to be external independent advice to keep us on track to make sure we are doing what the rest of the world believes is in the best interest because we are all sometimes very guilty of only seeing what is front of our own face. So let us have somebody else suggest, point, prod us into the right direction, make sure we are not wandering off the pathway that we should find ourselves on, and so this is why every 2 years makes more sense. Having a mid-term report gives governments opportunities to admit their mistakes and carry on. Now this is not to discredit the current Minister for the Environment or the Assistant Minister for Energy and Climate Change. In Deputy Jeune we have someone who is very, very passionate about climate change and somebody who is very much focused and has made a big part of her life the targeting of reducing carbon emissions, so, fantastic, that is brilliant. Deputy Renouf is an incredibly meticulous Minister. Having spoken to him on a couple of housing matters and other bits and pieces, he is an individual who will take this matter very, very seriously, so I am not going to say anything that will discredit him in any way, shape or form but what I am looking for is beyond these 2 individuals' terms in office. What happens if Deputy Jeune and Deputy Renouf are not re-elected or if they are not in a Government that has the same motives moving forward on climate change? Well you are looking beyond where we stand now because the first report comes at the end of their term, so the next Government that comes in we need to ensure that they are also looking forward and being called out and checked on their work every 2 years to make sure that we do not losing our trajectory. I would also thank Deputy Scott for her comments regarding the K.P.I.s. As a member of the P.A.C. (Public Accounts Committee) we are often asking the question regularly: "Where is the tracker? Where is this, where is that information?" Though I do not necessarily agree that this will be the case with our officers in the Environment Department but it does beg the question: what if it does become the habit of our officers in the Environment Department? So let us put the measures in place

to keep us on track and make sure that we are following the right road. Thank you very much and I call 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.

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

Are we voting on part (a)?

The Greffier of the States (in the Chair):

For part (a) of the amendment. If all Members have had an opportunity to cast their votes, I ask the Greffier to close the voting. I can announce that the amendment has been lost.

| POUR: 19 | | CONTRE: 27 | | ABSTAIN: 0 |
|----------------------------|--|---------------------------|--|-------------------|
| Connétable of St. Peter | | Connétable of St. Helier | | |
| Connétable of St. Clement | | Connétable of St. Brelade | | |
| Connétable of Grouville | | Connétable of Trinity | | |
| Connétable of St. Ouen | | Connétable of St. John | | |
| Deputy G.P. Southern | | Connétable of St. Mary | | |
| Deputy M. Tadier | | Connétable of St. Saviour | | |
| Deputy S.G. Luce | | Deputy C.F. Labey | | |
| Deputy M.R. Le Hegarat | | Deputy L.M.C. Doublet | | |
| Deputy R.J. Ward | | Deputy K.F. Morel | | |
| Deputy C.S. Alves | | Deputy S.M. Ahier | | |
| Deputy L.J. Farnham | | Deputy I. Gardiner | | |
| Deputy S.Y. Mézec | | Deputy I.J. Gorst | | |
| Deputy T.A. Coles | | Deputy K.L. Moore | | |
| Deputy B.B.de S.V.M. Porée | | Deputy Sir P.M. Bailhache | | |
| Deputy M.R. Scott | | Deputy D.J. Warr | | |
| Deputy C.D. Curtis | | Deputy H.M. Miles | | |
| Deputy L.V. Feltham | | Deputy J. Renouf | | |
| Deputy R.S. Kovacs | | Deputy R.E. Binet | | |
| Deputy M.B. Andrews | | 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 | | |

[10:45]

2.3 Establishment of a Climate Council (P.117/2022) - as amended (P.117/2022 Amd.)

The Greffier of the States (in the Chair):

We now return to the main proposition. Does any Member wish to speak on the proposition? Deputy Luce.

2.3.1 Deputy S.G. Luce:

I will just return Members briefly to my panel's meeting with the Assistant Minister on 30th November just to tell the Assembly that we asked some questions about membership and about

funding. We asked the Assistant Minister if she felt it sufficient that only one member of the Climate Council needed to be from Jersey and she explained that the requirement is at least one member but she hopes they will obtain more. However, it was further explained that they felt it would be hard to find the level of expertise required from Jersey-born individuals without the person being conflicted. The panel raised concerns that it would not want the Climate Council to be flying members continuously backwards and forwards; however, it was explained by the Assistant Minister that with many vacancies across the Island, it can be difficult to find the correct specialisms from people who are here in Jersey. On the issue of funding, the Assistant Minister explained that the council will be funded from the Climate Emergency Fund and the funds are already allocated up to 2025. The cost of council members we, as a panel, stated we felt perhaps the amount of money to be paid to members should not be defined in the application because sometimes when you define what the price is that is exactly what people want to see and they attend accordingly. Instead, we made the suggestion that we could simply recruit and define the rate offered once we have seen what the job is generally offering at that time. Another issue that we raised on funding is just to see where the allocation for funding will come after 2025 and it was explained that the additional sources of revenue into the Climate Emergency Fund will be required to move this forward to continue to increase the amount available. I have to say the panel had a good briefing with the Assistant Minister on this issue and Members will remember, of course, that the whole idea of a Climate Council, as the Constable of St. Brelade has already alluded to, came from the previous Environment Scrutiny Panel, and we very much support moving forward as proposed.

2.3.2 Deputy R.J. Ward:

I support this. It should have been every 2 years but we are where we are, to coin a phrase of somebody previously in this Assembly. I think what we need to look at though with this Climate Council is listening to what it says; that is very, very important. I think the independence away from Jersey is a very important thing. Climate is not just what Jersey does, we are playing a role in a world crisis. It was me who stood here 4 - I do not know how many years - 5 years ago and tried to convince the Assembly to commit to a climate emergency, which it did, and I wonder whether the Assembly knew what it was committing to at that time. I must confess that I do not think we have gone as far as we should be and I do not think we are quite in the right direction yet. So if a council with independent members that can look at this, the science behind it, the genuine science behind it, and our role in such a wider world can bring forward ideas, then I think that should be welcomed. I think it is important as well to have a much wider view of what we are doing as Jersey. I have this terrible recurring dream of an oil-producing nation-backed wind turbine in our bay so that they can have the first layer of greenwash using Jersey as the blank wall in which they will wash it on, and we must avoid that because, as we move towards a carbon-neutral future, that phrase itself will become something different to different people and it cannot do that. We must avoid those drives to carry on as we are, but make it look better, because this is not something that we can leave for our future generations and ignore. Many, I would suggest, perhaps feel uneasy with this because it might change the way we have to lead our lives but we have to deal with it, so I welcome the Climate Council. Energy economics, that is going to be an interesting one. It will be interesting to see who we get about the economics of this seeing as we seem to be happy to do treaties with anyone in the world regardless of their effect on climate change, and that is something we need to consider. Climate change is a moral issue and I think that is what I would like to add to this debate today. It is a moral issue as much as anything else. Climate change is a human rights issue and unless we address that effectively and take our role in it then we cannot be said to be a genuine free-thinking democracy, even though some are accused of being enemies of free thought. I think that what we need to do is to support this and particularly the part on income inequality and a just transition. There is nothing in the Government Plan on income inequality. There is nothing there, there is nothing mentioned, but this council will have to talk about income inequality. There is a contradiction in government policy that I think needs to be addressed first because if we are not looking at it as a key feature of

what Government is doing, how can we look at it as a key feature of this Climate Council and climate change, and the just transition is exactly linked to that. A just transition is not just about not being able to drive your 4 by 4 down the road because it is unjust and is against my human rights to not be able to do that anymore, it is about the erosion of poverty that will happen, that will be emphasised, will be amplified, is the word, when we come to needing to make the changes when it comes to climate change. We are seeing it already. Those who rely upon fossil fuels are very rapidly - very rapidly - being thrown into a really difficult situation because of the cost of oil and gas and so on and so forth. But those who have had the finance to move towards electrical heating already, for example, and I know this personally, have not faced that because at the moment Jersey Electricity has got a good deal with France and we have not seen those price increases, but if those price increases happen, what will happen to those people who will be affected by them? I say that because if we are going to have these key points in this Climate Council, we need to be addressing them as Government and as this Assembly. This cannot be something to just stand alone as another commentary on what is going on and, I have got to say, there is an awful lot of commentary going on in our Assembly at the moment but not a lot of action at times, I believe, in my personal belief. I would like to see us not only adopt this Climate Council but listen to it, take the advice it gives and act on that advice because if we do not act we will not be taking our responsibility seriously. So all power to their elbow and let us get on with it.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? If no other Member is wishing to speak, then I close the debate and I call on the Assistant Minister to reply.

2.3.3 Deputy H. Jeune:

The role of the Climate Council is to provide independent review on our progress to delivering the Carbon Neutral Roadmap and we need to have expertise in a number of fields that we have mentioned before in order to independently assess the direction we have chosen to take on Jersey and pull us up on opportunities that we have missed. The Climate Council will report on progress against all of the Carbon Neutral Roadmap policies but will have autonomy to determine for itself where its attention and efforts are best placed. It is intended to be independent from Government and therefore the secretariat support for it will be provided externally. Officers in S.P.P.P. (Strategic Policy, Performance and Population) will work with the Scrutiny Panel and the Greffier to agree how best to provide this independent support. Speaking to Deputy Luce’s points, we are hoping that a meeting of the Climate Council will be online and we will not have to fly them to Jersey, but the main focus is that each of the independent experts within the council report on our policies and our progress from their own expertise and do their own analysis from their view of their expertise. So they will be providing that reporting rather than potentially meeting up as such and we will then have the independent secretariat who will help pull this report together, so I believe the council’s composition, scope and focus is proportionate to Jersey’s size. The range of the expertise offered by the council members will bring us value and it will be useful for us as an Island and as an Assembly and as the next Government going forward. The council’s 4-year reporting cycle is appropriate, it keeps costs low, gives officers capacity to deliver emission-reduction policies and ensure internal Carbon Neutral Roadmap governance is robust. Therefore, I would like to call 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 cast their votes, I will ask the Greffier to close the voting. I can announce that the proposition has been carried.

| POUR: 45 | | CONTRE: 0 | | ABSTAIN: 0 |
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| Connétable of St. Helier | | | | |
| Connétable of St. Brelade | | | | |

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| 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 L.M.C. Doublet | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I. Gardiner | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B.de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy 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 | | | | |

3. Draft Banking Business (Amendment No. 7 - Commencement) (Jersey) Act 202-P.2/2023)

The Greffier of the States (in the Chair):

The next item is the Draft Banking Business (Amendment No. 7 - Commencement) (Jersey) Act 202-P.2/2023 lodged by the Minister for External Relations and Financial Services and the main respondent for this debate is the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

Draft Banking Business (Amendment No. 7 - Commencement) (Jersey) Act 202-. The States make this Act under Article 4 of the Banking Business (Amendment No. 7) (Jersey) Law 2011.

The Greffier of the States (in the Chair):

Deputy Millar, I understand you are acting as rapporteur for this item.

