

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 25th MARCH 2026

<b>COMMUNICATIONS BY THE PRESIDING OFFICER.....</b>	<b>4</b>
<b>1.1 Welcome to Lord Marland, Chairman of the Commonwealth Enterprise and Investment Council.....</b>	<b>4</b>
<b>1.2 Welcome to Mr. Angus McCullough K.C., Court of Appeal, and Commissioner Le Cocq .....</b>	<b>4</b>
<b>PUBLIC BUSINESS - resumption .....</b>	<b>4</b>
<b>2. Treating Children as Children (P.14/2026) - as amended (P.14/2026) - resumption ....</b>	<b>4</b>
2.1 Deputy H.M. Miles of St. Brelade: .....	4
2.1.1 Deputy C.D. Curtis of St. Helier Central: .....	6
2.1.2 Deputy D.J. Warr of St. Helier South: .....	7
2.1.3 Deputy K.M. Wilson of St. Clement: .....	8
2.1.4 Deputy J. Renouf of St. Brelade: .....	9
2.1.5 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter: .....	10
2.1.6 Deputy T.A. Coles of St. Helier South: .....	11
2.1.7 Connétable M.A. Labey of Grouville: .....	13
2.1.8 Connétable M.K. Jackson of St. Brelade: .....	13
2.1.9 Deputy B.B. de S.DV.M. Porée of St. Helier South: .....	14
2.1.10 Deputy L.M.C. Doublet of St. Saviour: .....	15
2.1.11 Deputy S.Y. Mézec of St. Helier South: .....	17
2.1.12 Deputy C.S. Alves of St. Helier Central: .....	20
2.1.13 Deputy Sir. P.M. Bailhache of St. Clement: .....	21
<b>3. Draft Sea Fisheries (Atlantic Bluefin Tuna) (Jersey) Regulations 202- (P.21/2026) ...</b>	<b>23</b>
3.1 Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment): .....	24
3.1.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity: .....	25
3.1.2 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter: .....	25
3.1.3 Connétable K.C. Lewis of St. Saviour: .....	26
3.1.4 Deputy J. Renouf of St. Brelade: .....	26
3.1.5 Deputy S.G. Luce: .....	27
3.2 Deputy S.G. Luce of Grouville and St. Martin: .....	29
3.3 Deputy S.G. Luce: .....	29
3.3.1 Deputy J. Renouf of St. Brelade: .....	30
3.3.2 Deputy S.G. Luce: .....	30
<b>4. Draft Planning and Building (Jersey) Amendment Law 202- (P.22/2026).....</b>	<b>31</b>
4.1 Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment): .....	32
4.1.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity: .....	33

4.1.2 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter: .....	34
4.1.3 Deputy M.R. Scott of St. Brelade: .....	35
4.1.4 Deputy A.F. Curtis of St. Clement:.....	35
4.1.5 Deputy J. Renouf of St. Brelade: .....	36
4.1.6 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:.....	37
4.1.7 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....	37
4.1.8 Deputy S.M. Ahier of St. Helier North: .....	38
4.1.9 Deputy S.G. Luce:.....	38
4.2 Deputy S.G. Luce of Grouville and St. Martin: .....	41
4.2.1 Deputy M.R. Scott of St. Brelade: .....	41
4.2.2 Deputy S.G. Luce:.....	42
4.3 Deputy S.G. Luce of Grouville and St. Martin:.....	43
<b>5. Draft Public Finances Law (States Funds) (Jersey) Amendment Regulations 202- (P.24/2026) .....</b>	<b>45</b>
5.1 Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources):.....	45
5.1.1 Deputy R.J. Ward of St. Helier Central: .....	47
<b>LUNCHEON ADJOURNMENT PROPOSED .....</b>	<b>47</b>
<b>LUNCHEON ADJOURNMENT.....</b>	<b>47</b>
5.1.2 Deputy H.M. Miles of St. Brelade: .....	48
5.1.3 Deputy M.E. Millar:.....	49
5.2 Deputy M.E. Millar:.....	51
5.3 Deputy M.E. Millar:.....	52
5.3.1 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:.....	52
5.3.2 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....	52
5.3.3 Deputy J. Renouf of St. Brelade: .....	52
5.3.4 Deputy M.R. Scott of St. Brelade: .....	53
5.3.5 Deputy M. Tadier of St. Brelade:.....	53
5.3.6 Deputy M.E. Millar:.....	54
<b>6. Reduction of lodging period.....</b>	<b>56</b>
6.1 Deputy M. Tadier of St. Brelade:.....	56
<b>7. Draft Director Disqualification Sanctions (Jersey) Amendment Law 202- (P.25/2026) .....</b>	<b>56</b>
7.1 Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for External Relations): .....	56
7.1.1 Deputy M. Tadier of St. Brelade:.....	57
7.1.2 Deputy I.J. Gorst: .....	57
7.2 Deputy I.J. Gorst: .....	59
7.3 Deputy I.J. Gorst: .....	59
<b>8. Draft Water Law (Jersey) Amendment Regulations 202- (P.26/2026) .....</b>	<b>59</b>
8.1 Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment): .....	60
8.1.1 Deputy I. Gardiner of St. Helier North: .....	63
8.1.2 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity: .....	65
8.1.3 Deputy Sir P.M. Bailhache of St. Clement: .....	66
8.1.4 Deputy J. Renouf of St. Brelade: .....	67
Deputy T.J.A. Binet:.....	70

8.1.5 Deputy T.J.A. Binet: .....	73
8.1.6 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter: .....	73
8.1.7 Deputy L.M.C. Doublet of St. Saviour: .....	74
8.1.8 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter: .....	75
8.1.9 Connétable A.N. Jehan of St. John: .....	76
8.1.10 Deputy K.F. Morel of St. John, St. Lawrence and Trinity: .....	77
8.1.11 Deputy S.G. Luce: .....	78
<b>9. Draft Cremation (Jersey) Amendment Regulations 202- (P.29/2026) .....</b>	<b>82</b>
9.1 Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services): .....	83
9.1.1 Deputy L.M.C. Doublet of St. Saviour: .....	83
9.1.2 Connétable R.D. Johnson of St. Mary: .....	84
9.1.3 Deputy M. Tadier of St. Brelade:.....	84
9.1.4 Connétable K.C. Lewis of St. Saviour:.....	84
9.1.5 Deputy R.S. Kovacs of St. Saviour:.....	85
9.1.6 Deputy T.J.A. Binet: .....	85
9.2 Deputy T.J.A. Binet of St. Saviour: .....	87
9.2.1 Deputy M. Tadier of St. Brelade:.....	87
Deputy A. Howell of St. John, St. Lawrence and Trinity: .....	88
Mr. M. Jowitt K.C., H.M. Attorney General:.....	88
9.2.2 Deputy J. Renouf: .....	90
9.2.3 Deputy T.J.A. Binet of St. Saviour: .....	90
9.3 Deputy T.J.A. Binet of St. Saviour: .....	94
9.3.1 Deputy R.J. Ward of St. Helier Central: .....	95
9.3.2 Deputy M. Tadier of St. Brelade:.....	95
9.3.3 Deputy T.J.A. Binet of St. Saviour: .....	95
<b>10. The Care Experienced Fund (P.30/2026) .....</b>	<b>97</b>
10.1 Connétable R. Vibert of St. Peter (The Minister for Children and Families):.....	97
10.1.1 Deputy C.D. Curtis of St. Helier Central: .....	99
10.1.2 Deputy L.M.C. Doublet of St. Saviour: .....	99
10.1.3 Deputy M.R. Ferey of St. Saviour:.....	99
10.1.4 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:.....	99
10.1.5 Deputy S.Y. Mézec of St. Helier South: .....	100
10.1.6 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:.....	100
10.1.7 Deputy M.R. Scott of St. Brelade: .....	100
10.1.8 The Connétable of St. Peter: .....	101
<b>11. Lobbying Guidance and Engagement Code for elected Members of the States (P.34/2026).....</b>	<b>102</b>
11.1 Deputy T.A. Coles of St. Helier South (Chair, Machinery of Government Sub- Committee - rapporteur): .....	103
11.1.1 Deputy R.J. Ward of St. Helier Central: .....	105
<b>ADJOURNMENT.....</b>	<b>106</b>

[9:30]

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

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

As well, just to be excused a bit later on in the morning. I have a doctor appointment, and I will be absent for a bit.

**The Deputy Bailiff:**

Any others?

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1.1 Welcome to Lord Marland, Chairman of the Commonwealth Enterprise and Investment Council**

On behalf of Members, I am pleased to welcome Lord Marland, who is visiting in his capacity as chairman of the Commonwealth Enterprise and Investment Council, and Lord Marland is in the public gallery. [Approbation]

### **1.2 Welcome to Mr. Angus McCullough K.C., Court of Appeal, and Commissioner Le Cocq**

We are also joined by Mr. Angus McCullough K.C., who is a member of our Court of Appeal, who is also just observing in the public gallery, together with Commissioner Le Cocq. [Approbation]

## **PUBLIC BUSINESS - resumption**

**The Deputy Bailiff:**

There is one lodged proposition overnight, so I notify Members that Deputy Tadier has lodged an amendment to his proposition on Restriction on solar ground mounts on agricultural land, which is P.53/2026. I notify Members of that lodged proposition and, in due course, Deputy Tadier, you will need to make a proposition to reduce the notice period.

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

Would it be helpful to do that now or would Members like some time to maybe read it?

**The Deputy Bailiff:**

Perhaps give Members some time to read it. Perhaps we could deal with it this afternoon.

### **2. Treating Children as Children (P.14/2026) - as amended (P.14/2026) - resumption**

**The Deputy Bailiff:**

Unless there is anything else, we will resume Public Business and we will resume the debate on Treating Children as Children, and the debate on the principles, which is P.14/2026.

#### **2.1 Deputy H.M. Miles of St. Brelade:**

I have reduced my speech somewhat given the comments from other Members yesterday, in particular by Deputy Stephenson and Deputy Doublet. I am also a member of the Diversity Forum, and I concur with the comments paper that the panel has published. At the outset, I want to make one point absolutely clear, and that is safeguarding is non-negotiable. It is embedded in laws passed by this Assembly, including laws protecting children's rights and preventing discrimination. Guidance should help professionals implement those laws. It should not contradict them, undermine them, or attempt to overturn them. In my former role, I chaired the Ministerial Political Oversight Group for Safeguarding. I understand the issues. Safeguarding is non-negotiable. Children should be both seen and heard always. On the radio this morning, I heard the author of the appendix presented in this proposition suggest that safeguarding was at the heart of her document. I do not

agree. Every child deserves a school environment that is safe, calm, well-run and professionally supported for both pupils and the staff responsible for them. Children and young people also have the right to be heard in decisions that affect them, alongside their parents and guardians. This proposition moves us away from those principles rather than reinforcing them. This is not a minor adjustment or a clarification, it is a wholesale replacement of Government guidance. In effect, it directs the Minister, who holds statutory duties for safeguarding and for the rights of children and young people, to discard departmental guidance and substitute it with a document written externally by a campaign organisation. That is not how safeguarding policy should be made. The existing Government guidance is already a safeguarding document, and it is clear about its scope. It is non-statutory guidance for staff. It explicitly states that medical decisions sit outside schools and are not part of the guidance. Its purpose is simply to help professionals respond responsibly when a child is distressed, questioning aspects of their identity or needing support. The Government has been really clear about that. The Minister's speech yesterday outlined that. The guidance exists to help schools maintain safe learning environments. It does not turn schools into clinics and it does not attempt to medicalise childhood. By contrast, the proposition asked us to replace that professional guidance with a document written by the director of an advocacy group, Transgender Trend. The replacement guidance explicitly argues that trans-identifying children should be viewed primarily through a safeguarding lens rather than through a framework that includes diversity, human rights and the participation of the child. It even suggests that the principle of the voice of the child being central is not appropriate in this context. That position is fundamentally at odds with the direction this Assembly has taken for many years. Jersey's safeguarding frameworks, our children's rights commitments and our policy processes, including Children's Rights Impact Assessments all emphasise participation, non-discrimination and ensuring that children have meaningful opportunities to influence decisions affecting them. If guidance begins by asking professionals to set aside human rights principles and to diminish the voice of the child, then that is not strengthening safeguarding. It is rolling back the standards that protect children. The proposition also claims that the replacement document is evidence-based, but that claim does not withstand scrutiny, in my view. The author of the document is described as a distinguished expert, yet the organisation itself describes itself as a campaigning group. The document itself is not peer-reviewed professional guidance, it is not produced by safeguarding experts, educational bodies or clinical researchers; it is a position statement from an advocacy organisation. By contrast, the Government guidance recognises the complexity and uncertainty in this area. It acknowledges the need for caution and refers to the importance of avoiding polarisation, something that was also emphasised in the Cass review. That is what responsible professional guidance looks like: cautious, scoped, and capable of revision as evidence evolves. Another theme that I was not going to mention, but I am, that runs heavily through the proposition, is the issue of toilets. The report claims that the current guidance states that children in transition must be allowed to choose whichever toilets they wish to use, but when one reads the guidance itself that is not what it says. The guidance requires schools to assess facilities on a case-by-case basis. It encourages a mixed model of provision, including single-sex facilities, single-occupancy gender-neutral spaces and accessible options. It emphasises behaviour standards and sanctions for inappropriate conduct. In other words, it focuses on practical safeguarding, professional judgement, clear expectations, and protecting all pupils from bullying or harassment. This proposition instead invites us to believe that the defining safeguarding crisis in our schools is the signage on a cubicle door, and that is not a proportionate way to approach safeguarding. I also want to acknowledge something about the wider social context in which this debate is taking place. Across many areas of society we see generational differences in how people approach questions of identity, inclusion and personal expression. Younger generations have grown up in a world that is generally more open about difference and more comfortable discussing issues that previous generations often avoided. That does not mean that every young person thinks in the same way, and it certainly does not mean adults should abandon caution or safeguarding responsibilities, but it does remind us that

the lived reality of young people today may be so very different from the assumptions that many of us grew up with.