3.1 Deputy E. Millar of St. John, St. Lawrence and Trinity (Assistant Minister for Treasury and Resources - rapporteur):

Banking Business (Amendment No. 7) (Jersey) Law 2011 was adopted by the States on 16th March 2011 and sanctioned by Order of her Majesty in Council on 16th November 2011. I would just point out there is an error in the report which indicates that Royal sanction was given in February 2017; that is a regrettable error on the report. It was sanctioned in November 2011 and registered by the Royal Court in December 2011. This is now the Commencement Act to bring Amendment No. 7 into force. Amendment No. 7 provides enabling powers to create orders under the Banking Business (Jersey) Law 1991, specifically in relation to the accounting and audit of banks under the law. I should just comment now, I think, on why there is such a long period of time between the law being approved and it now coming into force. Although Amendment 7 was previously approved by the States with the intention of delayed implementation to allow for the development of secondary legislation, to allow it to be enacted additional changes were required to reflect a change in structure for the majority of banks in Jersey, which now take the form of branches of foreign banks, rather than Jersey-incorporated companies; that is a shift that has happened over the last few years. The effect of the Appointed Day Act is to bring into force all provisions of Amendment No. 7 on 1st August 2023. This date has been determined in consultation with the relevant banks to align with their reporting periods and allow a clean transition to the new updated requirements. Some Members may also recall that the Banking Business (Amendment No. 9) (Jersey) Law 2022 was adopted by the States on 30th March 2022 and has also received Royal Assent and been registered by the Royal Court in June of 2022. The coming into force of Amendment No. 7 will trigger Article 6 of Amendment No. 9, bringing the entirety of Amendment No. 9 into force on the same date of 1st August 2023.

[11:00]

Amendment 9 proposed technical amendments to allow the Jersey Financial Services Commission the same powers and authority in respect of financial reporting and auditors in respect of all banks, regardless whether the bank is incorporated in Jersey or is a branch of an overseas foreign bank. These amendments are part of a broad package of proposed legislative and regulated changes that the J.F.S.C. (Jersey Financial Services Commission) has been developing, which will ensure that banks have fit-for-purpose requirements regarding their auditors and financial reporting and provide consistency with requirements imposed on other financial services businesses under the Financial Services (Jersey) Law 1998. Ma'am, I propose the proposition.

The Greffier of the States (in the Chair):

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? In which case I draw the debate to a close, Minister.

Deputy E. Millar:

Yes, Ma'am, may I call for the *appel*?

The Greffier of the States (in the Chair):

You may call for the *appel* indeed. If Members wish to return to their seats, I ask the Greffier to open the voting. If all Members have now had an opportunity to cast their vote, I ask the Greffier to close the voting. I can announce that the proposition has been adopted.

| POUR: 41 | | CONTRE: 0 | | ABSTAIN: 0 |
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| Connétable of St. Helier | | | | |
| Connétable of St. Brelade | | | | |
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| Connétable of St. Ouen | | | | |
| Connétable of St. Mary | | | | |
| Connétable of St. Saviour | | | | |
| Deputy M. Tadier | | | | |
| Deputy L.M.C. Doublet | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy C.S. Alves | | | | |
| Deputy I. Gardiner | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B.de S.V.M. Porée | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy 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. Trainee Minimum Wage (P.5/2023) - as amended (P.5/2023 Amd.)

The Greffier of the States (in the Chair):

We now move on to the next item, which is Trainee Minimum Wage, P.5/2023, which was lodged by Deputy Andrews of St. Helier North. The main respondent is the Minister for Social Security.

There is an amendment lodged by the Minister for Social Security. Deputy Andrews, do you accept the amendment?

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

Yes, I do, Ma'am.

The Greffier of the States (in the Chair):

Do you wish for the proposition to be read as amended?

Deputy M.B. Andrews:

Yes, please, Ma'am.

The Greffier of the States (in the Chair):

Are Members content for the proposition to be read as amended? Very well. Greffier, if you would read the proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion that the trainee minimum wage rate should be harmonised with the main minimum wage rate, by way of Ministerial Order, for all employees of school-leaving age and above no later than 1st January 2024, pursuant to the Jersey Employment Forum's recommendations published on 8th September 2022.

Deputy M.B. Andrews:

Just before I begin, I think it is quite important that all Members declare if there is a conflict of interest that they have for this debate.

The Greffier of the States (in the Chair):

Those who are employers.

Deputy M.B. Andrews:

Yes, so if there is a type of a conflict, if they employ anybody as an employee.

The Greffier of the States (in the Chair):

Yes. Perhaps if we could ask Members who are employers who may be conflicted in this debate, if they could indicate an interest in this. I am not entirely certain that it is ...

Connétable M. O'D. Troy of St. Clement:

Ma'am, I am an employer. Sorry, I beg your pardon, Ma'am. I do not think it conflicts really; this is a standard rate across the Island and I will be voting for the proposition, so I do not feel conflicted at all. We normally stay ahead of the pack in my company and I do not feel conflicted. But I will take your ruling.

The Greffier of the States (in the Chair):

I think generally in circumstances such as this when dealing with a proposition where there is an issue that is shared by a large proportion of the population that it is not deemed necessary for Members to declare an interest in this matter. I am not entirely certain that it is necessary on this occasion, Deputy.

4.1 Deputy M.B. Andrews:

Okay, thank you, Ma'am. I am very pleased to be bringing forward this proposition before the Assembly and for the Executive to be bringing forward an amendment that I have accepted as well. I think we all understand that Jersey is a very expensive place to live and if we are looking at a year

one trainee who is on £7.87 per hour, I think that is just going to allow them to have a life of poverty and that is it and nothing more. Even when we are looking at year 2 trainee rate at £9.19, I think that, again, is a very poor earnings per hour. Therefore, I believe that the baseline wage should be harmonised, as the amendment mentions, into the minimum wage at £10.50 per hour. The reason for this is to allow wage labour to have financial independence. I think there is too much financial dependence on the government and there is also too much government redistribution due to the failings of the market and in terms of how incomes are distributed within the marketplace. Again, I think we could be maybe looking at firms, the type of firms that we have in Jersey and also the level of scarcity and also the level of demand for those firms. Of course, we need to be looking at the demand for goods and, essentially, how distributions are made. But it is not just about payroll expenses, it is also about non-payroll expenses that we have to factor in here for firms. I think some firms probably have a higher level of non-payroll expenses compared to payroll expenses that we need to also consider in this debate. But when we are looking at the current trainee minimum wage rate I think there are quite a few people who are on the trainee minimum wage rate who are in a position of negative savings, where they are spending more than they are able to save. They cannot build up a reserve because their income is so diminutive. This is an opportunity now where we can be increasing the baseline wage, to allow people to have more disposable income so they can consume more, so they can save more as well. I think it allows them at least to have a greater purchasing power. I think that is really important. There are going to be more flows generated within our economy as a result of this. I think that is an actual benefit of bringing forward this proposition. I know that behind the scenes there were some Members who had reservations about me bringing forward this proposition. They felt there needed to be greater stakeholder engagement. The Jersey Employment Forum, they conducted their research, empirical-based evidence and the findings are that we should be seeing the trainee minimum wage be amalgamated, they said, into the minimum wage from January 2024 and that is, essentially, what I am doing. If this legislature can agree that the minimum wage needs to be increased, as it has been already last year, then surely we can increase the trainee minimum wage rates up to the minimum wage rate. It seems rather peculiar to even consider if any Member is considering voting against this proposition because when we need to look at the size of our labour market we are in excess of, say, 60,000 people working in our labour market and, as empirical evidence shows, in 2016 is under 100 trainees on the minimum wage rate; that is below 1 per cent. Why are trainees having to be paid less compared to everybody else? I think that is a very good argument. If anybody is willing to counter me then, please, feel free to do so but I do not think that should be the case. I think everybody should be in agreement with me here. I think we need to be more progressive and I think we need to be taking decisions as a Government where we are focusing on decisions where we can focus on market pre-distribution instead of government redistribution. Because government redistribution, in my view, is all about public administration being inefficient. We are using taxpayer money to, essentially, indirectly subsidise households and to indirectly subsidise wage labour and that cannot continue. I believe we have a lever in place and that is fiscal policy and there can be changes to increase aggregate demand in our economy to create new jobs, to invest in people, to invest in specialisation, so people can have a higher level of earnings. But those who are paid the trainee minimum wage rate you need to wonder what progression do they have in that current job that they are in. What is the top level of earnings that they could receive? If they start off that low then it is probably not going to be even in line with, say, the median wage longer term if the aspiration is that they want to fulfil their career in that market that they work in. I will leave it there and I hope that Members are willing to offer a good contribution to this debate.

The Greffier of the States (in the Chair):

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

4.1.1 Deputy R.J. Ward:

I would support this. I am slightly disappointed that the amendment was accepted, if I am honest, and there is a reason for that. It is because of this particular wording in the amendment which is the word “harmonised”. Harmonies can be the same as or harmonies can be lower than or higher than. I will not even attempt a musical explanation of this because that is way beyond my realms in my simple role musically. I do not know what a harmony is but there we go. But I think it is a really important point. I fully accept that all trainees should receive at least the minimum wage. We are a small island and we need to attract and retain those who are training for roles on this Island and then will stay here and use their skills on this Island. Unless we address that issue we are going to have a constant problem with the supply of people to work in our industries and our economy. There is a simple, simple point that I think we would probably all agree on. But if we do not pay beyond a wage that is not liveable to do that, then we are going to have an issue. You could say if you are a trainee you are not fully able to perform a role; I do not see that as the point that is important here. The minimum wage is not that high a wage anyway and if you have a business that cannot sustain a minimum wage you have to look at your business model. It is an unpalatable fact but it is a fact. What is the role of Government in this? The role of Government is to provide the framework to enable this to happen and that framework is to say we will say to you the trainee wage will be at least the minimum wage, which is what we are saying here today. If a business says: “But, hang on, we have got a problem with that”, then you have got 2 things that Government can do; use other mechanisms to support that business. That could be anything. That can be a reduction in social security contributions, for example, which is going to probably be the percentage difference anyway, so you can support businesses to have that decent wage. In that way trainees see themselves as part of the workforce, just like everybody else, and take on that role; that is an important cultural change in the way that we do things. Unless we are willing to do that that is a problem. The problem with the word “harmonisation” is that I do not think it gives a permanency that we are looking for and that would at least be my warning shot; that is all. If it comes later on and it is a difficult time then we will cut the minimum wage and we will go back to the trainee wage and that should always be a trainee wage. I think that a trainee is different from a trainee wage. A trainee who is perhaps studying at the same time, putting in extra hours in order to do that, the provision of decent useful training with a qualification at the end, for example, that can be taken elsewhere; that is the important part about training. I think there has been in the past a problem with trainees going from trainee job to trainee job to trainee job and staying on that trainee wage for a long, long time; a form of simple exploitation that can be stopped by having a minimum wage. I think this focus is the way in which we train individuals going into the workforce by saying there will be a minimum wage when you do it and you cannot just swap people from trainee wage to trainee wage because it is cheap labour. I think that is a really, really important point to have and that is why this needs to be agreed. You see my problem with the word “harmonisation”. I might just be being paranoid here about the word “harmonisation” but I want to get this on Hansard so that if it does happen we can come back to it in a bit of time. I would fully support this and I urge Members to support this as well. As we look to the future of this Island, if we do not provide a meaningful wage in a sustainable way and when I say “sustainable” I mean for those trainees to live here and survive and, let us be honest about it, you cannot live on minimum wage. You cannot live on minimum wage on this Island to any decent standard anyway unless you are working 2 or 3 jobs and you are training in one and then working another one part time in the evening. I am going to go back to something that was mentioned yesterday; I wonder where the gender inequality in there is. I bet it is enormous, I bet there is an enormous gap in inequality there in that situation on the Island. This is, to be quite frank, a very small step and if we cannot agree this then I think we have got a real problem with our traineeships into the future. I urge Members to agree this. Well done to the Deputy for doing it; just be careful of that word is what I would say to everybody in the Assembly.

[11:15]

4.1.2 Deputy E. Millar:

First of all, I am grateful to Deputy Andrews for accepting my amendment to his proposition. Our intentions are broadly the same, to ensure that those employed on a trainee rate in future do receive the same hourly rate as those on the main minimum wage. In its recent report on the minimum wage the Employment Forum did indeed recommend the removal of separate trainee rates and we have been minded ... we were certainly giving that clear consideration in any event. It is pleasing that their recommendation is reflected in this amendment. Trainee rates have been a feature of the Employment Law for many years. The law says that: "Trainee rates may be set at different levels from the main minimum wage but it is not compulsory that there are." The intention here is to maintain the flexibility provided for in the Employment Law so that in future Ministers could, as Deputy Ward suggests, decide to restore a differential rate if circumstances require, and that is why my amendment says harmonise rather than integrate. As my report points out, integrating the rates would require legislative changes and remove that element of flexibility, which in my view should be maintained. The economy would appear to be in a healthy state and we have the lowest number of people actively seeking work than we ever had. We only have less than 700 people seeking work at the moment and in fact we are virtually in full employment. That may change and we do need to recognise economic circumstances from time to time and retaining the current framework allows us that flexibility. My intention, however - and there is a caveat, which I will come on to - is to move to that single rate from 1st January 2024. I will not need to make any amendments to the way that the law currently operates in order to move to a single rate for trainees and others employed on the minimum wage. I can do that simply by making a Ministerial Order, setting out a single minimum wage rate that will apply to all employees, including trainees. My amendment leaves in place a legal structure which underpins the training regime in Jersey. Employers will be free to continue to offer structured training contracts, as set out in the law; they will simply be required to pay trainees the main minimum wage. Under our current economic conditions a single rate may help with the recruitment and retention of employees in Jersey, particularly those just starting out in the world of work but also those who are having a career change in their older years. It is important to point out, as Deputy Andrews does in his original proposition, that those on trainee rates are currently likely to be very few in number and I think the estimate is possibly under 100. The flexibility in the labour market is key and I commend the proposition, as amended, to the Assembly. However, I must make one very important caveat. Since filing the amendment I have had representations. I have had representations from those who are employing trainees to say that this could have a quite devastating effect on them. It is not all big business and unscrupulous employers that employ trainees. There are businesses, including charities and some very small artisanal employers, who currently employ trainees on a trainee wage. However, on the other hand, as well as paying the trainee wage, they are paying for those people to have qualifications, whether that is through Highlands or through other training providers and obtain qualifications. Some of those charities may find it very difficult to afford the minimum wage and to pay for those qualifications. I, personally, would be very, very disappointed if what ended up in January is that people who are already halfway through a trainee programme lose that job because of this proposition, we must be aware of that. While I support the proposition what I would like to do in the next few months is really to reach out to those employers and just see what their terms of their trainee rates are. Because the last thing anybody wants is someone to be left high and dry halfway through a training contract and not be able to pay. They may get the minimum wage but the minimum wage may not give them the money to pay for the remainder of the training course that they are on. If that training course costs several thousand pounds, as they may do, we may have young people and people halfway through retraining who are basically left high and dry, and that is a very real unintended consequence of this proposition. My caveat to this is that we do need to understand more. The Employment Forum have consulted but I think the Employment Forum consult generally with associations and larger employees and I do not know how far and into what depth they will have gone. Will they have captured the employees who are teaching someone jewellery making or some

other artisanal skill and which can literally only pay the minimum wage? We do have to do some homework between now and October when the minimum wage is next set to make sure that we are not seriously disadvantaging people who are currently on trainee contracts by doing this. In all the principles I agree that trainees should be paid appropriate wages. It is not unusual in any industry for trainees to be paid less. Trainee lawyers, I can tell you from experience, are paid less than qualified lawyers, as are trainee accountants, as I am sure are trainee doctors and trainee everything else. The concept of trainees being paid less is not in itself offensive. I agree we must, must avoid exploitation of the trainee rate but there is a scope for it and we may have to find other ways of addressing the risk of people losing qualifications because an employer can no longer afford to pay for them because of the minimum rate. I am not doing that to persuade anybody not to support the proposition. I am simply raising a very, very real concern that has been made to Members of Government since this amendment was filed.

4.1.3 Deputy K.F. Morel:

I would like to thank Deputy Millar for her speech there. It is the case that the road to a very bad place may be paved with good intentions and, again, without asking anyone to not support this; I am not doing that. What I am saying is that we may find that by removing the trainee rate we may find that really an important part of Deputy Andrews' speech becomes redundant or becomes overturned, I guess, is another way. Deputy Andrews in his speech talked a lot about Government should not be shouldering the bill. He was thinking that because it is a lower trainee rate, therefore, Government is, effectively, subsidising wages. I assume he means through the income support scheme but that would be a case where the trainee rate is not being used properly. When a trainee rate is used properly the employer will be spending thousands of pounds on training courses for that employee, therefore, saving the Government and the employee the thousands of pounds cost of that training. There is, unfortunately, a paradox and a problem in Deputy Andrews' speech and his assertion. It seems that Deputy Andrews thinks that employers only abuse the system and that I am sure is not the case. We, therefore, have a situation as a result of this, which is fine as long as you do it, where Government may end up footing the bill for more training because you may find that employers, particularly as Deputy Millar said, artisans or small organisations, including third-sector organisations, may choose to withdraw apprenticeships. Because they are paying the full rate why would they then necessarily want to pay for an apprentice to be trained on top of that? You may as well go to the market and find someone who is already trained. There is a potential pitfall in all this. I just think it is really important that we understand that we need to go into this with our eyes open and so I fully support Deputy Millar in saying that we do need to find out how those hundreds or so people who are on this rate at the moment, how that rate is being used to support their training. If in cases where it is not being used to support training, well to me that is an abuse of the system. But in a situation where an employer is also paying thousands of pounds for training, whether it is vocational training or degree training, whatever it may be, then we need to be aware that that may dry up and the Government may end up footing a larger bill as a result of this. I think there is a fallacy in Deputy Andrews' argument. That does not mean we should not try this but in doing so we really need to make sure, as Deputy Millar said, that people are not made redundant as a result of this. It does need to be done with care and it needs to be done with our eyes open. That has been my fear, is that we all go charging forward saying, yes, this is the right principle, this is the right idea but do not appreciate what the reality is, as is unfortunately often the case in this Assembly; move on to our ideals while ignoring the realities. I would just ask, and it is really just a caveat to accepting this and supporting this, is that we do need to know what we are doing, we do need to have our eyes open, we do need to make sure that people are not made redundant as a result and we do need to make sure, in my view, because I want employers to continue paying for training, we need to make sure that this does not stop employers paying for training, which it may well do. In that case the Government will end up with a much bigger bill and Deputy Andrews will have got it wrong quite simply and his ideals will have ended

up with the Government having a much bigger bill for training. We do need to be aware and so I am just advising the Assembly that that is a possible consequence of this.

4.1.4 Deputy G.P. Southern:

I will go further than the previous 2, 3 speakers and focus on this word “harmonisation”. Whether you like it or not harmonisation could take place in one of 2 ways, you reduce the wage and harmonise or you increase the wage and harmonise. Harmonise does not work in that sense. We have almost had the picture but in 3, 6 months’ time the Minister will be looking at what the effect and the impact of this harmonisation was and may well decide that is affecting training and reducing the number of trainees; we will have to change it. This does not alter that in one jot. I am going to be, ultimately, careful because I think we should not be voting for it but it is imperfect. That is not right. I will be saying do not vote for this, harmonisation means what you want it to mean, what the Minister wants it to mean; it could be up, it could be down, it does not do what it says on the can. I am aware that the wording you use is absolutely vital. That is what is on your proposition and harmonisation does not work for me, so I personally intended to vote against this and say go away, get a new word and get it right.

4.1.5 Deputy M.R. Scott:

When I read the amendment I have had a similar kind of response to the word “harmonisation”. I play the piano very badly and I understand chord structure and that notes do not have to be the same if you are playing chords. But I do commend Deputy Andrews for having a look at the Employment Forum work and I very much thank the Minister for Economic Development, Tourism, Sport and Culture for perhaps articulating a certain element of discomfort I had when I saw the proposition. Because in the role that certainly I have as a scrutineer for the Economic and International Affairs Panel, there is this obligation to consult with industry and to get views of industry and that I know, as a panel, have not done in the case of this particular proposition. But the Employment Forum is one kind of source of having done that, albeit a few years ago. I did do some of my own kind of personal exchanges of views with people in industry; one was in pest control, about the implications of this. It was pointed out to me that, yes, usually these things can have an impact on costs of the provision of certain business services.

[11:30]

Also, and this is something that is curious because I know that I have had this conversation with the Minister for Social Security, it was mentioned, and this has come again, about certain employees asking for rates, salaries not to be increased because it would have an impact on their income support. It makes me wonder whether there is something going wrong here in terms of income support or something going wrong in terms of the understanding of income support. In fact I thank Deputy Andrews for even setting me along that path because it is an interesting area I would like to examine more. I am also quite conscious of the fact that the minimum wage, which I did support the increase but, again, the opportunity to explore things further with the Employment Forum was not pursued at that time. I will be supporting this amendment but generally you would prefer a bit more in the way of evidence of consultation with industry for the reasons I have said.

4.1.6 The Connétable of St. Clement:

I am struggling with this a little bit but I have to say that rather than feeling the wrath of the Greffiers I do not feel too sorry for lawyers. [Laughter]

The Greffier of the States (in the Chair):

It is very lucky that none of us are lawyers, Constable.

The Connétable of St. Clement:

Yes. I do know a young hotelier from years ago in the 1970s who was paid £15 a week for 70 hours while attending Highlands College. He went on to have a fairly successful career. But I think this is a piece of social justice, it is nothing more than that and we can sort the slight differences out some time later. Let us not kid ourselves that trainees are not productive, they are a productive part of the company that they work for. Years back I remember a very successful accounting firm that used to come in and do the company I used to represent, its books, a hotel group. They used to come in and charge us a fortune of course, as accountants do but the work was done by the trainees. It was a 4-day event every month and a trainee came in, sometimes 2, and the main accountant would go backwards and forwards to the office in town and the trainee did all the work, 8 hours a day, thumping away at the calculator, reams of stuff coming out. They did the work, they are very productive. The other thing I have to point out is the investment in the trainees as an investment. These companies employ trainees to train them with the theory that they will work for them later on for a number of years; that is accountants, carpenters, lawyers, et cetera, et cetera. I think this is a piece of social justice that needs amending and if we need to amend the amendment later on - I do take on board what the Minister says - that can be done at a later stage. But I think Jersey is a very expensive place to live. Teenagers and young people need training, they want to be professional, they want to progress and I think the wage that they are being paid at the moment is insufficient to keep up with their cohort. Therefore, I will be voting for the proposition.