[9:45]

Schools have always had to navigate those generational shifts whether the issue was race, disability, sexuality or any other form of difference. The role of education is not to panic in the face of social change but to respond with calm professionalism and a commitment to treating every child with dignity, and we should be careful not to legislate our discomfort with social change rather than addressing the real safeguarding needs of children. The Minister's guidance attempts to do exactly that. Finally, I wanted to mention the U.K. (United Kingdom) legal arguments. The proposition relies heavily on U.K. legal arguments, including a recent U.K. Supreme Court decision. But Jersey is not governed by the U.K. Equality Act, and U.K. legal judgments do not and should not automatically dictate Jersey policy. Our framework includes the Discrimination (Jersey) Law, which recognises gender reassignment as a protected characteristic and is plainly relevant to educational settings. Jersey laws are made here by this Assembly. They are not simply imported from Westminster. Indeed, Deputy Bailhache himself has previously been very clear in explaining Jersey's constitutional autonomy. Our legislation proceeds through Royal Assent but it originates in Jersey and reflects Jersey's legal system. Our courts have also demonstrated that English legal approaches are not automatically adopted into Jersey law. So, we should be extremely cautious about being asked to replace Jersey Government guidance on the basis of an emotive reading of U.K. legal developments. Safeguarding is not strengthened by ideology, whether that ideology comes from one side of this debate or the other. Safeguarding is strengthened by careful policy, professional judgement and respect for the legal frameworks this Assembly has already put in place. The Minister's guidance may not satisfy everyone. No guidance ever will in such a sensitive and complex area. But it attempts to navigate that complexity responsibly. It supports schools, reflects Jersey law and keeps the focus where it belongs; on the welfare and the safety of children. This proposition does something very different. It asks us to replace professional guidance with an externally-authored campaigning document to sideline established safeguarding principles, and to do so in the name of protecting children. I do not believe that is the right course for this Assembly, and for those reasons I shall be rejecting the proposition and supporting the Minister in the current guidance.

### **2.1.1 Deputy C.D. Curtis of St. Helier Central:**

I do not want to repeat things already said, but what I can speak about is the experience of the Children, Education and Home Affairs Scrutiny Panel regarding this subject. As chair of the panel, I often get emails from Islanders and they are usually about problems at school, needs for community policing, concerns around special educational needs. I can confirm that I have not received any emails from parents worried about bad effects of the transgender guidance on their own school children, and that is over the entire term of the last 4 years. Like other Members, I have received many emails on this matter from campaigners. They generally started in 2024, even though the original transgender guidance was written in 2021. These emails were from a pressure group and, of course, over time they have picked up people along the way with genuinely felt but, I think, unfounded concerns. The guidance was then reviewed, and I have to say the new guidance seemed fair and reasonable and is, of course, subject to future revision anyway. It focuses on treating all children with dignity and respect. Deputy Bailhache mentions areas where the guidance appears to contradict itself, but that is because the guidance is supposed to allow teachers and other professional staff to have the leeway to decide what is best in particular circumstances, and that is how it should be. The panel was asked by campaigners to undertake a standalone review of the guidance, but considering that it seemed adequate and that we were focused on addressing online harms, we said no. What we did do was to question the Minister in public hearings. taking note of any concerns raised, as is our duty as scrutineers. I also asked those who emailed me with concerns about the guidance to get back to me if they had any specific concerns about a particular school or incident,

but they never did. On the other hand, we have received emails from parents of children currently in school in support of the transgender guidance. I am more inclined to take note of those who are actually experiencing something, whether they are parents or young people who have just gone through the school system. It seems that there is no groundswell of worry among parents with children currently at school. That explains the experience of the panel, but I speak now as a Deputy and not as the chair of the panel. My own school was the Convent F.C.J., and at that school we were allowed to be creative and to be ourselves. My school reports always used to say: "Catherine does things in her own special way." **[Laughter]** But I am grateful for that freedom, and children must be allowed freedom to develop and be themselves. Some may experiment with different ideas of identity and some will find that they really are trans, without a doubt. Supporting a child in their beliefs is not the same as promoting an ideology. I think that those raising concerns around the current guidance are misguided. I would like to think that their concerns are well meant and that the proposer of the proposition and the amendment and the local campaigners mean well, but however they have got it wrong. The guidance as it is, is OK. There is no need for this proposition. I have recently met a number of trans people and was impressed by their creativity, and dare I say how beautiful they were. I do hope they do not feel crushed by the wider anti-trans movement, which it seems would like to obliterate them. I hope they can take courage from the many supportive speeches from Members in this Assembly. But coming back to the core subject of the proposition; to remove considerate guidance and replace it with something that I find lacking in care and understanding, I urge Members to vote against it.

### **2.1.2 Deputy D.J. Warr of St. Helier South:**

I rise really because I am in the why category of all of this, and that is why is this such a prevalent issue in current thinking? I want to start by stating categorically that I do not doubt the Minister's commitment to safeguarding or to the welfare of young people. I must, though, challenge the framing he has presented because it focuses almost entirely on procedures and documents, while avoiding the far more fundamental issue at the heart of this debate. We are being asked to choose between 2 approaches to how schools should respond once a child says they are trans, but that is not the real question. The real question, the one we seem determined not to confront, is why more young people are presenting with gender distress in the first place. Until we face that honestly, no guidance, however well-intentioned, will truly safeguard children. The Minister, in his public comments, speaks as though all cases of gender distress are the same. They are not. Some young people have long-standing, deep-rooted feelings of gender incongruence. They deserve compassion, respect and appropriate support. But others are vulnerable adolescents dealing with anxiety, trauma, social isolation, neurodiversity, or the powerful influence of online algorithms that shape identity, belonging and self-diagnosis. These are not fringe concerns. They are well-recognised patterns in adolescent development across many areas of safeguarding. We acknowledge the impact of immersion in eating disorders, self-harm, extremism and body image. Yet, in this one area, we treat it as taboo even to raise the possibility. That silence does not protect children. It leaves them unsupported and misunderstood. Schools cannot diagnose the cause of a child's distress. They are not mental health clinicians. They cannot distinguish between deep-seated dysphoria and distress that arises from other vulnerabilities. Expecting them to do so, or expecting them to respond in a single, uniform way, is not safeguarding. It is oversimplification. The Minister argues that proposition P.14/2026 undermines children's rights. I would argue that ignoring the underlying causes of distress undermines their well-being. Children have the right to be heard, yes, but they also have the right to be protected from harm, including harm that may come from unexamined assumptions or from the unintended consequences of adult decisions. Proposition P.14/2026 is not perfect - no policy in this area ever will be - but it is a form of damage limitation in a system that currently lacks the diagnostic capacity, the mental health support, and the specialist pathways that young people deserve. It prevents schools from unintentionally reinforcing something that may be a symptom of deeper issues. It creates space for proper assessment, proper safeguarding, and proper

professional involvement. Some parents and advocates find this deeply uncomfortable. I understand that. Suggesting that online environments or adolescent vulnerability may have shaped a child's distress can feel like a personal accusation. But our responsibility in this Assembly is not to protect adult feelings. It is to protect children - all children - including those whose distress may not stem from the place we assume. The Minister tells us that safeguarding must be led by professionals, not politics. I totally agree. But safeguarding must also be led by honesty. Honesty requires us to acknowledge that we do not yet fully understand the rise in adolescent gender distress, that the causes are varied and that a single procedural response cannot possibly meet every child's needs. If we truly care about children, we must be willing to have the harder conversation, not just about what schools should do but what is driving this trend, how online ecosystems shape identity and how we can build the mental health capacity to support every young person appropriately.

### **2.1.3 Deputy K.M. Wilson of St. Clement:**

I would just like to follow on in relation to some of the comments that Deputy Miles said, which had some resonance with me. Some of the concerns raised by Deputy Bailhache, particularly in relation to safeguarding and clarity for schools, are concerns that some Members will share. There is no doubt about that. But as an open society, I imagine most of us would agree that we need to be open to all views and perspectives, and in this regard this proposition is actually no different; it is just a view. However, the proposition effectively asks us to adopt, in one step, an alternative model of guidance for schools, without the level of consultation and engagement that such a change would normally require. Rather than moving wholesale to a different framework, the Minister has already stated that he is focused on improving the existing guidance, and that review should ensure it is clearer, more balanced and better supports teachers in exercising their professional judgement. Of course, we need to equip professionals to respond carefully and appropriately to each individual child, and that is why any guidance we produced should be decided with the involvement of schools and teachers where local consultation, a review of the evidence and professional judgment each play their part. Given that safeguarding is the foundation on which Deputy Bailhache has built his argument, I would suggest that in this context safeguarding is not about the adoption wholesale of someone else's guidance, but it is about listening, it is about observing and it is about responding to the child in front of us. Guidance is a framework for support, not a *fait accompli*. That said, Deputy Bailhache makes some relevant points in his proposition, and further in his speech yesterday, in relation to the findings of the Cass review, the recent Supreme Court ruling on single-sex spaces and the lack of clarity and paradoxical nature of certain components of the existing guidelines, and he is right to highlight these. But what is not right is that we are presented with a *fait accompli*, that the guidance he offers as an alternative is the guidance that teachers should be made to follow. Decisions on guidance are not decisions that need to be made in a rush, after all, the existing guidance has been in place for many years, and there is no evidence of harm, as has been asserted.

[10:00]

The salient points the Deputy makes are the aspects of the guidance are unclear or contradictory and no doubt, as knowledge develops, approaches will need to change but these are not matters that need to be considered as matters of urgency or because someone has produced a set of guidance that we must now adopt. It is in no one's interest to have guidance that is imposed. It is better to listen to concerns, consider developments in the evidence, look at those areas where there is ambiguity, and bring an improved version. There is not a case for adopting wholesale guidance from a pressure group, as has been stated previously. There is no evidence that what we have now has served us badly. We should be open to evidence being presented that could make it better to implement, but we need to think about that and not rush it. Trusting people to do it a bit better is the thing. The inconsistencies have been pointed out, the issue of evidence has been pointed out, and it would not be unreasonable to ask everyone to come up with something that fits everybody better. So guidance is not set in stone; it can be changed and developed and let us allow that to happen. The Minister has

already given his commitment to review it. Guidance that is done elsewhere should not be adopted in a rush. What we do not want is for this to become the domain of activists. There should be enough of us who have the interest of children at heart to look at this dispassionately and produce a document that is helpful to all parties. It is for this reason that I will not be supporting Deputy Bailhache's proposition.

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

I too can shorten my comments because of some excellent speeches that we have already heard, but I did want to pick up, first of all, on some comments by Deputy Warr, who framed his speech in terms of the rise in gender-questioning and wanting to understand that. I just wanted to raise the point of whether it really is a rise in gender-questioning and gender dysphoria. I would suggest that the better understanding and support we have for students today might suggest that we are simply surfacing what has always been there. Deputy Warr also talked about distress, and I think there is an important distinction to draw here. I mentioned yesterday the significance of Deputy Bailhache's use of the phrase "suffering from gender dysphoria", and that locates the source of the stress within the person. It is their pathology, that is the problem. I would say that a very significant source of the stress that students feel in this issue is actually the lack of support and understanding. So we reduce stress by sensitive, calm, and flexible support for students who are going through these difficult questions and trying to work them through. I guess the main point I want to make is one of the things we are all aware of over the last few years, is the way that political debate has become polarised and heavily dominated by issues that are often framed as culture wars. I think we are slightly on the edge of those ideological storms, which are generally framed in the context of U.K. party politics and U.K. legislation. I think it is a strength that we have managed to avoid being too battered by those storms, and I think it represents a reasonably strong desire in Jersey to avoid the extremes of what is going on elsewhere. I do not think we should be trying to import culture wars into Jersey where there are none. I think we are lucky that we have not seen the same weaponisation of gender identity here as we have in the U.K., until the tabling of this proposition, which does unfortunately open that door. I am powerfully reminded of section 28, which some Members may recall was introduced in the U.K. in 1988. It was a response by the then Conservative Government to what was perceived as growing promotion of homosexuality, particularly in schools. I think there were some similarities to the present moral panic around trans rights. Just as with this proposed trans guidance, section 28 was presented as neutral. It was simply to ensure that teachers were not promoting homosexuality. But it was not neutral, as any gay person in the U.K. who lived through those times will tell you. Any representation that was remotely positive about gay people, gay lifestyles, gay sexuality was repressed. The effect, and actually I think also the intent of the no promotion, was to reinforce the notion that being gay was deviant. Section 28 was intended to be a statement about what constitutes normality. I note that section 28 never applied in Jersey, and I am thankful for that. One reason for that might be that in 1988 homosexuality was still illegal in Jersey. We were well behind the times. But I would say that since homosexuality was legalised in 1990, I think, we have moved quite quickly. Jersey has done a good job in terms of what you might call social liberalism. I think that is something of which we can be proud, and I think this Assembly has continued that. Section 28 was linked to a traditional view of family, that it was a man and a woman married for life and that is what should be promoted. That world disappeared a long, long time ago. We live in a society where there are happy family units with children made-up of single parents, gay men, gay women, and transsexual couples. That reflects the incredible variety of human sexuality and human sexual identity, and the full spectrum of choices that people make when they are free to do so. From my point, I would say it is not for us, particularly several generations away from childhood, in many of our cases - certainly in mine - to try and impose our views of what is normal on the next generation. Diversity is good. Human sexuality and identity exists on spectrums, and we know that just as a certain percentage of people are left-handed, so a certain percentage are gay and a certain percentage have gender dysphoria. As Deputy Mézec said yesterday, it has been so throughout human history in every culture

and every society. It is a low percentage, much lower than the prevalence of homosexuality, for example, but it exists and always has. Gender identity has always had a fluid element, and transgender is a logical expression of that. I want to make a point that I am grateful to Deputy Stephenson for mentioning last night, which is I think something quite unusual has happened in this debate, or surprising, which is that a debate which looked like it might divide us has actually ended up bringing us together. I think that is worth building on, because I think what we are seeing actually is a show of solidarity and a rejection of those voices that seek to divide us. I think that division does not belong here, and I think it has been a real strength. I do want to pay tribute in that to the trans community for sticking with this process and showing such clarity and restraint in their responses. I am going to skip over some points I was going to make about the legal situation. I think the one point I want to draw out is the underlying ethos of the Treating Children as Children's approach is pretty explicitly hostile to the idea of children's rights. I think that, as Deputy Miles explained in very clear terms, is a real shame. At its heart, the proposed guidance says that children's rights should be subordinate to adults' decision-making. Having listened to children, adults will then take responsibility. Deputy Bailhache says that ought not to be controversial, but it is because it unpicks a decade of work since the Care Inquiry to embed children's rights in our society and in our education system. As I said earlier, trans people have always been with us in one form or another. I think of the travel writer Jan Morris who transitioned in the 1960s. I think of the cyclist Robert Millar, an area which I am familiar with, who transitioned relatively recently. Of course, in the Jersey context, I think of Claude Cahun. As I said earlier, a small minority, but the rights of small minorities are, if anything, harder to protect. It is relatively easy ... not easy. It is not as hard, shall we say, to defend the rights of larger minorities. There are fewer defenders for a conspicuously small minority. I think this proposition would embed an ideology that is, at its heart, hostile to a small minority and it would embed it in the heart of the education system. When I was a Minister there was a work experience student who came to shadow Government for a week, I think it was, and at the end she asked to do an interview with me just to ask some questions, and so I did. At the end, though, I turned the tables and I asked a question. It was at a time when, Members may recall, there was a big thing about what is a woman. There was a big debate going on about that. So I asked her about her generation and how they were dealing with these gender-identity issues, and she was incredibly relaxed about it. The gist of her answer was that her generation were very accepting and supportive of whatever their colleagues were going through, and she did not really understand what the grown-ups were fussing about. I will finish with some thoughts on the power and positivity of transitional parts of human identity. In a world of A.I. (artificial intelligence), it is creativity that will mark out humans. This is where increasingly human value will be found. Just as the silicon chip got rid of many manual jobs from the typing pool to the assembly line, so A.I. is going to replace many routinised office jobs. A.I. can be creative too, but it can only be creative on the back of what has already been created. True creativity will still come from humans, and where does that creativity come from? Well, lots of places, but I would suggest, based on my experience in the creative industry, is that it often comes from boundary areas, from people and places at the edge, from collisions between different experiences from people who may be different, sometimes awkwardly so. It does not come from putting people in boxes, from trying to build society around traditional archetypes. We should reject this amendment because it gives too much ground to those who do not think that being trans is a valid experience. I will end with adapting a famous piece of marketing. Here is to the crazy ones, the misfits, the rebels, the troublemakers, the round pegs in the square holes, the gender fluid and the gender questioning. While some see them as the crazy ones, we see genius, because the people who are crazy enough to think they can change the world are the ones who do. Here is to you.