4.1.7 The Connétable of St. Brelade:

I am going to speak to counsel care, I think, today. I would say, firstly, that anyone who pays a minimum wage is unlikely to have any staff in this day and age because you just will not have them if you pay that sort of money; that is the truth of it. I am concerned of the consequences, as the Minister for Social Security mentioned, of Government interfering in what is in fact commercial activity. I am not oblivious to the effects of paying too low a wage having on the need for government to support people and that is obviously quite wrong. But recent events in the past few days dictate that commerce can be quite fragile. Recent events, we do not know what have dictated that, salaries will have had a part to play, labour costs are an enormous part of the cost of any business. What I am keener to encourage is that jobs are offered, jobs that are sustainable are offered. I say sustainable not only for the employee but also for the employer and if an employer is not in a position to offer a sustainable job, well there will not be a job, so that is fewer jobs available to those who are on the marketplace for one. I think it was alluded in a previous speech, training costs are not insignificant and it can cost thousands. It really can cost thousands and in small businesses this is an enormous amount on their overhead and that overhead cost has to be translated into their sales figures, which is not always easy to achieve. The Employment Forum has been mentioned several times. I do not feel, personally, the Employment Forum has been at all effective and I say that with personal experience; never seen them. I have been employing people for 50 years, I am conflicted you might say and people, shall we say apprentices upwards, never seen hide nor hair of the Employment Forum. I think maybe they need to reach out a bit further if they are to get realistic information which can feed Members of the Chamber. I think the further education system with regard to vocational education, vocational courses, may need further consideration. I would refer back several years ago because I have been in it a long time, that the arrangement was that if you have an apprentice you would send them to Highlands, they would have a day's training and you would pay for that day's training, so you will pay them for that day's training. Effectively, the apprentice had a full week's wage and the Government contributed a day's training and it worked. But then it got fouled up with complication, which made it quite difficult for employers to engage in such a way. I made a note that the responsibility of employers to shoulder the burden on this is I feel a degree unfair and I refer to the building trade, which has changed enormously in the past few years. We heard with the calamity yesterday, that firm mentioned was employing some 50 people, which was unusually high. Most firms will not be employing anything like that in terms of core staff. Most of their workers

would be subcontractors and those subcontractors would be 2, 3, 4, 5-man bands and, truthfully, they will not be able to afford to pay trainees at all. That is something we need to encourage back in because otherwise we are not going to get good skilled training for the youngsters in the Island. I would just conclude by counselling care over the consequences of Government interference; the less the better is, as far as I am concerned. On that basis I do not feel I can support the proposition.

4.1.8 Deputy M.R. Ferey of St. Saviour:

Just to follow the Connétable of St. Brelade's speech, both Deputy Barbara Ward and I spent 9 years on the Employment Forum and I can assure the Connétable that the research and the consultation that we undertook was extensive, even going to the point of getting compliance inspectors from Social Security who were conducting business surveys to speak personally to staff to get their opinion on the level of the minimum wage. Because it is relatively easy to get strong opinions on the level of minimum wage from employers, far more difficult to get the opinions of individuals who are working in those industries that pay minimum wage to have their say. We reached out extensively to those groups of people, even conducting farm visits and other visits where we knew that minimum wage was paid. I am afraid I do refute that allegation that the research was not conclusive or deep enough. Just also to point out that the youth trainee rate was brought in at a different time in the economic cycle. It was brought in to give younger people the opportunities that they were not getting to get into the employment situation, to be properly trained and then become increasingly useful to that business. I do think we tinker with that mechanism at our risk a little bit. I think we have got a good solution in the short term. I would prefer to use the word "align" minimum wage with the trainee rate with the minimum wage rate. But the reality is I think we have got a good way forward to scope out exactly what is the impact of this? To get possibly the Employment Forum to undertake further consultation and research and to see if it is going to have an impact and if it is going to have an impact, what mitigation can realistically be put in place to stop that happening? I will be supporting this proposition as amended.

4.1.9 Deputy H. Miles of St. Brelade:

I would like the Deputy in his summing up to address a particular area and that is about people with learning disabilities and autism. We have some organisations in Jersey that take people who are trainees, and I would be very concerned that his proposition might interfere with the modelling of the current set up and also future set ups. One of the aims that we have here is for people with learning disabilities and autism to undertake purposeful activity in businesses that are productive. We have one particular business on this Island that is extremely productive that employs predominantly people with learning disabilities and autism. I am not sure how the wage framework for those people is sorted out but I know that many of them will be in receipt of either long-term incapacity or income support payment. I think I am worried about unintended consequences. I would not want to put off employers taking on people with learning disabilities and autism who can provide an excellent and exemplary service, not just in their youth but also going into early adulthood, mid-adulthood and certainly older adulthood.

4.1.10 Deputy S.Y. Mézec:

Just to cover some of the comments that have been made about the use of the word "harmonisation" in this. Certainly from my perspective it would be preferable for the law to be amended, to be as clear as possible that the trainee minimum wage is no longer a thing, certainly in its current format, and that wage is lifted to the basic minimum wage and that basic minimum wage is lifted to a proper living wage that is enough for people to sustain their living on it. The wording of the proposition as amended before us will lead to the Minister using her powers to harmonise those 2 wages, which means raising wages for some people who are currently low paid; that is a good thing and completely support that. Though it is not as strong as perhaps I would like it to be and being clear that it should not be a matter of discretion for the Minister and her powers and should be set out clearly in law, that

is not any different to the situation that there already is and so accepting this proposition as amended does not make that worse. It keeps it as it is in that the Minister has power for those rates to be not harmonised but will be choosing to harmonise them in the meantime, but that is a situation that is better than what we have currently got. I think the proposition is worth supporting on that basis. Okay, it does not go as far and create a perfect solution but it certainly does not make anything worse. It does not require laws to be changed to provide less security in the future for that section of people in our community who are low paid. On that basis, that certainly by supporting it will see a pay increase for people who deserve a pay increase; I am up for that, so I will vote for it.

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 Andrews to reply.

4.1.11 Deputy M.B. Andrews:

Thank you for everybody who has contributed to this debate. I think it is also quite important to mention when we are looking at those who are on the trainee minimum wage we have a low level of input costs. The income that the business is generating from the output of that worker is going to allow them to have a higher mark up. If we are going to be looking at, say, an individual who has more costly input where, for instance, we are looking at a higher level of wage, that needs to be considered.

[11:45]

Then, potentially, we could be looking at less income being generated for the business in terms of the business owners. Also, when we are looking at low input costs there is also going to be the opportunity to have more reinvested capital to reinvest back into the business. That is why we can see there is always going to be a need when we speak of the word “trainee”, that there is an investment in specialisation from the person’s skills development. I think that the Minister outlined and also Deputy Kirsten Morel about the importance of engaging with different sectors and also the stakeholders that, potentially, will be employing those who are trainees at the moment, who have a trainee minimum wage rate. I think that is quite important. However, I think we have also seen that the States Employment Board have done research and that research has been extensive. Also, we need to be looking at the empirical evidence that was in the report itself, and I was quite fortunate enough to read the report on a couple of occasions, once several months ago and also recently as well. I also need to just mention, I know Deputy Scott mentioned about the Economic and International Affairs Panel conducted research into this, however, that is not the purpose of Scrutiny. That is why we have the States Employment Board who, essentially, seek stakeholders’ engagement to then procure results but Scrutiny is not constructed for that purpose alone. Moving on to age as well because I think this is also factored in the report, we sometimes can have trainees who could be, for instance, 26 or 27 and they might want to undertake a new career. However, they might be having to start off on the trainee minimum wage rate; they might have a partner, they might have children. Again, there is a potential consequence with them having to move careers and end up in that position and then most likely going to end up having government support as well. That was one of the key findings for the States Employment Board and one of the reasons why they decided that we need to increase the baseline rate; that was a recommendation. I think Deputy Helen Miles mentioned something that is also quite important and probably something that many Members did not even consider. I think when we look at all types of workers we have to acknowledge that everybody has different needs but also we have to appreciate that everybody should have the opportunity, okay, to achieve a higher level of earnings, especially in this current climate that we are living in because Jersey is a very expensive place to live. I say, with the Minister for Social Security, this might be an opportunity for her to potentially even look at aspects of social policy during this period before 2024 in terms of looking at how we can maybe, potentially, support those who are low-wage earners.

Because I think we have that opportunity to always come up with new ideas and to have mechanisms in place where we can improve public administration, to reduce the reliance on government redistribution and I think that has been quite extensive and has continued to be the case. For me, I am definitely an advocate of market-free distribution and that is how incomes are distributed within the market without government intervention, is to allow workers to have a sufficient level of income so they can live, they can afford their bills and also they can have some level of dignity. I think that at this moment in time it is a problem where many workers are not living a dignified life and I find that quite distressing myself because I have come from a lower-class background and I think it is very important that we take decisions to alleviate poverty in this Island. I feel that by doing this this is a progressive measure, this is allowing wage labour to have a pay rise and also to allow them to see an increase in earnings every single week above £100 in addition. You just need to be looking at inflation in the economy at the moment, we just need to look at the price of food; it is very costly. Trainee minimum wage earners' purchasing power is being eroded due to inflation. This is going to allow for that jump to happen. But, as the Minister said, it is important when you mention harmonisation, there is a need to consult with different sectors and also different employers to then come up with the conclusion as to how this will be finally implemented. Potentially, yes, there could be some issues that will be raised from that process. But it also has to be said, from the moment I engaged with the Minister I think they were quite happy with my proposition and also I was quite content with the amendment but it just seems as though ever since Sunday, when I was lobbied by the wife of a Minister, that there have been several conversations with me directly about withdrawing this proposition. I am sorry, that is not the case. I am not going to be listening to somebody who is the partner of a Minister who is going to try and lobby me as a Backbencher because that is not the case; that is not going to happen, let me tell you now. I think it is really important that, as a Backbencher, I should have the respect of being able to bring forward my own proposition without being lobbied privately. **[Approbation]** I think that it is really important that I say that because there are a couple of messages that, again, were quite abrasive, in fairness. Again, I am not going to go into details and name the individual but I think it is really important that people are aware of the goings on behind the scenes because this should have been a done deal. Unfortunately, we have kind of come into this debate and there has been a slight change in angle, there have been a couple of Ministers who have come up to me and said: "Well, we will accept it but we do have reservations." It seems to me there has only been one Member who has been lobbying within the Council of Ministers recently because last week it was fine and this week there is a different circumstance altogether. I think that is quite disappointing, in all fairness, if I am being honest. I think it is just important now we get to vote and we just increase the wage; it is quite simple.

The Greffier of the States (in the Chair):

Deputy, I did not want to interrupt your flow but I think yesterday the Bailiff drew attention to Members that there is no necessity to use a Member's first name unless it is in relation to the 2 Members where we have the same surname. Just to watch out in future that it should be Deputy Miles and Deputy Morel when you are referring to those Members. Deputy Morel, your light is on.

Deputy K.F. Morel:

Yes, it is just to ask for a point of clarification about the States Employment Board. I believe Deputy Andrews meant the Jersey Employment Forum and so in order to have Hansard reflect what I believe he meant, I just thought you might want to give way. Did he mean the Jersey Employment Forum?

The Greffier of the States (in the Chair):

Do you give way for that?

Deputy M.B. Andrews:

The Jersey Employment Forum, yes, sorry.