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

I would like to clear one sort of growing myth is that schools - and I state this categorically - are not promoting transgender issues, people are not taught, coerced and encouraged in any way to question their gender in the school environment. Professional guidance is there to assist schools. This debate

is about how schools respond if a child raises questions about their gender identity. So I do not accept that the approach set out in the proposition represents the right way to respond to the complex realities facing families and schools today. Concerns about safeguarding and parental involvement must be addressed, but they must be addressed with care and evidence and not through intervention that risks unintended harm. Our schools deal every single day with pupils facing a wide range of difficult personal circumstances. Safeguarding has always and should always be guided by professionals, and it should always act with discretion and the ability to respond to individual situations rather than a single approach determined by this Assembly. At its heart, this proposition risks replacing careful professional judgement with rigid rules.

[10:15]

Much of the debate is centred on parental involvement because family support is hugely important. For most children, loving and supportive parents are the greatest source of strength and reassurance they will ever have. We should recognise that. We should celebrate that. But we must also recognise that confidentiality is not always about fear or conflict. Sometimes it is about timing. Sometimes it is about uncertainty. Sometimes it is about the very real risk from a young person's perspective of losing the love and security they depend upon the most. We have had a lot of correspondence about this, but I recall particularly how one parent described how, when their child was going through an intensely difficult period, they were there as a constant source of comfort and stability. Yet when that child, as a young adult, finally felt able to share their true self, they did so knowing they were taking a profound emotional risk. They feared that in revealing something deeply personal, they might lose, at the very moment they need it most, the support that had always sustained them. That experience will not be unique. It reminds us that these situations are often fragile and deeply human. That is why professionals sometimes need the space to manage conversations carefully, helping young people move towards openness while maintaining family support in a way that is safe and constructive. I also want to say something briefly about the tone of this debate beyond this Chamber. A number of Members have mentioned it, Deputy Doublet mentioned it. Unfortunately much of the commentary we have seen on local social media in recent weeks has been unpleasant and, frankly, distressing and, in most instances, completely unacceptable. Personal attacks and dismissive language directed at our trans community only serves to harm and does not help us reach better policy. It risks deepening division and causing real hurt. We must be better than that. We are a small community. We know one another. The way we speak to each other really matters. Members must therefore consider whether this proposition would genuinely improve safeguarding or whether it would risk narrowing the ability of schools and professionals to act in the best interests of individual children. In my view, our responsibility is to maintain a balanced approach, one that recognises the importance of parental involvement. One that supports children through uncertainty rather than facing premature decisions. One that builds trust rather than creating fear. Above all, we must remember what kind of society we want Jersey to be. We all know that we are strongest when we are inclusive, when we show compassion, and when we ensure that no one, regardless of race or disability or gender, feels pushed into the margins of society. Every single person growing up in this Island should know that they are valued, supported and live in a place where no one is left behind. That is the Jersey I believe in, and that is why I cannot support this proposition.

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

There are a couple of points in the proposer of this proposition's opening speech which have left me a bit uncomfortable. It has also made me point to why this document that the proposer is suggesting is not actually fit for Jersey, it has not been written in a Jersey or even a U.K. context. One part of the proposer's opening speech references that you can take a tablet for testosterone. As somebody who has been diagnosed with hypogonadism, means that I cannot produce my own testosterone naturally, I can attest that in Jersey there is absolutely no tablet you can take to get testosterone. You actually have to have injections. It is heavily controlled by doctors, heavily monitored by doctors,

and it is not as simple as popping a tablet. That is something that exists in the U.S. (United States), and we are fully aware that the U.S. medical system is sometimes more based on its price tag than it is on its actual care for individuals. I was also very disturbed by the proposer of this proposition when he referred to a 16 year-old girl as an attractive 16 year-old girl. The use of that adjective made me feel really uncomfortable because we put value in that person simply by the way that they looked rather than just being an individual. I feel this really drives it back to the point where we are valuing young women, especially purely for their looks, and that made me feel very, very uncomfortable, and I wanted that on the record. When we talk about gender and things, we do not all get the words right, and I apologise if I ever do get the words wrong - I always try my best - because the world is changing, we have to change with it, we have to adapt. But when we actually talk about life and the creation of life, we have to look at the reproductive system and how it works, and it is actually incredible. When we talk about biology and how we are created, we know that we start at a point where we are 42 chromosomes that come together, 21 from semen and 21 from an egg. Whether it is male, female, it really does not matter. Scientists have done experiments where they have created life using 21 chromosomes just from a woman ... just from an egg, sorry. That makes me feel a bit uncomfortable. It is getting close to eugenics. But that can be a problem in itself. But we know with chromosomes and how they develop that they are not perfect. We are aware of a number of syndromes and conditions that are caused when our chromosomes do not fit this binary box that we seem to think that exists. Because D.N.A. (deoxyribonucleic acid) is really incredible, and it is really complicated, and so it does not create things that fit a set pattern. This is why I am taller than every single member of my family, and my mother is only 5 foot. Many Members in this Assembly will be familiar with the term of "hermaphrodite". This is an old term, which is not really used anymore. We now more refer to it as intersex, and this is caused by variations. While we are on chromosomes, there is always an interesting fact that I find is nice to drop in occasionally. Henry VIII divorced all his wives because they could not give him a male heir. When we actually talk about where the genetic component comes from for male, it is us. It is men that create that, put that line down. It is not women. So actually when Henry VIII was blaming all his wives; sorry, Henry, it was your fault. But when we talk about how intersex variations are caused and births, and we look at global statistics ... global statistics are always difficult. There is quite a large range. It is estimated that it is somewhere between 1,500 to 2,000 births a year. Given that there are about 140 million babies born every year that means there are at least 90,000 babies born every year where there might be an intersex variation that exists. Sometimes this presents externally and sometimes a doctor has to make a choice ... at one point, doctors used to have to make a choice. In fact, Mexico was the first country in the world that banned doctors from making that point at birth. This was interesting for me in my understanding of the trans world and trans community, because there was a point where people were saying that we talk about a gender assigned at birth. I thought, well, that is a strange thing, because I was not assigned it, I was born. I clearly presented as male. Then you learn about intersex, and you go: "Oh, OK." So maybe there are some differences in this, and maybe the assigned at birth is a relevant ... or maybe a term of identified at birth, because there are certain things that present clearly and more obviously than others. But we are still talking about 90,000 babies born every year that could be somehow not fitting that binary box. We are debating this proposition as amended, which is where the proposer has allowed the Minister to make minor alterations to the guidance presented. The question is: what in this context is minor? If the Minister decided actually he is going to get rid of all gendered pronouns and use gender-neutral pronouns, is that acceptable? That is a minor alteration, but it takes the essence of saying that everything is binary out the window. I struggle, as Deputy Renouf has said earlier, transgender has been recorded through the centuries, through many different cultures not connected to Europe as well. There was a - I might say this wrong - hijra community in India that has existed for centuries, which has gender diverse roles. Many indigenous North American cultures recognise 2-spirit identities going back through history. So this is not a new occurrence. This maybe goes to what Deputy Warr was saying, why are we having this now? I think this is because we have become a more open and more accepting community. The fact that gay

people are feeling more confident about their sexuality is wonderful. I have said to people before that I really do hope for a day where Pride no longer has to exist because that means that any child who grows up and needs to come out does so without fear. But the problem is while even one child has to have fear about coming out to their parents, that they might not fit a binary box that society has decided that we should all fit into, then it has to continue because people still have to be aware that it does not matter how someone chooses to dress, how someone chooses to look, or the fact that they do not choose any of this. It is all put down to them as part their D.N.A., part of their chromosomes, when actually they should just be accepted for who they are. I worry quite a lot that we seem to be so fascinated by what other people are doing in the privacy of their own lives that actually it seems to spill over into nastiness that gets distributed around. I think people should just be able to be treated as they are as they want. We talked about the meeting with the trans community that Deputy Doublet helped arrange with Liberate, and that was a wonderful meeting, speaking to people with lived experience and hearing their views and their sides and why they are worried about this. Because some of these people were not able to express themselves, they had to go through life with an internal turmoil. We talk about mental health, allowing people to just be able to express themselves can reduce that inner turmoil to a point that they do not have other issues that come along with this, they are allowed to be themselves. I think that is a really important part of life, to allow people to just simply be themselves. I am not an expert on guidance, I have been told by the Minister and a number of people through the Scrutiny Panel that the current guidance is fit for purpose, it matches what the community who is worried need, and it also ... one of my key parts of the guidance that I like is the fact that it is on a case-by-case basis of whether parents are told, because not every parent is perfect, not every parent is going to be able to accept somebody openly, without prejudice. That child has that right to be protected from their own parents because not every parent is perfect. I will not be supporting Deputy Bailhache in this.

#### **2.1.7 Connétable M.A. Labey of Grouville:**

The Minister will remember that of the Scrutiny Panel, that I am very grateful to be a member of, I was the most questioning, and the 85 per cent statistic had worried me. I am not going to try and deceive anybody, and my panel members know that. But having looked at that statistic, just to remind Members, 85 per cent was a statistic given to us of those who had been through the watchful waiting principle and come out the other side, not requiring any further intervention. I thought about that; does the Minister's guidance cater for the 85 per cent? Yes, they do. This guidance does have as one of its tools watchful waiting. The teachers are able to use that principle. I thought to myself: "Does it also cater for the 15 per cent that remain?" That very small community, literally only a handful, that we should all value and celebrate, in my opinion. Are they catered for in this guidance? Yes, they are because there is quite a heavy weighting to help them through this process. Let us be fair, they had gone through the whole of their secondary school education with these concerns, these anxieties. Is that guidance going to cater for their needs? Yes, it does. We have examined this guidance in great detail and questioned the Minister on it. I am comfortable that this guidance is fit for purpose and should be supported.

[10:30]

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

My interest in this matter has been piqued by various instances. The first was in connection with a proposed refurbishment of some Parish children's play park toilet facilities. It was outlined in the architect's plans that on the basis of current U.K. practice that the toilets should be multi-sex, so that advice was followed and plans drawn up accordingly. This was picked up by several parents when the plans were presented and the strong message was that they did not want their children going into such a unisex facility. We subsequently changed the plans to provide separate female and male toilets, and I accepted the views put forward. Another instance which sharpened my mind to the topic was after I was asked by members of the Women's Rights Network to use St. Brelade's Parish

Hall for a talk by Stephanie Davies-Arai. I have met the ladies involved and can assure Members that they do not have horns, they are educated people and balanced, in my view, and their views have credence with the benefit of their own life experiences. The booking was taken and the talk advertised. However, soon after this I received a barrage of correspondence from members of the transgender community demanding that the booking should be cancelled, on the basis that it was going to be a hate speech against transgender individuals. These individuals also barraged the office staff saying that this should be cancelled. I am not one to be bullied by anyone, so the talk went ahead and I attended more out of curiosity than anything else. I can say that I found the presentation informative and certainly educational, from my point of view, and it seemed to be well received by the 60 or 70 people present. I did learn that Mrs. Davies-Arai was also due to present to educationalists at Highlands College but, despite having been brought over from the U.K. at no expense to Government, this prearranged talk was cancelled at the last minute by the Minister or his staff, doubtless at coming to pressure from those who do not agree with the principles that were to be discussed. I felt this was particularly rude and ashamed that staff were prevented from hearing the talk. My private conversations with teachers have told me there are rare cases of what one might call gender confusion or dysphoria but, as a profession, they are quite good at dealing with it. The cases are rare and they are well-trained in their role to deal with the children who might find themselves with these problems, if you can call them that. One might question whether the guidance should just be about safeguarding and go no further than that. I have no issue with whatever paths adults choose but I do not feel we should force any of what I would call unnatural ways on our children. That is my view and I maintain that, and my primary reason for supporting the Deputy's proposition is that I have young grandchildren and I would not want them unduly influenced or led into the wrong direction by our education system. I would want them to be treated as children. I am saddened that the Minister has chosen not to engage in the discussion with the Women's Rights Network, and has taken what I might call the ostrich approach and buried his head in the sand in the hope the issue will pass. It will not, it will come back. While it may be for a future Minister to deal with, I would urge that the staff in that department keep the present guidelines high on their review list and keep communication channels open. Surely communication is key when there are differences, so that an equitable outcome can prevail.