Deputy M.R. Scott:

Mine is a point of clarification.

The Greffier of the States (in the Chair):

Sorry, could you stand, Deputy?

Deputy M.R. Scott:

Sorry, another point of clarification because I just wondered if Deputy Andrews is aware that in the code of practice for Scrutiny it says that: “The chair has to ensure prominence is given to effective public engagement appropriate to the context and stakeholder groups for each piece of work.”

The Greffier of the States (in the Chair):

It is not really a point of clarification, Deputy.

Deputy M.R. Scott:

Thank you.

The Greffier of the States (in the Chair):

Thank you. Deputy Andrews, you have come to the end of your speech.

Deputy M.B. Andrews:

Please, yes.

The Greffier of the States (in the Chair):

The *appel* has been called for. Members are asked to return to the Chamber and I ask the Greffier to open the voting. If all Members have had an opportunity to cast their vote, I will ask the Greffier to close the voting. I can announce that the proposition has been adopted.

| POUR: 41 | | CONTRE: 7 | | ABSTAIN: 0 |
|----------------------------|--|---------------------------|--|-------------------|
| Connétable of St. Helier | | Connétable of St. Brelade | | |
| Connétable of St. Lawrence | | Connétable of Grouville | | |
| Connétable of Trinity | | Deputy K.F. Morel | | |
| Connétable of St. Peter | | Deputy H.M. Miles | | |
| Connétable of St. Martin | | Deputy M.R. Scott | | |
| Connétable of St. John | | Deputy A. Howell | | |
| Connétable of St. Clement | | Deputy T.J.A. Binet | | |
| 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 L.M.C. Doublet | | | | |
| 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 | | | | |

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| Deputy Sir P.M. Bailhache | | | | |
| Deputy T.A. Coles | | | | |
| Deputy B.B.de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy H.L. Jeune | | | | |
| Deputy M.E. Millar | | | | |
| 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 | | | | |

The Deputy Greffier of the States:

Those Members voting contre: the Connétables of St. Brelade and Grouville and Deputies Morel, Miles, Scott, Howell and Tom Binet.

5. Assembly Consideration of the Bilateral Investment Treaty with the United Arab Emirates (P.6/2023)

The Greffier of the States (in the Chair):

The final item is entitled Assembly Consideration of the Bilateral Treaty with the U.A.E. (United Arab Emirates), P.6/2023, lodged by Deputy Mézec of St. Helier South. The main respondent is the Minister for External Relations and Financial Services. There are 2 amendments, one lodged by Deputy Bailhache of St. Clement and one lodged by the Minister for External Relations and Financial Services. Do you accept either of those amendments, Deputy?

Deputy S.Y. Mézec:

Ma'am, I am happy for my proposition to be proposed as read by both of those amendments and if I can then use my speech to then explain what my position on both parts will become as amended. But I am happy for the States to debate them as amended.

The Greffier of the States (in the Chair):

Is the Assembly content to take the propositions as amended? Greffier, if you are able on the hoof to read the proposition as amended by both those amendments.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to request the Minister for External Relations and Financial Services to take the necessary final steps to bring the Bilateral Investment Treaty with the United Arab Emirates into force as soon as possible and (b) to request the Legislation Advisory Panel, in consultation with the Privileges and Procedures Committee, to bring forward legislation by which all treaties and international agreements signed by a Minister under entrustment from the United Kingdom Government or to be extended to Jersey under the United Kingdom Government's ratification process, are subject to ratification by the States Assembly before they come into force.

5.1 Deputy S.Y. Mézec:

Can I start by thanking the Minister for Treasury and Resources and officers from the External Relations Department for a very helpful conversation in the run-up to them proposing their amendment? There are some tricky legal issues when it comes to this sort of thing but I found that dialogue very helpful. This proposition was first conceived when various bodies in the States Assembly receiving briefings on the Bilateral Investment Treaty with the U.A.E. that was being proposed. It occurred to us that the process by which these treaties are adopted and come into force are very unclear and if I can say, perhaps a bit flippantly, appear to kind of just be conjured for this treaty without very clear guidelines about what the role of our elected Parliament is in treaties like this being signed up to in our Island's name. Given that we were told that we had a 14-day period to make comments on that, we chose to use it as an opportunity to lodge a proposition to give the Assembly an opportunity to discuss how we might want to proceed in future with these treaties. Having spoken to the Minister for Treasury and Resources and his officers who seemed to indicate to me that they would find it helpful for there to be a clear process for these things in the future, I was happy to agree with them on that. The amendment which comes from Deputy Bailhache, who - I am going to make this point - has not exchanged a single word with me about his amendment, either before or after it was lodged but which I will accept, having spoken to the Minister for Treasury and Resources, widens its scope and clearly says in it that it will be the States Assembly that is the body that would ratify those treaties. I originally was not sure whether "ratify" would be the right word to use and whether perhaps "prove" would be and it legally be another body that would formally ratify a treaty. But I am assured that that is not problematic and the Government have said in their reports to their amendment that they are happy to accept that. Since that widens the scopes and strengthens the role of this Assembly in that process, I am happy to accept that. I would urge Members to support part (b) of this amended proposition, which would see the Legislation Advisory Panel in consultation with the Privileges and Procedures Committee to go away and come up with those processes. I would argue that that would be a much more satisfactory way of going about adopting these treaties in future and we will have clear rules on that. We will know where it stands and we will not be in the situation we have been with the U.A.E. Treaty of it kind of being a process that was conjured up for that particular treaty. So this will provide clarity one way or the other in future so I urge Members to support that and hope that that is not controversial. It was the treaty with the U.A.E. that provoked this to be considered now. We have known for quite some time that a bilateral investment treaty with the U.A.E. has been on the cards. There were press notices and coverage way back in 2021 about a treaty being written and signed up to and I remember an interested constituent getting in touch with me at the time saying: "I have seen the media report and that is quite interesting. Where can I read this treaty?"

[12:00]

I was unable to help her find that treaty. Me, as an elected Member of Jersey's Parliament being told that we are signing up to a treaty without reference to this Parliament and without our opinions being asked, did not appear to have access to that treaty until just a few short weeks ago. There, I think, can be very legitimate questions raised about whether the presentation of that treaty to us is a *fait accompli*. It surely must be, given the lack of inclusion of us as a Parliament in that process, our opinion being asked, if we considered this a priority and if we thought it was in the best interests of Jersey's reputation and our economy. I have to say that I am uncomfortable with what appears to be a growing association of this Island with countries in other parts of the world who are, in my view, extremely disreputable and the U.A.E. is most certainly on that list. It has an appalling human rights record and, in this age today, we are rightly very concerned with investments going through multiple jurisdictions that have sources where we are very uncomfortable with them. A great example right now of course is Russia because of their illegal invasion and war in Ukraine. We have rightly frozen all sorts of assets in Jersey connected to that. Other countries do not have quite as good an approach to that as we do and are involved in all sorts of unpleasant things. We have seen in recent years a

desire from some in Government for Jersey to have closer relationships with some of the dictatorships in the Middle East and Saudi Arabia inexplicably being one of the those given the role that they play in financing some of the worst crimes being committed on the planet right now and the U.A.E. does not cover itself in glory as well in many of those things that it takes part in. Some of us are concerned about them not having as stringent processes and concerns when it comes to Russian money as Jersey has had with that. So even though I have accepted the amendment to part (a) to change its wording, I have done so to make this a cleaner debate but I will ask Members to vote against part (a), it having been adopted, to say: “No, thank you.” That treaty will not have been through the process that we will be expecting future treaties to go through if we adopt part (b) so we will be giving a free pass to that treaty if we accept part (a) and I would like to say to Members to vote against part (a) and say to the Government: “No, thank you. Back to the drawing board on that one, please.” If you want to bring it back in the future, it will be through the process that we will be setting up with part (b) that gives this Assembly a greater say in the matter and a greater opportunity to provide our view about whether we are comfortable with closer economic relations being pursued with countries that are disreputable and which are involved in things that, frankly, if we thought a little bit more about, would give us nightmares with some things that these countries are involved in. So, I propose the proposition but make clear in that that I oppose my own amended part (a) now. I have allowed the amendment to be read that way because it provides for a cleaner debate in this Assembly and I make the proposition.

The Greffier of the States (in the Chair):

Is the proposition seconded? [**Seconded**] Does any other Member wish to speak?

5.1.1 Deputy P.M. Bailhache:

These moments do not come very often so I hope that Deputy Mézec will savour it but I think he has performed a really important public service in drawing this constitutional issue to the attention of the Assembly and I am very grateful to him. I had in fact missed the report of the Minister for External Relations and Financial Services which set up a new system for ratifying international agreements or these particular treaties and it was only when I read Deputy Mézec’s proposition that it occurred to me that something very important was at stake. The Privileges and Procedures Committee has provided, I think, a very useful report in setting out the practice on ratification of treaties in relation to a number of different countries. It is true that, in many countries, ratification is left to the Executive not only to negotiate and sign a treaty but also to ratify it and bring it into force. In many countries - and the United Kingdom, for example, is the most important exemplar - Parliament does have a really important role and for practical purposes. It is not possible for the Government to bring an international agreement into force until Parliament has had the opportunity to scrutinise it, and if Parliament were to express disagreement with it, I am quite sure that the international agreement would not ultimately be ratified and come into force. There is a long tradition to this. Some Members with an interest in history will remember that treaties were sometimes secret and that Mr. Ribbentrop, the then German Foreign Minister and his soviet counterpart entered a secret and thoroughly disreputable agreement in I think 1940 or thereabouts, but nobody knew about it because it had not been ratified by any Parliament or in any public sphere. That kind of dramatic event is unlikely to be relevant to our legislature here but it does underline the fact that knowing what the Executive is planning or has done in the context of international relations is a very important matter. In Jersey, I think we can say that we have developed a practice that treaties and international agreements are in fact ratified by the Assembly. For the last 10 years or more, Deputy Gorst and, before that, I was responsible for bringing dozens of propositions to this Assembly seeking the Assembly’s approval for different double taxation agreements and tax information exchange agreements. I must say I think it is arguable that a constitutional rule has evolved but even if that is not so, it is open nonetheless to the Assembly to decide that it wishes to assume responsibility as a matter of law for the ratification of treaties and international agreements. It is done that way in the United States but I do not think

that that is relevant because it is what is right for Jersey that counts here. I am quite sure that we should protect the Island's reputation from the possibility, remote as it may be, that a Minister for External Relations and Financial Services in the future might do something silly and seek to enter an international agreement which would be embarrassing for the Island. So I thank Deputy Mézec for accepting my amendment and I shall in fact, notwithstanding his reservations about part (a), vote for both parts of the proposition.