### **2.1.9 Deputy B.B. de S.DV.M. Porée of St. Helier South:**

I will start my speech with a moment of reflection, and my reflection goes back to our last election where Jersey made history for various different reasons. One of the reasons was the fact that a black person, me, was elected for the very first time. It was a meaningful moment that gave hope to people from black and minority backgrounds who saw my presence as a sign of progress and hope that their voices would be carried through in this Chamber. Today is a different day. It is a moment that is in complete contrast to the mood I felt and some people did 4 years ago. We are debating issues that deeply affect minority groups, trans children who represent one of the smallest and most vulnerable groups in our society. As a person from a minority group background, I have lived within the section of misunderstanding, prejudice and invisibility throughout my whole life. What the challenges have done to me has made me stronger and more resilient. The thing is when society questions the legitimacy or humanity of any small minority groups, it resonates painfully for someone who has ever been the minority person in the room. As many have mentioned in their speech, trans youth face disproportionately high levels of bullying, social isolation and mental health challenges. When a responsible society discusses groups who are already vulnerable, compassion and care becomes especially important. I feel that the proposition ignites a debate made by some that their rights are more important than others, and I cannot support this ideology. As an elected member on the J.C.R.T. (Jersey Community Relations Trust) Committee, I strive to support minority groups. My main focus is always to consider the well-being of vulnerable people, to elevate unheard voices and to protect individuals who may be unable to speak for themselves. My support on this debate is for the L.G.B.T.Q.+ (Lesbian, Gay, Bisexual, Transgender and Queer) community and trans people, and my

support is based on my belief of fairness, value of human life and dignity to everyone. The proposition calls for implementation of a belief that contradicts what I stand for in this Assembly. For that reason I will be rejecting the proposition with its amendment.

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

I am trying to organise my thoughts because I have a lot to say and I wanted to respond to some of the previous speakers, and indeed the clarification that was asked of me yesterday. I did look back at my speech yesterday and I can confirm that I did not label any particular group as a hate group and I should not be characterised as doing so. What I did say was linked to a United Nations article which I read, notifying some groups as hate groups. In fact I will read out what that article says and it mentions the word “hate”, which is why I used it and I will read that out. The point I was making was about not giving those groups equal voice. I think something that previous speakers have touched upon quite effectively is this idea of outside groups coming into Jersey and that feeling of being invaded, and I do think we should resist that. I also think that we should resist singling people out, especially those who have no right of reply in this Assembly. I do not think that is a constructive or a dignified way to act as a States Member and that, in fact, encourages hate-based behaviours. I would ask Members to resist doing so. In terms of those who have opposing views, I respect the right of every citizen to express their views. I will always try to listen to people, and I have done throughout my time as a States Member. I will continue to treat people in a civil way and with respect. Sometimes I will disagree with people, and when I do that I will do so respectfully. But I stand by my point that I do not think that groups from outside of Jersey who have political goals that do not align with Jersey’s values, I think that we should resist that. I will read some paragraphs from the U.N. (United Nations) Women website. They describe: “Attempts in many countries to roll back hard-won progress and further entrenched stigma, endangering the rights and lives of L.G.B.T.Q.+ people. These movements use hateful propaganda and disinformation to target and attempts to delegitimise people with diverse sexual orientations, gender identities, gender expressions and sex characteristics. There is a long tradition in which anti-rights movements frame equality for women and L.G.B.T.Q.+ people as a threat to so-called traditional family values. Movements encompassing anti-gender and gender-critical views have taken this to new extremes, tapping into wider fears about the future of society and accusing feminists and L.G.B.T.Q.-wide movements of threatening civilisation itself. Anti-rights groups have mobilised political support by creating and fostering a moral panic that falsely associates L.G.B.T.Q.+ people with mental illness and perversion.” Those are quite strong words, are they not, from the U.N.? Some of the speeches that we have heard, which I think take materials from anti-trans rights campaign groups, I put more faith in the U.N. and in research and evidence by scientists, and which I will come to a bit later in my speech. It is not just for States Members to guard against these political groups that are trying to invade Jersey’s States Assembly. I would really urge our citizens to be aware that this is happening and that national media is not the place to learn the truth about trans people. Something that I have been really heartened by, by many of the speeches, is that I think there are many States Members who perhaps did not know about some of these issues and have really made such an effort to listen to the community and to educate themselves. I am so grateful for that and for that allyship. Deputy Stephenson’s speech yesterday was fantastic, Deputy Miles as well and Deputy Renouf, who is my vice-chair on my Scrutiny Panel, I am so grateful to him for that speech, and I know that the trans community will be as well. I found it really uplifting and inspiring, the way that he spoke about prominent trans figures; I found that was a really respectful and uplifting way to speak. That is how I would like to approach my words as well. I found Deputy Coles’s speech really interesting as well, and he talked about gender diversity. Something that he raised made me think about the psychology of why there might be questions around trans people and how we interact with trans people in our community. In terms of psychology, one basic function of every human brain is that we form stereotypes and sometimes we think those are negative but stereotypes are really functional. They allow us to navigate the world without having to stop and calculate different categories and characteristics of every single object,

animal or human being that we come across. For example, a stereotype can help us to look at someone and identify perhaps the way they have their hair, perhaps what kind of clothes they are wearing, and to assign one of our in-built stereotypes to them. Then we might think, OK, that person looks like a man or that person looks like a woman, and it helps us to relate to them in a quicker way, so that we do not have to stop and collect information about every person or circumstance that we come across. But sometimes people do not fit into those categories, as Deputy Renouf so expertly explained to us and, again, that is where we need to educate ourselves. I can understand why certain members of our community might have trouble with that, because it is a basic function of our brain. But I do have faith in Jersey people that they can educate themselves and listen. I really hope that this debate where States Members have listened and educated themselves and given some really intelligent and thoughtful speeches, I hope that those get through to our community and trigger some reflection and some compassion among our community. Because I know that Jersey is a compassionate place and I believe that Jersey values mean that we will protect and safeguard vulnerable parts of our community and not attack them.

[10:45]

Deputy Renouf listed some various historic and famous trans people. Someone that came to mind for me last night, does anyone remember Hayley from Coronation Street? She was a transwoman, right, and I remember watching Coronation Street with my family when I was a young child and this character, Hayley, she was just a part of the community. I do not remember there being all of this negative rhetoric about this character; in fact she was much loved. I would ask people to reflect why that might be and why that cultural change, why has it happened? Because it is not coming from ordinary people, it is coming from somewhere outside of us. I will turn now to children, because of course this guidance is about children and it is about children in schools and what is happening in the schools. The Cass report, which has been quoted, did not focus on education at all; it was about health services. Nevertheless, the Cass report has figures in there which are very small figures. I think it is either 0.3 per cent or 3 per cent who de-transition and, yes, that is different from desistance. But the studies quoted by a previous speaker that place desistance at 85 per cent, if we look at the hierarchy of evidence those are old studies from decades ago. They were very small numbers, less than 100 people, and some of them were taking children who were effeminate and were sent to clinics. They were not children who themselves were gender-questioning. Those studies are not reliable and that 85 per cent figure is not reliable. I agree that we should talk about safeguarding, and when I was getting all my papers together for this from my pigeonhole I accidentally picked this up. This is my certificate from the safeguarding training that I did, that I booked and attended myself last year. My safeguarding training is up to date, and I would urge all Members to go and seek out that training. I wonder if some of the speakers who were talking about safeguarding so much, whether their own training is up to date. I am a primary school teacher. I have always had knowledge and expertise about safeguarding. I have looked through this guidance, and this guidance is excellent. It has been put together by a group of compassionate and diverse people, all views have been listened to; I am confident that that is the case. There is not any silence. I think Deputy Warr mentioned that there is silence on trans children. There is no silence. We are not trying to cancel anybody or suppress any views. People have been listened to, and those views have been weighed up and given due consideration and the guidance is robust. There is no encouragement to move towards a medical pathway. The guidance only kicks in when a child approaches a teacher. There are no teachers in schools saying to children: "I think you might be gender-questioning. Come and join our L.G.B.T.Q.+ group." I think one of the previous quotes was: "They want children to transition to be part of their group." Coming from somebody with a legal mind, I think that is called supposition, is it not? Because it is a complete invention of an intention, which is just absolutely false and a bit insulting. Children, if they do approach a teacher and they say: "I have got some questions about my gender identity", they are viewing that teacher as a safe person, as they should do, in our schools. The first thing that that teacher is advised to do by the guidance is to encourage the child to talk to

their parents, which is the opposite of what some people would have us believe. Parents are not being denied that information. There is encouragement to talk to parents. There is support and education for the parents. There will be very, very rare incidences where children might not be safe to talk to their parents. Deputy Renouf pointed out that in the 1980s we had similar moral panic about gay people and lesbians and bi-people, and children at the time would have been scared to come out to their parents in the same way. We must give gender-questioning children the same respect. I have got 3 minutes left and I have got more than 3 minutes of material, so I will try to speed up a bit. What happens? I am going to quote some of the words from an educator: "The current guidance is balanced. It has significant strength in this balanced approach. It is non-prescriptive and optional." It does not have this single pathway that other speakers have described; it is nuanced. It describes taking into account the child's individual circumstances, the circumstances of the class. If there were children in that class who had some concerns about anything that was put in place, they would be listened to as well. Teachers are educated, intelligent people. We have to have 2 degrees to be a teacher. I think we need to put a bit more faith in our teachers. This educator said: "At a time when they had a student socially transition for this guidance, there was a lack of clear central guidance." This educator spent a lot of their time and resources prioritising what to do, but that is avoided now that they have the guidance. In the same way as any other centrally-agreed guidance with wide consultation, including people with lived experience, they are happy with the guidance. I remind Members all of our schools are rights-respecting schools. They state that: "This guidance supports the U.N.C.R.C. (United Nations Convention on the Rights of the Child)." I wanted to address the question: what if a child changes their mind? Because some of the arguments against have focused on this, if a child might, potentially, change their mind or does change their mind, that this guidance somehow has put them on a path. Not true. There is no pathway involved in this guidance. There is no medical pathway. Other speakers have made this very clear; children cannot access any medications, they cannot access any surgeries. There is no medical pathway. If, when they hit 18, they do want to do that, they do not just automatically get access to medications and surgery. It takes years, it can take up to a decade, and it is a very rigorous process. You would first have to go and see a psychologist. I trust psychologists, OK, that is a regulated profession; we have had this discussion. It is a regulated profession. You would have to receive a diagnosis from a psychologist and only then could you be referred to an endocrinologist. That is not an easy process to go through. It is not something that somebody does lightly. I have confidence that the current guidance is reasonable. I think it is safeguarding all children in schools, and I ask Members to vote against this proposition.

#### **2.1.11 Deputy S.Y. Mézec of St. Helier South:**

I am very pleased to follow that previous speaker, every word of which she said I completely agreed with. There is a starting point that is quite problematic, and that is the mistitling of this proposition where it calls itself Treating Children as Children when it should be titled Treating Children as Props in a Culture War. Because that is what the debate is about. I want to start by saying just how sad that is, that with all of the issues facing the Island, all of the struggles that we all share and no matter what our backgrounds are and the efforts that are required from the leaders of the Island to address those problems, instead we are spending parliamentary time on pandering to people outside the Island who want to persecute a tiny minority of children, people who do not even have the agency to stand up for themselves. Is that not so sad that we end up doing that? But ...

#### **The Deputy Bailiff:**

Deputy, sorry, I am told we are not quorate. Could I invite Members to come back into the Chamber because currently we are not quorate? I will invite Members again, please come back into the Chamber. Thank you. Deputy Mézec, please continue.

#### **Deputy S.Y. Mézec:**

I think there is one central reason why the proposition should be rejected, but I have a backup reason just in case that one is not good enough. But the central reason why the proposition should be rejected is that old saying: “If something ain’t broke don’t fix it”. The guidance that we have now has nothing wrong with it and nothing has been proven to be wrong with it. Much of the concerns that are raised we find are even not based in fact or are simply manufactured from a rather sinister ideology. The guidance that the department currently has, has been co-produced. It has been through iterations. It has been consulted with by people who would be directly affected by it and those who would be required to apply it. It is up for periodic review every now and then. No problems with any of that; that is exactly the way that kind of thing is meant to be done. It has not given rise to a single actual issue in our Jersey schools. There have not been complaints, there have not been issues that have caused a crisis in a school because of the application of this guidance. Something problematic or damaging has actually happened. The issues that are raised around it are simply not real. When we have some of those emails to us complaining about what it says about toilets, what it says about the exclusion of parents, what it says about this, this or that, they cannot cite an incidence where that has caused a problem. The problem exists in their heads, not in the real world. In making the arguments at the start of this debate, the proposer raised so many issues that are simply not relevant. The medicalisation, a complete irrelevancy to this guidance because it is not connected to that at all. That is the central reason why the proposition should be rejected. It is aiming to fix something that is not broken. If you did not agree with that or you were not 100 per cent in agreement with that, at the very least, and you thought that maybe there is still some tweaking that could be done to get us further along the line, which is a perfectly reasonable opinion to have, the backup reason for why the proposition should be rejected is that the alternative proposed is so much worse. We are being asked to completely bypass the usual procedure for writing guidance for how children ought to be treated in our schools, to instead adopt through our parliamentary process a document that has been written by activists in the U.K. with no qualifications in this area and no experience in Jersey schools at all. It is unquestionable that that is the wrong approach, and it would be irresponsible of this States Assembly to adopt that approach in this instance. If it were applied to any other kind of guidance that we issue for schools, we would be laughed out of the room for it because it would be such an absurd suggestion. Of course there is a great irony in those who you would usually expect to defend Jersey’s autonomy, when it comes to a culture war will outsource decision-making to activist groups in the U.K., which is completely inconsistent. I mentioned in my speech yesterday the 2 aspects that we find in this proposed alternative guidance that are so harmful, and I want to elaborate on one of those a little bit more. But the first one - I will not say anymore because I think Deputy Renouf said it so well in his speech yesterday - that the guidance will create situations where it will be compulsory to expose children to harm, where children may identify themselves to their teachers and have to refer to their background and the concerns they may have. That might be that they are from a family that has members of it who might have extremist views, that they would cause great difficulty to that child and their safeguarding at home if they felt that the child might be trans. This guidance says: “That is irrelevant, that child must be exposed to that harm anyway and we must tell the teachers.” That is obviously a ridiculous thing to do and completely incompatible with the principles of safeguarding. But the other element to that that I wanted to elaborate on is that there is a really silly issue in this that they seek to make such a big issue where it ought not to be and create a new rule that will require teachers to bully children in their schools. That is the issue of naming children, something that ought to be a complete non-issue but will be made an issue by this. Lots of people go by different names to what their legal names are; it is a totally normal thing.

[11:00]

Some of us may go home and listen to the music of Alice Cooper or Sting or Meatloaf. Then a smaller group of us will lose their minds at the idea that a child at school might be asked to be called something different to what their legal name is; it is crazy. I just want to use one example, and I will apologise to Jersey’s trans community for talking about this through my own self-actualisation

because I am a cisgender person, I do not have the experience of what it is like to be gender-questioning. But I hope they will forgive me because of one point I am about to make. When I was a teenager I simultaneously decided to stop going by my legal name and adopt a different name. I decided to grow my hair long. I decided to get my ears pierced and even, on occasion, I sometimes used to wear a little bit of eyeliner. In other words, I chose to adopt a gender-neutral name at the same time as changing my appearance to be more what some would consider stereotypically feminine. What happened in school is when we had a new teacher they would read the register on the first day and they would say my name and I would just politely say: "I would prefer to go by Sam." The teachers, every single time, went: "OK" and that was the last I ever heard about it. But this guidance will say that if a child wants to change their name because of a gender-related reason, the teacher will not be allowed to do that; that causes so many issues. It causes an issue where teachers, firstly, having to judge whether it could be a gender issue that has provoked a child to ask to go by a different name, rather than it just being an ordinary nickname or anything else. Straightaway you have got a teacher panicking over whether they can do what the child has very respectfully requested and what would be normal in any other circumstance or the choice to make an issue out of it, where all of that could go wrong. When I was at school going through that, if a teacher had wanted to challenge that with me I would have told them to mind their own business, and I would have probably been a bit more succinct than that. Because it was none of their business. I can be called what I want to be called and display myself how I wanted to be displayed. That rule could well have put me in an instance where I am at conflict with my teachers, causing aggravation, rather than being educated, which is the purpose for being there. That rule is utterly senseless, and it has been concocted by people who do not live in the real world, who are consumed by an ideology that when put up against real-world circumstances completely falls apart, making such an issue over kids choosing to go by a different name when it ought not to be an issue, and most of the time would be totally fine. These people do not live in the real world and it is unquestionable that this guidance should not be adopted for that reason alone, let alone all the other ones there are. I think we do need to be a bit harsh on those that have produced this guidance and where it is coming from. There were questions before about whether they could be defined as a hate group. Whatever your conclusion is on that, I have to say that I think their positioning is quite sadistic, where of all the things we could expend our human energy on trying to make life better, there are some people who just seem obsessed with making a small minority of children a bit more miserable. What a waste of energy. How does that make the world a better place? It is, in my view, quite sadistic. Because they are so relentless about it, they will find that there will never be any satisfying of that sadistic view. Because no matter how hard these people try to make the world reflect what they believe, which is that trans people do not really exist, they will always fail because trans people do exist and no measure will ever be strong enough to satisfy that. You can tell the teachers not that they cannot call children by the names they want to be asked. You can deny people the right to choose what version of a school uniform they wear. You can deny people the right for legal recognition. You can deny people all of these things but it will not change who those people are because what they are is an innate human characteristic that cannot be eliminated. It will not stop at this, it will go to the next step and then the next step and then the next step. Some Members have mentioned section 28 of the Local Government Act in the U.K., which prohibited the promotion of homosexuality but in reality meant it prohibited the acknowledgement of homosexuality and all of the difficulties that caused. We need to be frank about what that law did. That law killed people because they were people who could not access information about health treatment, about preventative things and all the rest, bearing in mind that was the time of the H.I.V. (human immunodeficiency virus) Aids epidemic. People whose lives could have been saved if the Government had not been banned from providing those people information and help and treatment; that law killed people. An attempt to suppress trans people will have the same effect. Deputy Bailhache, on the very long list of incorrect things he said in his speech, he talked about adults choosing to be trans. He is not correct about that. Nobody chooses to be trans, in the same way you do not choose to be left-handed. It is an innate human characteristic, you have no choice in

who you are; that is just who you are. But he asked the question about the adult trans people who have engaged in this debate with us and asked why they would engage, when technically it does not affect them. The reason they have engaged is because rather than the sadism on the other side, they are empathetic because they know what it is like, because they have been through it. An adult trans person comes from a child trans person, that is what they always were and people go on a different journey to discover who they are. But they are interested because it is their experience, and they know the effect it can have and they want to make life better for succeeding generations, and they should be commended for that. I think they will be commended. I have to say I am optimistic that this proposition, when it comes to the vote, will be consigned to the scrapheap where it belongs. Those who thought that they could come to Jersey to stoke a culture war and use this place as a test bed for their campaigns and other places to make life miserable for other people, will walk away with a bloody nose from it because this Assembly will have said no to that division. I hope that trans people in Jersey, having gone through this unnecessary stress and anxiety given to them by a States Member who has got so much wrong in the lead up to this, having heard the solidarity from so many Members of this Assembly and having seen what I hope will be a resounding defeat for this proposition, I hope they will feel a spring in their step, some wind in their sails and some satisfaction that despite how nasty and ugly the culture wars can be when they are stoked by those who have no real solutions to the problems our society is facing, that things will get better. The arc of history does curve towards justice, and sometimes things do get worse before they get better. I know, as it has been the case for my parents' lifetime - there is something emotional about this - having seen the transformation we have seen for gay people, we will see for trans people. In decades to come we will look back on these days as dark days but over and move towards a situation where everybody lives their life with human dignity. Bring it on, I hope that happens sooner rather than later and we can start by getting rid of this proposition.

#### **2.1.12 Deputy C.S. Alves of St. Helier Central:**

I would like to talk about the real-life consequences of adopting this proposition from the lived reality of those who work with young people every day. I taught in secondary schools for many years. I sat with children in crisis, children who are frightened, children who are trying to understand themselves. I have had many pupils disclose deeply personal matters in circumstances where informing parents would not have been appropriate and certainly not safe. The existing guidance recognises this reality. It clearly states: "Confidentiality should only be compromised to safeguard a child or young person." It also makes an important safeguarding distinction: "A child or young person being L.G.B.T.Q.+ or exploring their gender identity does not in itself constitute a safeguarding concern." These are not ideological statements, they are safeguarding principles rooted in the day-to-day work of teachers, counsellors and pastoral staff. By contrast, the proposed guidance we are being asked to adopt frames a child's disclosure of gender-questioning as something inherently suspicious. It states: "A disclosure of trans-identity may be an indication of a safeguarding concern." It insists that: "Informing parents must always be the default position." This is not a mutual shift. It fundamentally alters the relationship between young people and the adults they trust. Let me illustrate some scenarios. A student goes to a trusted teacher and says: "Please do not tell my parents, they would throw me out." Under the current guidance the teacher can keep that confidence, unless there is a clear safeguarding risk to the child. We heard yesterday from Deputy Renouf that he had heard from a member of our trans community who knew several young people who had been made homeless by their parents due to their trans-identities. I have personally had children tell me things that they have never told anyone and that they would never want their parents to know. I have respected their wishes because, as a teacher, a trained professional with safeguarding qualifications, I am fully qualified to make an assessment and judgment as to what would be considered a risk to that child. Under the proposed guidance, however, I would be compelled to inform the parents unless I can prove an existing safeguarding concern not to. The risk here is obvious, outing a child into an unsafe home can lead to emotional abuse, homelessness or violence. Once children see this happen they will stop confiding

in staff altogether. I have taught pupils whose attendance improved dramatically once staff used their chosen name and pronouns. The existing guidance recognises this as a legitimate form of support, allowing a trans pupil to socially transition is a means to enable them to explore their gender identity safely. The proposed guidance, however, rejects this entirely, saying: “Children should not be compelled to use wrong-sex pronouns. Teachers should not use the term transgender to refer to children.” For some pupils that will mean a return to school refusal, anxiety and disengagement from learning altogether, as we heard from Deputy Doublet yesterday, who quoted a parent of a child who experienced this. If pupils know that any disclosure about gender will be treated as a safeguarding concern and reported to parents, they will simply stop talking. If pupils believe teachers cannot be trusted with sensitive information, safeguarding collapses, not just for gender-questioning pupils, for all pupils. When they stop talking about gender they will also stop talking about bullying, self-harm, abuse or mental health struggles. This debate is about safeguarding. It is about whether we trust the professionals who work with children every day. It is about whether we create an environment where pupils feel safe to speak to us or one where they stay silent until a crisis occurs. Earlier this week I attending a B.A.S.C. (Building a Safer Community) Delivery Framework meeting with the Minister for Justice and Home Affairs. We spoke about a variety of things but, ultimately, my take from that meeting was that we should be doing everything we can to foster a caring, compassionate and considerate Island community. We should all want to live in a community where everyone feels safe, looked after and empowered to stand up for kindness. The existing guidance is not perfect, no guidance ever is. But it is rooted in the realities of school like, in the principles of confidentiality, proportionality and compassion. To remind Members again, it is a working document which will be reviewed in March next year and will be updated, as is the case with all guidance. The proposed guidance, however, whatever its intentions, would cause real harm to real children. Watching a child go from expected to fail their maths G.C.S.E.s (General Certificate of Secondary Education) to flourishing and achieving good grades across the board, there is no feeling like it. It is such a phenomenal, positive and heart-warming experience that I have had the privilege of seeing first hand, and all simply because they felt accepted. Finally, I want to say sorry to the trans community, I am sorry for the anxiety and distress that having this debate hanging over us for weeks has caused.

[11:15]

I hope that if nothing else, that we have shown that you have allies, that we see you, we value you and we care. I urge Members to reject this proposition.

**The Deputy Bailiff:**

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

**2.1.13 Deputy Sir. P.M. Bailhache of St. Clement:**

If I were to respond to every point that has been made in this debate we would be here for a very long time. I am not going to do that, although I must say that Deputy Mézec does do his best by the giving of outrageous statements to drive one into a position where one feels obliged to reply. Treating children as props in a culture war, culture wars and treating this Island as a test bed for their ideology, I am not going to go down that road and deal with the many points of mischaracterisation of the proposed guidance, nor the motivations of those who drafted it. I shall not detain Members for long but there are some things that I think need to be said. The first is that I do not regret bringing this proposition but I do regret that it has been portrayed by some Members as an attack upon the local trans community. It is not and never has been an attack upon that community, which is as entitled as any minority group in Jersey to respect, consideration and freedom from discrimination, as indeed I believe is the case. I regret too that Deputy Renouf considered the proposition to be divisive. This debate, as I said at the outset, is about how to treat that small number of gender-questioning children in our schools. Sadly, few of the speakers have addressed that subject in any meaningful way,

although we have had some thoughtful speeches this morning, in particular from Deputies Miles and Warr. I also regret that Deputy Doublet referred to hate groups, because we do not have any hate groups in Jersey, thank heavens. The linking of a comment on hate groups to groups outside Jersey coming and seeking to influence views was, I think, extremely unhelpful. But I will take it from Deputy Doublet that she is not stating that either the transgender trend organisation or the women’s right group in Jersey is a hate group, and I invite her to correct me if I have got that wrong. The Constable of St. Martin was wrong to portray the proposition or my report as an attack upon civil servants. I had a very cordial discussion with a senior civil servant in the Education Department about this proposition, and I am very confident that she did not feel under any attack from me. The Minister made several statements with which I entirely agree, that safeguarding was non-negotiable, that every group should be treated with respect, that gender-questioning children were a very small vulnerable group which should be kept safe. We found common ground there and I must say that it is regrettable that the amendment of Deputy Gorst, which sought to build upon common ground and to try to create a situation where differences could be identified and addressed, was not accepted by the Assembly. I do accept that there were some technical errors in the proposed guidance, which is why the first amendment gives the Minister power to modify the proposed guidance if it were accepted. Deputy Stephenson spoke of her sub-committee’s conclusion but she does not seem to be aware that in England the Department of Education is now treating the issue of gender-questioning children not as one of equality and inclusion but as lying firmly within the wider safeguarding framework of the K.C.S.I.E. (Keeping Children Safe in Education) guidance. That reflects the conclusions of the Cass review, which recommended caution and evidence-based assessment. In England, the proposed guidance will have practical consequences and decisions will be child-centred but not child-led. It is exactly what was recommended by Stephanie Davies-Arai in treating children as children. Deputy Mézec, and I think the Minister as well, were rather rude about the qualifications of the author of this guidance. This is a woman who was awarded the honour of a British Empire Medal for services to the safeguarding of children. I doubt that Deputies Mézec and Ward are better qualified. I do not understand why the Minister believes that Jersey should depart so significantly from the evidence-led approach endorsed by the Cass review and now followed by the U.K. Department of Education and other parts of the British Isles and indeed even Guernsey. The existing guidance is flawed. Its flexibility, endorsed by Deputy Renouf in terms of separate spaces for children of a different sex, is illegal. Contrary to the views of the Minister, the Supreme Court judgment last year represents the law of Jersey. If the Attorney General were here he would be able to confirm that, if the Minister took the trouble to ask him. If Ministers reject this proposition they will be endorsing guidance which is, in part, unlawful in its approach and, more generally, swimming against the tide of current thinking as to how to treat these vulnerable children. The Minister says there will be a review in 2027. I can only express the hope that his successor will be more open-minded and willing to listen to other points of view than has been demonstrated in this debate. I maintain the proposition and I ask for the appel.

**The Deputy Bailiff:**

The appel has been called for. I ask Members to return to their seats. If all Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting. If Members have had the chance of casting their votes, I ask the Greffier to close the voting. I can announce that the proposition has been rejected:

<b>POUR: 5</b>		<b>CONTRE: 35</b>		<b>ABSTAINED: 5</b>
Connétable of St. Brelade		Connétable of St. Helier		Deputy C.F. Labey
Connétable of Trinity		Connétable of St. Peter		Deputy S.G. Luce
Connétable of St. Saviour		Connétable of St. Martin		Deputy I.J. Gorst
Deputy Sir P.M. Bailhache		Connétable of St. John		Deputy R.E. Binet

Deputy B. Ward		Connétable of Grouville		Deputy T.J.A. Binet
		Connétable of St. Ouen		
		Connétable of St. Mary		
		Deputy G.P. Southern		
		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 L.J. Farnham		
		Deputy K.L. Moore		
		Deputy S.Y. Mézec		
		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 H.L. Jeune		
		Deputy M.E. Millar		
		Deputy A. Howell		
		Deputy M.R. Ferey		
		Deputy A.F. Curtis		
		Deputy K.M. Wilson		
		Deputy L.K.F. Stephenson		
		Deputy M.B. Andrews		

**[Approbation]**

**3. Draft Sea Fisheries (Atlantic Bluefin Tuna) (Jersey) Regulations 202- (P.21/2026)**

**The Deputy Bailiff:**

The next item of Public Business is the Draft Sea Fisheries (Atlantic Bluefin Tuna) (Jersey) Regulations, which is P.21, which has been lodged by the Minister for the Environment. The main

respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel, and I ask the Greffier to read the citation.