5.1.2 Deputy M. Tadier:

I take Deputy Bailhache's comments I think in the spirit that they were meant. His comment that he hopes that Members will listen because this is a rare occasion and then said Deputy Mézec was raising and highlighting a serious issue to the Assembly. I do not think the rare occasion is that Deputy Mézec is highlighting serious issues to the Assembly because he does that all the time and he does a great deal of work, it is simply that I think he is talking about the fact that they both agree on this. I am presuming that is what Deputy Bailhache meant. I am absolutely of the opinion that these kinds of decisions or any agreements that we enter into, be they trade or whatever else with other countries, should ultimately come back to the Assembly for ratification. Indeed, in an ideal world and before we had Ministerial Government, I think the expectation is that the Assembly would have much more power and that it is the Assembly which was the sole decision-making body, and not the Ministers and we have seen a slide in that. I am grateful that this proposition seeks to redress that but I do not think we can avoid or that we should necessarily try to avoid the substantive issues here, so this is not simply about the autonomy of the Assembly making decisions or at least giving directions or a veto, if you like, to Government. I think we also need to consider what kind of countries we are doing business with. There were voices in the last decade publicly and I think some internally who voiced concerns about doing business with Russia. They could see that Russia was not a democracy and it did not share the same values of the west. I am not saying the west always gets it right but they could quite easily see how Russia was going and we get into the situation where I think we rolled out the red carpet for Russian oligarchs to invest in Jersey. Now we are dealing with the consequences of that where Putin is one of the biggest threats to stability in the modern world and, yet, only a few years ago, we were quite happy to take their money. I am reminded of the words of Deputy Trevor Pitman in the past I think who said: "Money has no smell." So I hope we have learnt a lesson from our dealings with Russia, but who are the next potential pariahs on the world stage? We only need to look at their internal policies to make these kinds of decisions. I wonder whether the business people in this Assembly would enter into business transactions in their own personal dealings with people who show the warning signs of some of these other questionable regimes around the world. So while the Chief Minister in question time yesterday was effectively, as I see it, following a policy of appeasement and saying: "Well, we do try to raise these issues when we are dealing with foreign dictatorships" as I might call them, and they are interested in the fact that we have women in leadership, well, is it the women leaders who are going over to the Middle East to negotiate those contracts? I am not saying that we should not be sensitive to cultural norms and differences but I do question where we draw the line on that. So if we, in Jersey, are espousing local policies and local drives which are in harmony with most other countries to do with closing the income gap between men and women and promoting equality in all of its forms and we have other countries which are clamping down on basic human rights to do with women, to do with homosexuals and to do with law and order and implementing death penalties for what we might consider simple, basic human rights because they are not truly free societies, why do we want their money? Why do we want to do dealings with them? Are we so desperate for the money that our reputation is a secondary consideration?

[12:15]

I do also question what kind of message it sends to the gay Members of our Assembly and the wider civil society when we are interacting with countries that are simply not up to speed yet on the

Zeitguide to the rest of the world but are actively hostile to gay rights. That is not simply something in the Middle East. It is something which is a problem in other countries as well. If we do not have, as an Assembly or individual representatives, the right to raise these concerns when the treaties are being ratified because we do not get to decide, then we are effectively disenfranchising our Members and taking the voice away from our constituents who we would seek to represent. Now I know that there are those who would say: "Well, the way we do it is through engagement and we can have those conversations about human rights subtly." First of all, I do not believe that. I do not believe that, in reality, those conversations happen at all to the degree which one would represent that they do happen. There may be the occasional conversation with ambassadors but probably not because it is not very *politique* and that is not the point of the business dealings we have with them. Quite interestingly, I do not watch a lot of television but Stephen Fry was on Channel 4 news last night and he was talking as somebody who is a Jewish gay man and he said: "I used to think that the right way to engage and to effect change was to do it softly softly and when I watch people like Peter Tatchell, the famous gay rights campaigner, interrupting church services to try and get his point across, I thought that was the wrong thing to do because he is just going to alienate people." I am paraphrasing here and he said: "But I realised that I was wrong and that he was right and that we do need to take strong action sometimes and to stand up for what is right and for what we believe in." So I will leave those thoughts with Members and I would say that the P.P.C. (Privileges and Procedures Committee) comments were very useful in fact and whether we are comparing practice in the U.K. or in other European Parliaments as to how they ratify, the argument will come back that it is not usual for Parliaments to get the final say. They may get a debate as they can in the U.K. but, ultimately, it is Government that decides. They can consider and take into account the feedback. We have to remember that there is a party political context so in the U.K., there is usually a party with a majority and therefore they only need to rely on the majority of their party to govern so it is up to that party and their Government to make the decisions that they see fit. Of course, in other countries, it may well be that they have coalitions of 2 or 3 parties and so the feedback is given at party level and they come to agreements internally by talking to all of the parties that are represented so that there is a way of feeding back through that system. We do not really have that in the Jersey context and I think that is why the ability for the Assembly to have direct input into whatever these treaties or agreements are that are being signed is even more vital.

5.1.3 Deputy L.V. Feltham of St. Helier Central:

I will try and be brief. I also have some reservations about the amended part (a) of this proposition. I find it very hard to have confidence that this treaty is in the Island's best interests. Very few Members were present at the online briefing that we had about this treaty ahead of this proposition being brought forward and also a few of us within P.P.C. also had a briefing on the process itself. During that briefing on the process itself, I did ask officers what process they went through and how they decided what countries to prioritise when they were deciding who to negotiate treaties with. I was rather surprised by the answer because the answer was more or less: "Well, whoever is willing to sign a treaty with us, we will broker that" and I did find that, to be honest, a cause for concern and alarm particularly when dealing with some countries. As Deputy Tadier just pointed out before me, it is not that long ago that the Island's jurisdiction was trading fairly frequently with Russia and now we would not want to be seen to do that. Obviously, being a Reform Jersey member, I was quite keen not to be seen to be antifinance or the loony lefty that some people may want to brand me, so I did take it upon myself to speak to some people that I knew and I trusted that worked within the financial services industry to kind of get their take and their advice on what this treaty might mean. It surprised me because some of them did not know what it would mean for the sector. They could not explain to me why it was necessarily a good thing and, thinking ahead of this debate, I am quite surprised that Jersey Finance has not sought to contact Members ahead of the debate perhaps to explain to us what the importance to the sector is of this particular treaty as well to add their weight to this. Unfortunately, because I am not in the Chamber, I cannot see who is there but I would like

to invite a Minister to perhaps address some of the concerns I have. One of the concerns that was also raised with me was that since Deputy Gorst originally signed this treaty, the U.A.E. has itself been grey-listed and a concern was brought to me that that would put our own money evaluation at risk if we were seen to be enacting a treaty with a grey-listed country at this particular point in time? So those are all the concerns and questions I have and I would like Ministers to address those. I would like to thank Deputy Mézec for bringing this proposition. I think it really is important that we do have a better process in place and that we also understand that our jurisdiction is different to some of those other jurisdictions that have a negative consent process in place and that is why I will be supporting part (b) of this proposition.

5.1.4 Deputy R.J. Ward:

Just briefly, I am pleased to follow the previous speaker because Deputy Feltham makes some very good points and concerns there. I have a concern with part (a) but can accept part (b) because it is the type of thing we have to do in this Assembly. One of the things I always try to do is some research and think about the background around these things. You can research human rights issues in countries all over the world, and I say this when we have only just had the individual filing of tax for men and women, so we have to look at ourselves as well. If you look at the Humans Rights Watch World Report from 2022, there are some real concerns that are raised. Now you will have to judge yourself as to whether an organisation like that in that report is valid, but I would like to quote some things from that report: “Some provisions of the law regulating personal status matters discriminate against women. For a woman to marry, her male guardian must conclude her marriage contract. Men can unilaterally divorce their wives, whereas a woman must apply for a court order to obtain a divorce. A woman can lose her right to maintenance if, for example, she refuses to have sexual relations with her husband without a lawful excuse.” There is also the criminalisation of same-sex activity and trans people may face prosecution under the Federal Penal Code 1987 just for a few things. Now we have the rights of women mentioned quite rightly in this Assembly, and next Wednesday is International Women’s Day, and I would ask what damage this does to our reputation as a liberal forward-thinking Assembly when we are going to enter a treaty with a country that does not meet those standards. I also agree with something that Deputy Tadier said - and obviously he put it better than I can because he is a bit of a wordsmith - when he asked: “Do these conversations go on?” These difficult conversations about the rights of people within a country, do they go on when we are discussing these treaties? If they do not go on, why do they not because we are representing the people of Jersey when we enter into these treaties? So I have real concerns about entering into these agreements with jurisdictions that do not do this. People have sat here in this Assembly in the past and talked so much about the rights of women and so rightly as well about equity. When we talk about equity, it is a theme, I believe, of International Women’s Day as equity. Well, let us look ahead to that, shall we, and let us think about what we are agreeing to? So I would just ask Members to think really carefully and do their research before they vote for part (a) but I will certainly support part (b) because it is the right thing for us to do as this Assembly should be paramount on this Island.

5.1.5 Deputy H. Jeune:

I welcome the calling for the development of a ratification process in part (b). It is important though there is transparency and accountability in trade or investment negotiations as it does have an impact on local communities and domestic companies, and it would be important to develop that understanding going forward. I have some experience working in this area working for a number of years monitoring the E.U. (European Union) International Trade Committee specifically focussing on the E.P.A.s (Economic Partnership Agreements) which were trade agreements between the E.U. and Africa, Caribbean and Pacific countries and regions. I focused on ensuring sustainable development chapters were strong concerning the need to ensure strong environmental and labour standards but also pushing for mechanisms for a parliamentary scrutiny offering for capacity building to help that type of scrutiny because these are often very technical issues and the provision for civil

society and public consultation and ensuring that these would be developed in these different countries in Africa, the Caribbean and the Pacific. There were many times that I witnessed where the negotiations tried to water any number of these issues down and it was the European Parliament that made sure that these principles were kept in place. It is also important when we are looking at the process for ratification that we look wider than our closest neighbour. Please do remember that the U.K. has not been responsible for trade policy for the last 40 years so they probably also do need to update their procedures for negotiating and ratifying their own trade agreements because, to date, the Government has not taken steps to update their procedure precisely because of what Deputy Tadier pointed out earlier. Bilateral investment treaties are agreements between 2 Governments designed to promote investments flows and protect international investors and their investments. They offer investors a range of protection including against unfair or inequitable treatment and expropriation. These protections are enforced via a mechanism called the Investor-State Dispute Settlement, which allows companies to sue Governments if a policy or its implementation negatively impacts the profitability of their investment. In the past, B.I.T.s (bilateral investment treaties) are heavily biased in favour of international investors, challenging Government's ability to decide policy in areas such as health, energy, water and climate change. B.I.T.s offer foreign investors wide-ranging rights that go beyond anything that is offered, either to domestic companies or citizens. An example of this that has hindered climate change policy is the Energy Charter Treaty, which I have mentioned in this Assembly before, but luckily in recent years it has become more transparent in mainstream knowledge after many years of activists calling out that there were concerns at these types of mechanisms, where secret court cases were heard. I would hope, therefore, that Jersey starts going forward and would have a more balanced approach were these mechanisms to be put in place, because the Energy Charter Treaty, for example, was used by corporations that operate oilfields, gas pipelines and coal-fired plants to launch legal cases against states that passed legislation to fight climate change and curb CO2 emissions. Seventy-four per cent of E.C.T. (Energy Charter Treaty) cases involved an E.U. investor against an E.U. country. Because they have been secret, countries have been unable to tell the citizens that they have been unable to move on their climate commitments because they have been in active court cases and have had to pay out billions in compensation. Again, I hope that Jersey will take these examples into consideration as they develop these types of mechanisms going forward.