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

Draft Sea Fisheries (Atlantic Bluefin Tuna) (Jersey) Regulations 202-. The States make these Regulations under Articles 2, 7, 12, 13, 27 and 29 of the Sea Fisheries (Jersey) Law 1994.

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

Today I ask the Assembly to endorse a move to allow a carefully controlled recreational fishery to be established in the Island for Atlantic bluefin tuna. This is achieved through the making of a regulation, the Draft Sea Fisheries (Atlantic Bluefin Tuna) (Jersey) Regulations, and an amendment to the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003. The opening of this fishery reflects both our commitment to a sustainable marine management and our Island's long relationship with the sea. As all Members will be aware, Atlantic bluefin tuna have returned to U.K. and Channel Island waters in recent years. After their numbers declined dramatically in the 1960s, and thanks to decades long international conservation efforts, the stock is now in a recovered state. In 2021 the International Union for Conservation of Nature reclassified bluefin tuna from a status of endangered to a status of least concern, a milestone made possible through responsible stewardship and scientific collaboration. When these fish first burst back into the scene in Jersey, we followed the precautionary principle and protected them through the Wildlife Law until local and international research could give assurance of a stable population. Since the 2021 Trade and Co-operation Agreement between the U.K. and the European Union, the U.K. has received an annual allocation of bluefin tuna quota. The I.C.C.A.T. (International Commission for the Conservation of Atlantic Tuna) oversees the global management of the species and the Marine Management Organisation implements these decisions within British waters. Under I.C.C.A.T.'s 2025-2028 framework, the U.K. has been allocated 230 tonnes of quota each year divided between commercial, recreational and bycatch provisions. As a Crown Dependency, Jersey is represented internationally by the United Kingdom. During the Brexit negotiations, the U.K. became a contracting party to the I.C.C.A.T. Convention, the treaty that establishes the rights and obligations governing bluefin tuna management. With the Government of Jersey's consent, this convention was formally extended to Jersey in May 2025. This extension ensures that Jersey vessels can participate in this sustainably-managed fishery within our territorial waters. In 2025, Defra and the Government of Jersey jointly authorised a limited number of charter vessels to target bluefin tuna in our waters. These activities, strictly controlled and monitored, have shown both the potential and the responsibility required in managing such a valuable species.

[11:30]

For 2026 I propose to extend access to all fishing stakeholders consistent with the U.K. approach. Doing so will support diversification in our fishing industry and deliver tangible benefits to our coastal communities. However, we know that with opportunity comes responsibility. I.C.C.A.T. requires all contracting parties to ensure that recreational vessels fishing for bluefin tuna operate under an authorisation system. This is essential to maintaining a well-managed, sustainable fishery. To meet these obligations, I propose to amend the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003. This update will allow us to issue recreational authorisations for catch and release bluefin tuna fishing. Such authorisations are common practice in fisheries management. Jersey already uses similar systems for other species such as scallops. Authorisations ensure that only eligible vessels can target a species and that activity will be closely managed and controlled in order to meet international fishery standards. These authorisations also ensure the correct number of fishing vessels have access to a fishery with enforceable licence conditions attached to them. Without authorisations, fisheries can be exploited at unsustainable levels and Jersey would be breaching the I.C.C.A.T. Convention. This proposal is not only an opportunity for our Island's marine economy

but a continuation of Jersey's strong record in sustainable marine stewardship. By taking this step, we honour our international commitments, support our fishing community, and help secure a future in which bluefin tuna remains a thriving part of our marine environment. I propose the principles.

**The Deputy Bailiff:**

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

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

I will start by saying that supporting these regulations is not something I have come to entirely comfortably. Atlantic bluefin tuna have been on the endangered list for decades and for many of us they represent a stark example of what happens when natural resources are overexploited. That history should not be forgotten as we consider this step today, but equally this story is not only one of decline, it is also one of recovery. It shows that conservation can work, that with international co-operation, strong regulation and sustained effort, species can recover. As David Attenborough has said in his latest Ocean film project: "If we can give the marine environment the chance, it can recover, often faster than we expect." The challenge for us, therefore, is finding the right balance between protection and sustainable use. Last summer, the panel was invited to spend some time with the marine resources team to see first-hand the work that underpins this proposal. We discussed this issue at length, not just the opportunity, but also the risks. What gave me greater reassurance is that Jersey is not acting in isolation. We are operating within a highly-regulated international framework under I.C.C.A.T. with clear rules, external oversight and ongoing monitoring, and that matters. It means this is not a free-for-all, it is controlled and evidence-based. As chair of the Environment, Housing and Infrastructure Scrutiny Panel, I can confirm the panel is broadly supportive of the introduction of a licensed recreational catch-and-release scheme because we recognise that, if done correctly, this presents an opportunity to support the fishing industry to diversify, initially through recreational fishing, and potentially in time through carefully-managed commercial opportunities. However, our support is not without qualifications. Firstly, there remains uncertainty around quota allocation. Jersey does not hold its own quota and is reliant on the United Kingdom's share under I.C.C.A.T. At present there is still no confirmed allocation for Jersey. This means the extent of economic benefit is not yet fully understood and expectations must be managed accordingly. Secondly, the panel wishes to emphasise the importance of robust safeguards within the recreational scheme. Catch and release is often viewed as low impact, but we have been clear that post-release mortality can occur if it is not done properly. Therefore, this scheme must be underpinned by strict licensing conditions, mandatory training, and effective monitoring and reporting. This is essential, not only for the protection of the species, but for Jersey's credibility within the international framework. Thirdly, we must view this in the context of the next step, as the Minister outlined, which is commercial catch-and-land fishing. While the panel supports efforts to diversify the fishing industry, this requires strong oversight, appropriate infrastructure and a clear plan to ensure Jersey secures maximum value for any quota. That framework is still in development and this amendment represents both an opportunity and a responsibility: an opportunity to support the fishing industry, develop a specialist high-value market for Jersey and to participate in a recovering fishery, but also responsibility to ensure that we do not repeat the mistakes of the past. If we proceed, we must do so with rigour, caution and a clear commitment to sustainability. The panel is supportive of the Minister's amendments with these thoughts and caveats I have just outlined.

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

I am aligned pretty much with the previous speaker, so I will make this relatively brief. Catch-and-release fishing can be beneficial but only under the right conditions. It is not automatically harmless and its value very much depends on how it is done. We have to remember that Atlantic bluefin tuna is still a vulnerable species. They have historically been overfished but catch and release allows anglers to participate in fishery without removing fish from the population. From a scientific research

point of view, I am not sure if the Minister is going to make this a provision or use some of the catch and release; there are many programmes of tag and release tuna providing really valuable data on migration, growth, population and health. This has been, and will continue to be, crucial in managing the species into the future. Of course, there is an economic value which is always helpful. I think it is important if we are going to allow this. Recreational fishing tourism does generate income, while keeping fish in the ecosystem, which can encourage sustainable growth but, as the chair of Scrutiny said, not all fish survive. Stress, exhaustion, injury during capture can lead to delayed death, especially if the fight is long and the handling is poor. Survival rates improve significantly when fish are landed quickly, the appropriate gear is used, they are kept in water, not hauled aboard, barbless hooks are used and handling time is minimal. I am sure the Minister will be covering for all of those things when issuing permits. Overall, yes, catch and release can be beneficial, particularly as part of a well-regulated fishery and scientific programme; however, it is only truly positive when best practices are followed and mortality is kept very low. Perhaps the Minister, when summing up, would just reassure Members on those points.

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

This is something I can obviously support. It would be a great assistance to our long-suffering commercial fishing fleet. I have a question for the Minister. If adopted, the regulations come into effect 7 days after they are agreed; there is a question regarding quotas which we have with the U.K. My question to the Minister is: will such permits and permissions be held in abeyance until such times as quotas are agreed with the U.K.?

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

Like others who have spoken, I am supportive but, like the chair of the Scrutiny Panel, I am also wary. Tuna returning to our waters is great news. I have been on the north coast near Grosnez when people gathered because they could see tuna feeding offshore, and it was an amazing sight. The fish were breaking the water, the water was frothing, seabirds, gannets and others were plummeting into the water around them, and it was quite a spectacle. I think we have almost forgotten what abundance in nature looks like and it is a great thing that we have that back off our Island and available to see. I would suggest it is part of the attraction of Jersey that those sorts of things are possible. Members may also remember a few years ago social media footage of a tuna that had come virtually ashore at Plémont on the high tide and was swimming and was visible from the rocks. People posted footage of that, and that was a very symbolic moment in terms of showing the return of that species. Indeed, I know that surfers have seen them also on the west coast as well. My comment about this is to urge the Minister to see how sport fishing works out before he races to a catch-and-kill industry, because a well-functioning sport fishing industry is potentially lucrative. It potentially does not damage the other aspects of the benefit that comes from tuna being in our waters, which is a tourist element. Jersey is known for its nature, for its natural world, the ability to see dolphins off the coast and other species like that. We now have lots of birds return, buzzards, and so on, marsh harriers, this is part of what makes Jersey, part of its identity, part of what makes it a great place. I would urge great caution for the next Minister - if it is this Minister again then I urge caution on him - to think very hard before we rush to a catch-and-kill industry. Jersey could be known for a different way of dealing with tuna. I would say that if we do go to a catch and kill, we do risk the potentially slightly absurd situation where we license boats to catch and release where the whole objective is to return the fish to the water alive in as best condition as possible, only for another boat to come sweeping up behind and catch the same fish and chuck it in the back to be eaten. Of those 2 scenarios, certainly at the moment, the one that seems most appealing to me, on economic grounds and on environmental grounds, would be the catch and release. I have got a couple of questions for the Minister. It would be helpful if the Minister could say a little bit more about his view about the wider picture. I would be interested to know - I think Members would be interested to know - what the situation is in regards to French boats fishing for tuna in our waters. I think I know the answer to that but it would be useful

for the Minister to clarify it. I am also not clear about the relationship between the quota and catch and release. Is the quota that Jersey will get - assuming we get one - for catch and release, or for catch and kill, or for both? In other words, can it be divided? If we get a quota of 5 tonnes, can it be divided between the 2? Or do we nominate which it is for? I think it would be very useful to know some of the mechanics around that. I will just close by saying that I think it is a good-news story. I hope that there can be a successful commercial catch and release, but I urge great caution about going further because I think we have a reputation that we could build on the basis of conservation and sustainability.

### **The Deputy Bailiff:**

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

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

I will try to quickly address the various points made by Members. I will start with my Scrutiny Panel chair and say I would like to thank her for her supporting comments. I just remind everybody that this debate today is specifically about recreational fishing, catching and releasing, and not commercial fishing, which is catching and killing. The Chief Minister asked me a question about the requirements that will be put on recreationals. The first thing I would say to him is there is going to be a £500 licence fee to go recreational fishing for bluefin tuna, and that will cover the costs of mandatory training. Anybody who wants to go out and catch and release bluefin tuna as a recreational fisherman will have to undergo training. They will have to have certain equipment on their boat and that will all be very, very heavily monitored, so the equipment, the training and other data gathering may well happen. Certainly my officers will continue to track bluefin tuna for scientific reasons using satellite tracking, which is what we have done recently. I will also be considering the tracking of vessels which are permitted to catch and release tuna, so nobody else but my officers know where these vessels are at all times.

[11:45]

I would say to Members that during our scientific trials, we caught and released 15 tuna recently, in the last couple of years, and all of those fish survived. There is an acceptance that around 4 per cent may not survive catch and release. Bluefin tuna, if caught properly and with the right equipment and in the right way, they are really strong fish and there is every possibility for them to return live. To the Constable of St. Saviour, I just say there is no quota for catch and release. To Deputy Renouf, who also asked that question, I would also add the answer that French boats cannot target bluefin tuna in our waters. He may well know that but it is absolutely worth clarifying that so everybody is understanding of that. In closing, I would just like to say that either we take responsibility for the control of this fishery that is already allocated to us or we lose the opportunity and the benefits that could come with it. Those benefits, if we do not take this chance, will pass to others. The Atlantic tuna stock is no longer endangered. It has recovered, it is sustainably managed under I.C.C.A.T. and we have the chance here to use science and international mandate to act. By approving the regulations today, we are going to ensure that Jersey, not another contracting party, benefits from the quota already assigned to the U.K. If we do nothing, our share of this sustainably-managed resource will simply be reallocated somewhere else. Worse, without a legal controlled framework in place, we risk the very outcomes that we want to avoid: untrained or illegal fishing, unavoidable harm to this valuable species or, even worse still, dead tuna washing up on our beaches due to improper handling or the use of improper fishing gear. This regulation protects us against this. It moves bluefin tuna management into the appropriate sea fisheries framework where enforceable licence conditions, vessel authorisations, mandatory training and monitoring can ensure responsible, high-welfare catch-and-release activity. It provides the tools we need to protect the species properly, not rely on a Wildlife Law that was never designed to manage complex quota-based internationally-regulated

fisheries. Most importantly, this move places Jersey firmly within the international management system for the species, honouring our commitments under the I.C.C.A.T. Convention and ensuring our fishers have fair authorised access to a stock they have helped to conserve. I say to Members, here is a chance to show leadership, responsibility and some vision, a chance to protect and not to exploit one of the world's most remarkable species under highly-strict standards of sustainable management. If we do not act, the fishery will still go ahead, but it will go ahead without us. I urge the Assembly to support these regulations, and ask for the appel on the principles.

**The Deputy Bailiff:**

The appel is called for. I ask Members who have not already done so to return to their seats. If all Members have returned to their seats, I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted:

<b>POUR: 45</b>		<b>CONTRE: 1</b>		<b>ABSTAINED: 0</b>
Connétable of St. Helier		Deputy M. Tadier		
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy 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 L.J. Farnham				
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 M.B. Andrews				

**The Deputy Bailiff:**

Deputy Jeune, does the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise this matter?