[12:30]

Ultimately an investment treaty is about companies doing business, therefore I think it is important to send a signal to these companies that they should adhere to human rights, as stated in the 2011 U.N. (United Nations) Guiding Principles on Business and Human Rights, known as the Ruggie Principles, which set out guidelines for states and companies to prevent, address and remedy human rights abuses committed in business operations. Businesses have an independent responsibility to respect human rights, which means that it exists irrespective of whether states are living up to their commitments. The roles of states in business are clearly distinguished in the framework. Businesses' responsibilities remain, even where states fail to carry out their duties. Although particular countries and local contexts may affect the human rights risks of enterprises, activities and business relationships, all business enterprises have the same responsibility to respect human rights wherever they operate. Therefore I urge the Jersey finance sector to adopt, implement and publicly state that they follow the U.N. Guiding Principles on Business and Human Rights as part of these bilateral investment treaties and discussions around this going forward.

5.1.6 Connétable D. Johnson of St. Mary:

I only have 2 brief points to make. First, this particular agreement has been in the offing for some considerable time and while I appreciate that the present Economic and International Affairs Scrutiny Panel has had a briefing on it, if my memory serves me correctly, the previous one did as well. I also recall that at that stage the panel did jar slightly at the approach, because at that stage the U.A.E. had

refused to sign the U.N. resolution condemning the invasion of Ukraine, and that caused us some problems, quite rightly, if this is a jurisdiction with which we should be dealing. It came to our attention partly because the Minister required some comfort from us as to the next step, and we did raise a point on that, and we got a reply with 2 things. First, I think subsequent to that the U.A.E. did condemn the invasion, which helped us somewhat, and I think the U.K. were fully aware of our stance and saw no reason why we should not, which does go back to our position within the U.K. as far as international policy is concerned. The point I am really raising is the fact that I would expect any future agreement coming through would go through Scrutiny in the first place, and soundings could well be taken then as to where we were in the overall context, rather than being put on us at the last minute. That said, having heard some of the speeches this morning, I shall be supporting the proposition. I am concerned that some Members will use it as an opportunity to question any government policy on a whole range of things. Even our allies are not immune from criticism on various things and I do urge Members to take that into account when we look at what is before us. It is an investment treaty and not a condemnation of their overall policy. The second very brief point is Deputy Bailhache has asked the Legislation Advisory Panel to bring this forward. He is vice-chair, I am chair. I am sure that at our meeting on Friday we will adopt that and are very happy to take the necessary measures.

5.1.7 Deputy M.R. Scott:

I am only going to address Deputy Tadier's question, which is relevant to part (a) of the proposition. I think there has been enough discussion about the desirability or not of the States Assembly ratifying treaties and that particular mechanism. The question that was raised was would a businessperson in the States Assembly enter into business with someone in the U.A.E.? I think this relates to a different debate and probably perhaps a different proposition, because who in the U.A.E.? Might I be talking about ...

Deputy M. Tadier:

Would the Member give way?

Deputy M.R. Scott:

Okay, sure.

The Greffier of the States (in the Chair):

Sorry, Deputy Tadier, are you wanting to make a point of clarification?

Deputy M. Tadier:

Just to clarify what I said. I did not ask whether a businessperson would do business with someone in the U.A.E. I was asking about whether a businessperson might trade with somebody with certain values that they fundamentally disagreed with. I did not make any assertion as to where that person might come from. Just to clarify. It was an analogy.

Deputy M.R. Scott:

So it was a different question. Okay.

The Greffier of the States (in the Chair):

Thank you, Deputy. You did not give me an opportunity to ask Deputy Scott if she was willing to give way, but if you would like to continue, Deputy Scott.

Deputy M. Tadier:

I am sorry.

Deputy M.R. Scott:

I think there is a danger of ideology muddying the waters here. When you think about some of the people who are resident in the U.A.E. you can be talking about former clients of U.K. banks who live overseas. You could be talking about some of the employees of those banks, and some of these people may no longer wish to invest in the U.K. Those banks, of which we have many subsidiaries, might even suggest that Jersey is regarded as an alternative choice, and if not Jersey, where? Oh, maybe a subsidiary in the Cayman Islands, maybe a subsidiary somewhere else. What we are really talking about is should business be sent away on the basis that it may facilitate some sort of investment from someone in the U.A.E. into Jersey? I do think that if you are going to ask that question ask it honestly, have that debate. Do not use this sort of mechanism to say: "Right, we should not have them because we do not quite agree with what they are doing." Why do you not say: "Well, hang on. The U.K. has got a treaty with them. Let us not deal with the U.K." In fact, the U.K. only a few years ago had the most terrible reputation in terms of dealing with the Russian oligarchs, much worse than Jersey. Why did Reform Jersey not come and make some sort of stand against that? I think there is a very complex argument about who we should be dealing with and who we should not be dealing with in terms of jurisdictions here, and I am not going to go into the rights and wrongs of that. At the end of the day, it is a simple matter about the extent to which, if the finance industry has a product, whether it should have this particular Kitemark. Let us just talk a bit about the finance industry and some of the rules and regulations that it has to deal with in marketing products. I remember when I was working in it years ago, there was some sort of rule that certain funds in certain jurisdictions had to have a company that was 2 years old, and yet at the same time have a completely clean transaction history. Jersey did not do shelf companies, and still does not. It was a particular hurdle that had to be jumped. There was a way in which a solution was found, that companies were seasoned at the registry. It was a pragmatic one, but it was a rule, the Kitemark that we are talking about in terms of B.I.T. It does not change anything that we do. It is simply saying: "Okay, we do agree with things fairly, we do recognise public international law and we agree to do that." We are not bending over backwards to change ourselves, but what it is basically doing is producing a Kitemark. I very much thank the Constable of St. Mary as the former chair of the Economic and International Affairs panel of explaining a bit of the history by which this particular treaty has been scrutinised by the panel, and more recently the Economic and International Affairs panel did have a briefing. Some of the things that we have questioned as a result of some of the issues raised by at least one Member have things about the application of Sharia Law. Well, no, we are talking about public international law. This point that has been made about grey-listing, we asked a specific point about that about the U.A.E. and the grey-listing, and have been assured that that would not impact on the MONEYVAL assessment. I will assure the States Assembly that we have looked into this. Personally because of the fact that this is a kitemarking exercise that nearly all jurisdictions will do. One example that I have used is Spain and yes, it has got a socialist Prime Minister entered into a B.I.T. with Saudi Arabia to save its car industry. I do not know how much you want of a finance industry, but these are all the things that you need to take into the mix. Maybe ultimately you would rather it go away, but it would be good to have something to take its place. I will be voting for the whole proposition and I would suggest that Members who do want to cherry pick here think very carefully about the consequences.

Deputy I.J. Gorst:

I am not sure how many other speakers there are. I wish to seek to address some of the questions that have been raised before Deputy Mézec sums up. I do not know whether Members would like us to continue.

The Greffier of the States (in the Chair):

I do not have anybody else listed, Deputy. I do not know if Members would like to indicate if they intend speaking so that we have an idea of anybody else who wishes to participate. Just you, then, Deputy Gorst.

5.1.8 Deputy I.J. Gorst:

Okay, that means I hope that I have got permission to be relatively brief. I wanted to start by saying obviously I am standing on behalf of the Minister and Members will understand why he is not in the Assembly today. I would like to thank Deputy Mézec for his engagement and his desire, as other Members have said, for the Assembly to give due consideration not only to this treaty but treaties that might be entered into or extended in the future, and that is why I am also grateful for Senator Bailhache and his proposal that going forward the issue of rightful and appropriate ratification by the Assembly and the involvement in a wide range of treaties should be considered in a slower time. That is why I have no disagreement with that amendment. I think it will allow that work to be undertaken so that we can arrive at a satisfactory situation which rightly respects Jersey's constitutional position, but also I hope will enhance through that process our autonomy. Therefore, I am grateful for the involvement there. I am also grateful to the Scrutiny Panel, and I just heard the chair's intervention and I am grateful to her for that intervention and of course the comments issued by P.P.C., which to some extent started the work that the Legislation Advisory Panel will now pick up and continue. There have been a number of questions asked during this debate and I want to start on the premise that bilateral investment treaties were given quite a nice, detailed summarisation from the Assistant Minister, and I am also grateful for her engagement at the end of last week with her vast experience but obviously from a European parliamentary and lobbying perspective. But, as she said, at the highest level they are designed to protect, promote and liberalise cross-border investment and Members know that Jersey has a strong and healthy business relationship with the U.A.E. and also at governmental and diplomatic level. Therefore, it is appropriate that the U.A.E. is the first country because of that strong business relationship that this agreement should be signed and that this Assembly today should ask the Minister to go ahead and complete the ratification process. I remind the Assembly that Jersey is the first Crown Dependency to have entrustment from the United Kingdom to enter into a bilateral investment treaty in its own right, and that is something that I think we should be proud of and is something that I hope the Assembly would wish to support and continue to support the Minister in doing that as he and his officials seek to negotiate these agreements in the future.

[12:45]

Members hopefully can see from the bilateral investment treaty, which follows modern processes and therefore does not have all of the pitfalls that Deputy Jeune was talking about that history has, rather I think that we can be quite proud of the agreement that was negotiated. It was a negotiation. Parties to negotiation do not always get the words included that they would wish, and many Members today have spoken about human rights, and perhaps that is an area where Members would have wished and would wish to see in the future stronger wording around that. I know that the Minister is extremely keen on ensuring that as well and there are some bilateral investment treaties which are in negotiation, which I think will very much meet the requirements of the Assembly. When it comes to matters of employment practice there are some good strong words in that agreement around appropriate employment practices and also environmental protections. For those Members who have cast doubt, I think they were referring to during negotiations, whether these issues are raised during negotiations. Well, of course they are because there is a negotiation about the wording that will be included and in the treaty that was signed in 2021 there are those environmental protections and there are those employment protections, and they were negotiated and debated in those negotiations. That of course is wholly separate to conversations that Ministers will have in bilateral Minister-to-Minister engagement, in bilateral Minister-to-Ambassador engagement, in bilateral engagement between the

Minister and officials. Those issues are also raised in those conversations. Another Member questioned whether now was the right time in light of the U.A.E.'s grey-listing by F.A.T.F. (Financial Action Task Force) and what I would say in that regard is that we know that when another jurisdiction is grey-listed then other jurisdictions that comply with F.A.T.F. requirements have to put enhanced procedures in place. That of course is how Jersey rightly deals with jurisdictions who have been grey-listed and those enhanced procedures have been put in place by industry and by the regulator to guard against any difficulties in that regard. It is not a rationale for not going ahead and completing the ratification of this bilateral investment treaty. In fact, this bilateral investment treaty gives further protections to those who might be using it for investment purposes. A bilateral investment treaty helps to protect Jersey investors who are already operating in the U.A.E. by guaranteeing routes to independent, international arbitration, and that is an additional right that currently does not exist. I would suggest that that alone is a reason for Members asking and agreeing to part (a) to complete the ratification processes moving forward. I will not, because time does not allow, go into all of the legal and technical niceties around ratification and where that rightly sits with the Executive, simply to say that the Minister did propose a mechanism which was advised to him that was appropriate because of the wording of the entrustment letter in this process, and therefore he has followed the process that was advised to him. I do think it is helpful for Members to have this engagement and have the ability today to positively say to the Minister that he should complete the ratification process. I would just say, as the Constable of St. Mary said, if Members today follow the advice of Deputy Mézec, they have a perfectly legitimate democratic right to do that, and it is a good forum to raise the issues that have been raised, and I make no criticism of those who have raised those issues, but I would just reiterate what the Constable said, that if the Assembly decide that the Minister should not go ahead and complete those ratification processes on this particular treaty then I fear that we will be in a mess as an Assembly. It will be difficult for the Minister and officials to argue that they can negotiate in good faith as a trusted partner, and what we think is a great benefit and enhances Jersey's international reputation and constitutional autonomy by signing bilateral investment treaties bilaterally rather than having to have the U.K.'s bilateral investment treaties extended to them, will create a great difficulty for the Government going forward, and I do not think that it is something that Members would want to do. Rather, I think it will be far preferable to say: "Yes, we agree with part (a) as now amended." Ministers should get on and complete that process and then we will work together as an Assembly, with colleagues, to bring forward a process or processes that are as I say appropriate for various types of international treaty and how they are extended to Jersey. Therefore, I ask Members to support bringing into force the U.A.E. bilateral investment treaty and those who might be wobbling, for all good reasons, I ask them to think very carefully about the implications if they are to vote against the completion of the ratification process because I think it will have unintended consequences with partners of Jersey around the globe.