**Deputy H.L. Jeune (Chair, Environment, Housing and Infrastructure Scrutiny Panel):**

No, Sir.

**The Deputy Bailiff:**

Very well, we move on to Second Reading to debate the regulations. Minister, how do you wish to propose the regulations in Second Reading?

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

I would like to propose them *en bloc*. I do not think there is very much more to say on the matter.

**The Deputy Bailiff:**

Does any Member wish to speak on the regulations? If no Member wishes to speak, then I close the debate. Minister, do you wish to reply? No. Those Members who are in favour of adopting the regulations, kindly show. Those against? The regulations are adopted. Do you wish to propose the matter in Third Reading, Minister?

**3.3 Deputy S.G. Luce:**

I do, Sir.

**The Deputy Bailiff:**

Does any Member wish to speak in Third Reading?

**3.3.1 Deputy J. Renouf of St. Brelade:**

Yes, I will reiterate my support. There was one other point I wanted perhaps the Minister to clarify which might be helpful, is if there has been any discussion with Guernsey in relation to this: what the situation is in Guernsey, whether there is any shared work going on and so on, whether the fleet are sharing resources or anything like that. It may not be strictly relevant to Third Reading but I hope you will permit that.

**The Deputy Bailiff:**

I should have asked also were the regulations seconded, in both Second and Third Reading. **[Seconded]** Does any other Member wish to speak in Third Reading? Then I call upon the Minister to reply.

**3.3.2 Deputy S.G. Luce:**

I will be brief. I wanted to start by thanking my officers for the enormous amount of work they have had to do to get Jersey into a position where we have been authorised by I.C.C.A.T. to act and where the U.K. can proportion to us some quota. It has not been a couple of months' work, it has been years of research and hard graft, coming up with all the information required by I.C.C.A.T. in order for us to be part of this fishery, so I am grateful to them for that. It leads me very easily into the answer to Deputy Renouf about Guernsey. While we have now got to where we want to be and part of I.C.C.A.T., Guernsey are yet to get there. I know they are working on it, and it is very much in both Islands' interests to be in a similar position. So we very much welcome Guernsey getting into that process and getting to an equivalence with us because it may get quite complicated in certain instances if somebody catches a fish in Jersey waters and drifts over the line before they get it on to the boat. That, at the moment, I am aware, might not be allowed, so the quicker Guernsey can reach the same standards as us, the better. We are certainly talking to them and helping them where we can. With that, I would just thank everybody for their support, and ask for the appel in the Third Reading.

**The Deputy Bailiff:**

The appel has been called for. I ask Members to return to their seats. If Members have returned to their seats, then I ask the Greffier to open the voting. If all Members have had the chance to cast their votes, I ask the Greffier to close the voting. I can announce that the regulations have been adopted in Third Reading:

<b>POUR: 44</b>		<b>CONTRE: 1</b>		<b>ABSTAINED: 0</b>
Connétable of St. Helier		Deputy M. Tadier		
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				

Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy 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 H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

#### **4. Draft Planning and Building (Jersey) Amendment Law 202- (P.22/2026)**

##### **The Deputy Bailiff:**

The next item of Public Business is the Draft Planning and Building Amendment Law, P.22/2026. That is again lodged by the Minister for the Environment. The main respondent again is the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I will ask the Greffier to read the citation.

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

Draft Planning and Building (Jersey) Amendment Law 202-. A Law to further amend the Planning and Building (Jersey) Law 2002 and repeal the Planning and Building (COVID-19 Bridging Island Plan) (Jersey) Order 2021. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

Today I present the Draft Planning and Building (Jersey) Amendment Law. This proposes a set of pragmatic, forward-looking changes to strengthen the way we plan for Jersey's future. I am grateful to both the Environment, Housing and Infrastructure Scrutiny Panel and the P.P.C. (Privileges and Procedures Committee) for their submission of supportive comments for my proposition. At its core, this Draft Amendment Law restores an important ability that once existed in an earlier version of the Planning and Building Law. This is the power for the Minister to bring forward an interim revision of an Island Plan during the plan's lifetime without undertaking a full Island Plan review. This would enable change to part of an Island Plan, whether that be a single policy or a section of the plan, during the plan period. This provision was removed from the planning framework during the COVID-19 response through the COVID-19 Island Plan (Jersey) Regulations 2021. Now that our planning system is no longer operating under emergency arrangements, it is both timely and sensible to reinstate this flexibility, not only for the current Bridging Island Plan, but for Island Plans of the future as well. So why does this matter? It matters because the world does not stand still. As we experience on an almost daily basis currently, external shocks occur, economic conditions shift and new priorities emerge. Or it might just be that we find some Island Plan policies are not working as we originally intended. A planning system that cannot respond to change is one that risks becoming outdated, unhelpful or misaligned with the Island's real needs. Allowing targeted partial amendments to the Island Plan gives us a more adaptive and resilient planning framework. It enables us to respond more quickly to changing circumstances without the significant cost, time and resource burden of a full Island Plan review. In short, it gives us the ability to ensure that the Island Plan is agile, responsive and remains up to date. We are not alone in looking at how we might change parts of the development plan to ensure its updatedness. Similar provisions have already been introduced in Scotland, and the principle of changing part of a plan during its plan period has recently been supported in Guernsey. However, flexibility must be matched with rigour. The Draft Amendment Law therefore also gives the States Assembly the power to make regulations that define the procedures for bringing forward a new Island Plan, an interim revision of a section or sections of the plan, or just specific targeted changes to parts of it, which might amount to a single policy. This ensures that changes, whatever their nature, scale or significance, are supported by a clear and transparent process that is based on established and consistent principles of justification, consultation, independent examination and political endorsement in this Assembly. These procedures, which remain to be finalised, will set out how Island Plan reviews and changes to an Island Plan must be conducted. Their preparation and subsequent scrutiny and endorsement will provide an opportunity to improve the process undertaken for a full Island Plan review to ensure that Islanders remain engaged and are consulted throughout the review process. It is essential that Islanders are afforded ample opportunity to comment on all aspects of an Island Plan that might affect them, and this principle will be embedded within the new procedures. Introducing new procedures also gives us a chance to adopt proportionate ways of managing changes to an Island Plan. This could mean creating different rules for consultation, independent scrutiny and approval, depending on the scale, nature and significance of the proposed change. Taking this approach would offer the potential of saving

time and reducing costs, while improving the overall efficiency and effectiveness of the planning system. Crucially, new processes that might be put in place to review or change an Island Plan will have to provide the appropriate checks and balances. This matter has, quite rightly, been identified by the Scrutiny Panel when it states that any new regulations must be accompanied by robust safeguards in respect of oversight and accountability. Changes to a plan will, of course, require proper justification, meaningful consultation and independent examination as it is appropriate, along with the necessary political oversight and approval in this Assembly, as I have mentioned. Most importantly, any regulations setting out how an Island Plan is to be changed or reviewed must be brought back to this Assembly for consideration and approval if the Assembly approves the power to make the regulations today. The next Minister for the Environment will be required to present these regulations before beginning a full Island Plan review or before proposing any change to the existing Bridging Island Plan.

[12:00]

If Members are happy to back my proposition today, this will likely happen early in the next term of Government. It is also likely that the draft regulations would be the subject of consultation but, of course, that would be a matter for the next Minister. Finally, the Draft Amendment Law removes an unnecessary piece of legislation, the Planning and Building (COVID-19 Bridging Island Plan) (Jersey) Order 2021. That Order has served its purpose and is no longer needed. Its removal has no policy implications, as the Bridging Island Plan itself remains in force until this Assembly approves a new Island Plan to replace it. Before I conclude my remarks on the reforms of plan making, I want to address the points raised by the Scrutiny Panel in its comments regarding the wider planning service reform programme of which these legislative changes before us today form only one part. This wider programme includes updating permitted development rights and reducing the need for planning permission for certain types of development. This work is well underway. I will be bringing forward the first package of these changes very shortly, and certainly before the end of this political term. Further work will continue into the next term to explore a second phase of general development order reforms or permitted development rights. The work completed so far has highlighted clear opportunities for continued deregulation and for improving the efficiency and effectiveness of Jersey's planning system. It provides a strong foundation for the next Minister to consider the implementation of further positive change in this area. I have also reviewed the planning appeals system, which has remained unchanged since its introduction in 2015. Following public and industry consultation, I published a set of proposals showing how beneficial improvements could be made. Some of these changes where they require amendments to legislation will be available for the next Minister for the Environment to take forward in the new term. Others involving updated guidance and procedural improvements are already being implemented. Returning to the element of the planning service reform programme that concerns changes to plan making, which is the subject of the proposition before us today, may I conclude by saying that these proposals are measured, sensible and in the interests of good planning. They restore flexibility and enhance the efficiency and responsiveness of our planning system. Crucially, they also enable the development of the procedures that will come back to this Assembly for scrutiny and approval that will safeguard the integrity and transparency of any future changes to the Island Plan. This amendment provides the legal framework needed to strengthen the planning system's efficiency and effectiveness. It also aligns fully with the strategic priorities we set at the beginning of this term. It ensures that we have the tools to plan confidently and with agility for Jersey's future, particularly in a world where certainty can no longer be taken for granted. I commend the principles of this Draft Amendment Law to the Assembly and ask for Members' support.

**The Deputy Bailiff:**

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

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

I rise briefly to outline the panel's position on this Amendment Law. This proposition reflects a lengthy and considered process of reviewing how the Island Plan operates. As Members will be aware, the current Bridging Island Plan and the associated changes to the Planning Law were always intended to be temporary with a return to a more standard longer-term approach. Through our hearings, quarterly and a dedicated session on the Bridging Island Plan last summer, the panel heard clearly from the Minister about the need for greater flexibility, particularly the ability to amend individual elements of the Island Plan within its lifespan, rather than relying on full-scale reviews for even minor changes. We recognise that rationale. We also note that the Government's own consultation on planning service reform identified this lack of flexibility and supported the introduction of streamlined processes and the ability to make partial amendments. In that context, the panel is broadly supportive of this proposition; however, that support is not without qualifications. The Island Plan is one of the most significant policy documents we have. It shapes our homes, our environment and our communities for years to come. While we understand the intention to improve efficiency and responsiveness, particularly in the face of climate and geopolitical pressures, the panel is clear that this must be balanced with appropriate oversight, transparency and accountability. Put simply, flexibility cannot come at the expense of democratic scrutiny, an important point in our comments. The Minister himself pointed out in his speech that we have raised this in our comments. The panel would also highlight that this is only one part of a wider package of planning reform and other areas must continue to be progressed with equal priority. I am glad to hear an update from the Minister in these areas and that he has given the Assembly that update today. As we look ahead to the next Island Plan, it is important that flexibility is not an end in itself, but a means to deliver better outcomes for Islanders. That means a clearer focus on building homes as part of sustainable communities, the local amenities, public open green space, community facilities and safer routes for cyclists and pedestrians. It also means recognising that Jersey's environment should not end up being a secondary consideration. It is one of our Island's greatest assets, and a core part of our economic value, supporting tourism, agriculture, well-being and our overall quality of life. Growth and development must therefore work with and not against that natural advantage. It means ensuring infrastructure keeps pace with the development, with a Capital Investment Fund that is fit for purpose and able to support roads, drains, schools and essential services alongside new housing development. In conclusion, I support the direction of travel set out in this Amendment Law but emphasise that any regulations that follow must include robust safeguards to ensure confidence in how the Island Plan is developed and amended in the future and, most importantly, that it delivers the kind of Island we want to see: fair, sustainable, economically resilient and environmentally strong.

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

I would like to start by thanking the Minister for taking this pragmatic action. I think it is a wise way to progress forward on this important issue. In saying that, I would like to appeal to any Members who are successful in the forthcoming elections to correct an issue that was created with the publication of the Bridging Island Plan, and that is the existence of footnote 30. Footnote 30, in my view, contradicted the agreement of the former Assembly on an amendment that was successful. The impact of this has been quite devastating for some of my constituents. In my view, this has caused harm to families, families who could have created additional units of accommodation in existing outbuildings on their properties in order to allow their younger family members to move into their main house, while the now-grandparents would have been able to live right next door to their families so that they could each support each other through a new phase of life. I think it has been extremely sad and damaging that those families have not been able to achieve that under the current Bridging Island Plan. As I say, that was in contradiction to the amendment that I believe the Assembly agreed to when we spent a long time debating this in a former Assembly. So, with that, I hope that a Member of this Assembly will hear my plea, or perhaps somebody else who is not here today but will take a seat in the next Assembly, and that we will be able to move forward and better offer support to families who wish to live alongside each other in our green zone countryside areas.

#### **4.1.3 Deputy M.R. Scott of St. Brelade:**

I am going to follow on from Deputy Moore about a comment on the process by which the Bridging Island Plan was produced and the legislation amended in order to produce it. It has been a source of bemusement, I believe, among planning consultants on why the original provisions were changed to basically disallow interim reviews, particularly bearing in mind that the Bridging Island Plan itself was just a temporary measure, although it was certain aspects, more environmental aspects rather than, say, economic aspects of planning. What basically happened was provisions that allowed interim review - we had an example in the 2014 revision of the previous Island Plan - they were removed which basically tied the department's hands. Part of this, if I might try and anticipate what the reason was, might have been because the actual revision process is quite cumbersome, so perhaps officers thought that therefore it should only happen every 10 years, notwithstanding that the Bridging Island Plan is a temporary plan. We have gone full circle now and we are bringing back these provisions. My question for the Minister is: does he anticipate a less cumbersome process for review and is he able to explain why these provisions were dropped in the first place? The other point I just wish to - and there is a question on this - bearing in mind that the Environment, Housing and Infrastructure Scrutiny Panel have raised this issue that there is so much more work to be done in improving the Planning Law, why has there not been a complete overhaul? That may be to do with resourcing but, in particular, why has this amendment not just brought in a change so that the whole law can be amended by regulation because it is quite clear that there is further work that is anticipated. So rather than go back with an amendment to the Privy Council, why has there not been an attempt to just simply modernise the law in that respect by allowing it to be amended by regulations before the States Assembly? So those are my questions for the Minister; I will be grateful if he could answer them.