The Greffier of the States (in the Chair):

Thank you, Deputy Gorst. I do have an eye on the time. Of course, we have gone beyond the time when we would normally adjourn. It is a matter for Members whether they wish to propose the adjournment now, or propose to continue and to allow Deputy Mézec to make his summing-up speech and vote on the matter. I have nobody else wishing to speak.

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

I would like to propose that we try and get this finished before lunch.

The Greffier of the States (in the Chair):

Is that proposition seconded? **[Seconded]**. Are Members content to continue the debate until completion? Would you like to show? Those against? Then we will continue. If no other Member wishes to speak, then I close the debate and I call on Deputy Mézec to respond.

5.1.9 Deputy S.Y. Mézec:

I think the final parts of Deputy Gorst's speech made clear what the U.A.E. bilateral investment treaty is to this Assembly. It is a *fait accompli*. That is essentially his argument: "We have done all this work. Do not worry about it. We have done it. It is before the Assembly because another Member is doing it, it is not ours, but you have got no choice. You have got to support it." I call that taking Members for granted and that should not be an argument that Ministers pursue. This treaty was pursued without explicit support or approval from this Assembly. We are entitled to have views that do not align with the Minister on it, and if we want to say: "Thanks but no thanks" we are completely within our rights to do so. Whatever risks the Minister may claim there will be to Jersey in the future in terms of our prospects of negotiating other treaties with other countries, I would hope that in those instances the Government would do the honest thing, which would be to explain why a previous treaty was rejected and take the blame for not pursuing it properly and not putting the correct emphasis that would have the democratic support of our democratically-elected Chamber. Although I have to say with the types of countries that they will be looking to do treaties with, talking about democracy will be something those partners probably will not understand, because most of them are not democracies and in many of those countries you are not allowed to even elect the president of your local golf club, in case the idea catches on. They have such poor human rights and such bad regard for that. So for what it is worth, from my perspective, I do not want to see my Island home associate in these ways with these countries with such poor records. Deputy Gorst, when talking about the treaty that has already been negotiated, said it was something we could be proud of. Not me. I will not be proud of that. I am proud of many things about my Island home. I am proud of our community spirit; I am proud of our natural beauty and the great care that so many of us pay towards our Island. I will certainly not be proud of an undemocratic attempt from Government to pursue closer relations with a country that most people on this Island have little regard for, and when an objective examination is taken of their human rights records and economic role they play in the world, most people would be appalled by that. He and I have different understandings of what the word "proud" means and it is because of the shame in fact I would feel from these undemocratic advances for closer relations with countries with such terrible human rights records that I would not want to partake in this treaty. I would say to the Ministers: "No, thank you." You can build the new process for negotiating and ratifying treaties and we as an Assembly can democratically come to conclusions on those on a case-by-case basis and if we do not like them we can say no to them. I would be interested in understanding how many Members of this Assembly have read the bilateral investment treaty. I will not embarrass Members by asking for a show of hands, but it was presented relatively late in the day, despite the fact it has been in the works for years. Should we be proactively voting for something when many of us as representatives of our constituents probably do not know a lot about it either? Let us not accept these *fait accompli* which present things to the Assembly, taking us for granted, and assuming that we will just rubber stamp whatever they say, whether or not it is in line with our values and our aspirations for our Island's community. I have no hesitation in voting no to the implementation of that treaty. Deputy Gorst said that the grey-listing of the U.A.E. by the Financial Action Task Force was not a rationale for rejecting the treaty, but it surely must be. If you are promoting more business activity and more investment with a country that has just been grey-listed you are inevitably increasing your chances of your fingerprints ending up on that somehow. That is something I do not wish for Jersey to partake in. During the course of this debate, I have been online and attempted to search for articles from various organisations examining the U.A.E.'s record in many of these things and there are just so many of them it is difficult to even single out one to point out to the Assembly. How many Russian oligarchs have loads of money and property interests in these countries and their attitude to the wider conflict not being necessarily the same as ours on this? It is just too close for comfort, as far as I am concerned. I will only very briefly address the point made by Deputy Scott about apparently us cherry picking on this, but I am happy to say that I am very proud of the record that I have and that my party has in speaking out against

Russian money before it was fashionable to do so, and when we spoke out against the outrageous granting of 2(1)(e) status to a high-profile Russian oligarch several years ago we were lonely voices in doing that. It is a sad thing that unfortunately history has had to vindicate us on that. There are points of principle which we ought to stick to, and that is that you do not closely associate with and glorify people who are involved in things that are dodgy, because eventually it comes back to bite you.

[13:00]

Part (b) of this proposition it appears is not controversial and if all goes to plan there will be a process put in place in future that gives this Assembly a greater say in how these treaties are negotiated and approved and that in the future will be an opportunity for us to indicate to the Government that they probably should not waste their time pursuing certain treaties if they will not have the support of this Assembly and that will hopefully be constructive, but there is no reason that a treaty that has not gone through a process that is democratic and transparent should just be accepted because: “Oh, that is just where we are today. This has been in the pipeline for a long time.” We have been taken for granted on it and we should say: “No, thank you” to the Government for that treaty and in doing so those of us who are going to vote against part (a) I am sure will do so, trying to keep our consciences clear that we are not seeking to associate with a regime with an appalling human rights record and one when it comes to their financial investments from around the world has a dodgy record that we should not be associating with and should not be exposing our economy to risk of by promoting greater investment at this point. I will ask for the vote to be taken in 2 parts on this proposition and for Members to vote against part (a) but in favour of part (b).

The Greffier of the States (in the Chair):

Deputy Mézec, do you call for the *appel* on both of those? Very well, Greffier. If I ask Members to return to their seats and I ask the Greffier to open the voting on part (a) of the proposition. All Members have had an opportunity to ...

Deputy M. Tadier:

Ma'am, I am having trouble voting.

The Greffier of the States (in the Chair):

We have got it, Deputy, apparently.

Deputy M. Tadier:

Okay, sorry. Thank you. I was panicking there.

The Greffier of the States (in the Chair):

If all Members have had an opportunity to cast their votes, I will ask the Greffier to close the voting. I can announce that part (a) has been adopted.

| POUR: 30 | | CONTRE: 15 | | ABSTAIN: 2 |
|---------------------------|--|----------------------------|--|----------------------------|
| Connétable of St. Brelade | | Connétable of St. Helier | | Connétable of St. Lawrence |
| Connétable of Trinity | | Connétable of St. Martin | | Deputy A.F. Curtis |
| Connétable of St. Peter | | Connétable of Grouville | | |
| Connétable of St. John | | Connétable of St. Ouen | | |
| Connétable of St. Clement | | Deputy G.P. Southern | | |
| Connétable of St. Mary | | Deputy M. Tadier | | |
| Connétable of St. Saviour | | Deputy M.R. Le Hegarat | | |
| Deputy C.F. Labey | | Deputy R.J. Ward | | |
| Deputy S.G. Luce | | Deputy S.Y. Mézec | | |
| Deputy L.M.C. Doublet | | Deputy T.A. Coles | | |
| Deputy K.F. Morel | | Deputy B.B.de S.V.M. Porée | | |

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|---------------------------|--|---------------------|--|--|
| Deputy S.M. Ahier | | Deputy C.D. Curtis | | |
| Deputy I. Gardiner | | Deputy L.V. Feltham | | |
| Deputy I.J. Gorst | | Deputy R.S. Kovacs | | |
| Deputy L.J. Farnham | | Deputy M.B. Andrews | | |
| Deputy K.L. Moore | | | | |
| Deputy Sir 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 B. Ward | | | | |
| Deputy K.M. Wilson | | | | |
| Deputy L.K.F. Stephenson | | | | |

The Greffier of the States (in the Chair):

We move to the vote on paragraph (b) of the proposition. I ask the Greffier to open the voting. If all Members have had an opportunity to cast their vote, I will ask the Greffier to close the voting. Paragraph (b) has been adopted.

| POUR: 47 | | CONTRE: 0 | | ABSTAIN: 0 |
|----------------------------|--|------------------|--|-------------------|
| 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 M. Tadier | | | | |
| Deputy S.G. Luce | | | | |
| Deputy L.M.C. Doublet | | | | |
| Deputy K.F. Morel | | | | |
| Deputy M.R. Le Hegarat | | | | |
| Deputy S.M. Ahier | | | | |
| Deputy R.J. Ward | | | | |
| Deputy I. Gardiner | | | | |
| Deputy I.J. Gorst | | | | |
| Deputy L.J. Farnham | | | | |
| Deputy K.L. Moore | | | | |
| Deputy S.Y. Mézec | | | | |
| Deputy Sir P.M. Bailhache | | | | |

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|----------------------------|--|--|--|--|
| Deputy T.A. Coles | | | | |
| Deputy B.B.de S.V.M. Porée | | | | |
| Deputy D.J. Warr | | | | |
| Deputy H.M. Miles | | | | |
| Deputy M.R. Scott | | | | |
| Deputy J. Renouf | | | | |
| Deputy C.D. Curtis | | | | |
| Deputy L.V. Feltham | | | | |
| Deputy R.E. Binet | | | | |
| Deputy 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 | | | | |

That concludes Public Business for this meeting and therefore I invite the chair of P.P.C. to propose the arrangement of Public Business for future meetings.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

The arrangement of Public Business, Draft Sanctions and Asset-Freezing (Amendment No. 3) (Jersey) Law 202- is the only legislation listed on the Order Paper for our next sitting. Since the Order Paper was published the Connétable of St. Helier has lodged Development of Town Master Plan, P.9/2023 and this has been listed for the next meeting. Therefore, we only have 2 propositions listed for the sitting on 21st March. If no more legislation comes forward for debate on 21st March we may only need one day, however please be aware that continuation days may be needed. Thank you.

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

Ma'am, please may I just draw Members attention to an invitation that has been sent to us all from the Violence Against Women and Girls Taskforce? It is in 2 weeks' time. It was the information session for States Members, and it is really important that as many Members as possible attend and you will have a chance to give your views as well. I would be grateful if Members could have a look at that.

The Greffier of the States (in the Chair):

Thank you, Deputy Doublet. If no Members have anything else to add then the States stand adjourned until Tuesday, 21st March.

ADJOURNMENT

[13:05]