#### **4.1.4 Deputy A.F. Curtis of St. Clement:**

I want to touch very briefly on the safeguard and the change in process. The Minister highlighted that this is, in essence, a reimplementation of a power previously held, and there was a subtle difference. I will be supporting this piece of what is enabling legislation, but it is worth casting Members' minds back to the former way in which this operated, and there is a subtle but key difference. The law, as it was in 2019, provided that the Minister shall prepare a Draft Island Plan in Article 3. It was by order that processes regarding consultation and timelines were set out. P.P.C.'s (Privileges and Procedures Committee) comments refer to obviously the changes there. But key to the difference is that any revision or new Island Plan - so a draft revision - shall be laid to the States for approval, ensuring that in primary legislation any change, no matter how small to the plan, is one that was going to garner Assembly approval. When the Scrutiny Panel discussed these regulation-making powers with the Minister, he clarified that in setting regulations, which will be an Assembly decision, those could confer greater power to a Minister to do things without laying revisions before the Assembly. That is a key difference because right now every word that is ultimately approved goes through a process in which any States Member could amend the whole Island Plan and any semantical point review brought, for example, in the 2014 revision, likewise could be amended. My word is equally a word of caution that I think Deputy Jeune gave, which is in reviewing the regulations that will come forward, my personal consideration is there has not been justification for those regulations to provide or confer a power on the Minister to make changes outright to the plan without States Assembly approval. So Members who are here after June should, I think, engage early in what these regulations look like, not treat what any Minister brings forward as a done deal. I believe for good plan making and trust in the plan, it is essential that, in essence, any change be laid before the Assembly, no matter how targeted, really. Members will know that the realities of implementing policies in the plan often debate on "may" or "must" or "and" or "or" or where commas or semicolons lie within paragraphs. Indeed, differing opinions on single policies like the demolition of buildings mean inspectors fall on the side, that plan, arguably in the Policy Unit, considered may not have been how it was drafted.

[12:15]

While it may seem expedient to want to change that or do other things, I would urge caution. It is really important that no matter how small and no matter what consultation, changes to the plan as a document come back to this Assembly and in drafting regulations that the Minister asks his officers to do so. I say in the backdrop that he has identified, he may not be taking that as his course of action at the moment and that he may be considering that small amendment would be for a Minister to change on their own. It is important, when the Minister talks about deregulation, that the law has an aim. That aim was extended when the law was redrafted from the Island Planning Law to the Planning and Building Law. If we turn back to 2002 to the proposition that originally proposed the primary legislation, it highlights that Article 2: “Purposes of the law. Expands the law to conserve, protect and improve the natural resources and physical and natural environment of the Island.” That was explicitly a decision at the time to draft that in as a widening of the law and a recognition of the need for sustainable development. As such, it should be this Assembly that makes changes to how the plan works.

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

Like Deputy Jeune and Deputy Alex Curtis, I have cautious support for this. I would say I was considering a similar change when I was the Minister. As Members may be aware, there were a few planning issues that came up during that time. I disagree with Deputy Scott to the extent that she says that the Bridging Island Plan was not a full process. It was a full process and it was a full 2-year process of commissioning reports, of having public inquiries. It was the full process that is carried on for a normal Island Plan. The reason it was turned into a Bridging Island Plan was because COVID hit in the middle of the process and at that point nobody knew what the relevance of a plan adopted in 2022 would be the next year or the year after, the world could have been very different. As we know, the world returned roughly to normal but that was not what people thought or knew in 2022, so it was changed from a normal Island Plan to a Bridging Island Plan. If COVID had not hit, it would have been an Island Plan and it was only changed, its naming and its duration, because of that. That is the reason why the naming was changed. I looked into this idea of why it was not possible to change the Bridging Island Plan as it had been in the past when I was Minister because I did come under pressure to do that from within Government. I spoke to officers about that, and the truth I think is, that it was an oversight. It was not considered a priority because it became clear that this was going to be a short-term plan, or what people thought would be a very short-term plan. Therefore, there was no need to have an amending power, the whole thing would be changed anyway within 3 years or after 3 years. I think it was an oversight; there certainly was not a conscious decision to: “Let us remove that power”, it just was another thing that came out of the extraordinary times in which that plan was put together. But it is a very good plan and it was put together, as I say, with the same thoroughness and rigour and consultation and public inquiries and feedback and so on, as any other Island Plan. I do want to address Deputy Moore’s comment. Of course, Deputy Moore is fully entitled to argue for the policy that she has argued for consistently in regard to properties in the countryside, but I have to say I disagree with her. I do not think there was an attempt to undermine her amendment to the Island Plan. I looked into that as well when I was Minister. When I looked into it, I came to the view that the amendment she proposed for the Island Plan was worded in a way that did not achieve what she intended. The clarifications that were issued around that were simply to respond to that. She disagrees with that, I know, but that was the view I formed when I was asked to look into it at the time when I was in Government, and I thought I should clarify that for Members. My final point is this, I do think there should be a high bar to amending an Island Plan. The point about an Island Plan is it is a long-term planning document. The whole Island benefits from stability in its planning framework. It benefits from developers and objectors or other parties to the planning system having some stable ground on which they can base their arguments. If it is available to be amended and changed every time we sit down in this Assembly, for example, that is not a stable basis. It also encourages perverse outcomes. People might decide not to develop according to the

Island Plan because they think: “Oh, if I just can hold on long enough I will find a friendly Back-Bencher and maybe a fair wind in the sails, and I will be able to get a change to do something differently.” I think the Island benefits from a position where that is not available as an easy option, where developers and objectors, National Trust, or any other party dealing with the planning system, accept a “No”, that this is a framework that has been rigorously worked out and it is basically one we stand by. However, of course, the Minister has outlined circumstances in which there might need to be changes, the world does change significantly, and there needs to be a mechanism. I am cautious because, as Deputy Alex Curtis says, we might be moving to a position whereby it does become slightly easier. That will have to go through another step, it would be a potential outcome of the regulations that a future Minister might bring. I am certainly cautious about that because I do believe that an Island planning framework, which will never please everyone, but the acceptance of the fact that it has been produced through a rigorous process, a transparent process which everyone has seen, gives it a credibility that, however much people may grumble about it, you can point to why it is as it is. If we make it too easy to change, then that clarity is lost, it got changed because on that day people felt that that was a good idea. There have been plenty of situations where you might be able to point to where those decisions might be repented at leisure. I accept this, I welcome it, I think it is a good pragmatic response to the fact that the Bridging Island Plan is lasting a lot longer than it was originally intended. It will be to a future Minister to decide the practical applications of how this happens, but I did want to state those words of caution.

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

I warmly welcome this. One of the first discussions Deputy Luce and I had back in the early days of this current Government was that we agreed we needed to do something that would make us a little bit more agile. The purpose of the amendment is, as Members will have realised, it reinstates the Minister’s power to make interim revisions to the Island Plan without requiring a full review. It restores a provision removed during COVID-19 in response to the pandemic in 2020. One aims to make Jersey’s planning framework more flexible, more responsive, more adaptive. Members will also know one of the big challenges we have in our jobs is with planning in one way or another. That is not taking anything away from the work of the Minister and his team and the Planning Committee, but it is a constant area that we are approached about. It is also extremely important when we are dealing with some of our what I would call structural problems such as housing. Quite often while we are trying to make progress in one area, we are often hamstrung by long-term plans that are untouchable without a full review. It is important, this change. This change is needed because Island Plans must remain, in my opinion, aligned with changing economic conditions, external shocks and emerging priorities. Well, I do not think at any time in modern times we have seen more of those in such a short period of time. We know now that shocks and challenges and geopolitical instability reach at our shores relatively quickly and reflects itself in a number of ways. I have felt our hands have been tied with the Interim Island Plan because it has not enabled us to be reactive to such circumstances. A rigid system in a fast-moving world quickly becomes outdated. I will not go on. I thank the Minister and his team for bringing this. The only regret I think he shares is that we did not get this done sooner than now, but we are getting it in. For those reasons, I urge Members to support it.

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

I am very pleased to follow the Chief Minister in agreeing with his support for Deputy Luce’s proposition, or the Minister for Planning and Environment’s proposition. The Island Plan, as I learned in 2022, is the ultimate document decided by committee and, therefore, it is guaranteed, really, to have problems embedded in it which are not foreseen at the point of creation. Indeed, the Chief Minister quite rightly pointed to the volatile and ever-changing, fast-changing world that we live in. So to have an Island Plan that cannot be reviewed in any way does the Island a massive disservice because it leaves us with a document that does, as the Chief Minister said, very quickly

become outdated. I know from my experience in 2022 and since then as Minister for Sustainable Economic Development that one of the big gaps in the Island Plan from 2022 was the economy. It did not really feature. It was not really thought about. It has left us with many problems with regard to economic development and growth because we did not allocate the space for growth to take place. I have heard over the last 4 years countless stories of businesses unable to find premises, particularly those that are manual businesses, those which would ordinarily live on a light industrial estate, that sort of place. We have left ourselves with no room for that to grow. So I think that what the Minister is bringing forward is a proposal which does meet the democratic safeguards that the chair of the Scrutiny Panel quite rightly pointed to. I know Deputy Renouf and Deputy Curtis quite rightly require and want to be in such an amendment. It is right that there is democratic scrutiny of that, but to tie our hands was a huge mistake. Ten years is far too long a period to put a plan in place, although I accept, as Deputy Scott pointed out, the Bridging Island Plan was not meant to last 10 years but it certainly looks like it is going to go the full distance in that respect. Ten years for any ordinary plan is far too long and the economy changes far too quickly. People's needs change far too quickly for us to ever lay a document down before the States and say that is it, it is locked and we will throw away the key and we will only pick it up again in 10 years' time. This is an absolutely appropriate way to continue the work that I am pleased that the Minister for the Environment's department and my department have been working on for the last few years of trying to ensure that the whole planning process is more aligned with the needs of the Island, and particularly the needs of the economy. That is something which we have seen progress made in in the last couple of years. I am really pleased to have worked with the Minister for the Environment on that. This proposal before us really does take that to a place where I think we now have a planning system which should benefit the Island and enable us to prepare the Island in the way that we need it to be. We need the Island to be resilient, we need the Island to be able to grow and we need the Island to be able to meet the needs of its population. That means both residential needs as well as economic needs. Unfortunately, the Island Plan - I think it would be the case for any Island Plan - is never going to come out of this Assembly after an Island Plan debate so unbelievably perfect that it meets all those needs. So to give the Minister and ultimately this Assembly the ability to make those revisions is absolutely the most common sense way forward. So I ask the Assembly to wholeheartedly support the Minister's proposals because they are definitely the right thing to do in this situation.

[12:30]

#### **4.1.8 Deputy S.M. Ahier of St. Helier North:**

The Privileges and Procedures Committee has noted the impact that the adoption of the Amendment Law would have upon the procedures of the States Assembly. The stated purpose of the Amendment Law is to allow the Minister for the Environment to prepare an interim revision of the Island Plan during its plan period and to prepare an interim revision of the Bridging Island Plan. To facilitate this, the Amendment Law would enable the Assembly to make regulations setting out the procedures that must be allowed when a new Island Plan, including amendments to it, or an interim revision is lodged. That would include the lodging process and minimum lodging period. P.P.C. has no concerns regarding the impact of the Amendment Law on the Assembly's procedures or operation and, indeed, has concluded from a procedural perspective it represents a welcome development from what is currently on the statute book.

#### **The Deputy Bailiff:**

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

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

I thank Members for their really good engagement with this debate. I might start with the chairman of P.P.C. and note that he did not comment about the length of the last Bridging Island Plan debate,

which might be something he would have wanted to refer to. But Island Plan debates generally do tend to go on almost as long as this particular States sitting will. I will leave it there. My fellow Minister, Deputy Morel, I want to say that he and I work very closely together on a whole range of items, and certainly when it comes to linking the value of the economy to planning applications I have done what I can within my ability within the law. Certainly, I have maintained close links with him throughout. We have set up the Industry Partnership Board and, like I say, without the ability to change an individual policy within this plan, which is something we will be able to do soon, I have certainly issued as much guidance as I possibly could to help the economic case for applications to come forward. There is more to do there and certainly the next Island Plan debate may well reflect that. I would like to thank the Chief Minister. He was the one who charged me with the job of forming the planning service, and we have come a long way since then. He is quite right, we need to be able to respond to shocks and challenges, and that is what I hope this legislation we pass today will allow us to do. I thank my predecessor, Deputy Renouf, for his explanations about the Bridging Island Plan. Of course, he is absolutely right. It was a short-term plan envisaged for just a few number of years. In response to Deputy Scott, yes, I think the intention at the time was we would not want to change a plan because it was only there for 4 years. There is no reason to bring forward changes to it, people need certainty, so the ability to change it was removed; quite why I do not know. But what I would say to Members is while I completely agree with all that is spoken about the need for stability and the need to remove uncertainty so everybody within the development industry and other applicants know what is coming, I go back to the Chief Minister talking about shocks and challenges. This new plan will have to find a way to be flexible and agile, and the same answer goes to all those that have contributed. The rules on how we are going to do that come back to this Assembly. Deputy Curtis was absolutely spot on. This is enabling legislation enabling us to do further work, and it is not my intention to allow, if I would have anything to do with it, the ability for any States Member just to review or to bring forward. It is the intention for the Minister to do that, but at the same time it is going to be vital that there are clear rules around what the Minister has the ability to do and what the Minister does not have the ability to do. What I stress to Members is the proposals today are going to allow for those procedures, those processes, to come back to this Assembly to decide what the Minister will have to do before he makes changes, what States Members will have to do, whether they make changes, how the next Island Plan will be proposed, how it will be debated, how it will move through all those processes. Very quickly, Deputy Scott mentioned ... well, we have spoken about how the Bridging Island Plan found itself being where it is. Deputy Moore: I thank Deputy Renouf for his explanation about footnote 30 and there were obviously some differences of opinion about what that last Bridging Island Plan debate concluded with. Certainly, we will have another Island Plan debate in the relatively short-term future, and there is an opportunity there to be much more clear and unambiguous about what was intended with the proposition that came from Deputy Moore. Finally, I would just like to thank my Scrutiny chair and my Scrutiny Panel. As Members will note, both myself and they and her have had a number of propositions to deal with. We still have some more to come, but my panel have been hugely diligent and hardworking in reviewing everything that I have been bringing forward, not only in this States sitting but in the previous one, so I thank them for their contribution. As ever, they have been incredibly hard working on this particular proposition. The Island Plan, as they say, is a significant document, one of the most significant documents. It is hugely important and oversight and transparency and the input of scrutiny into how it is developed is going to be invaluable in the future. The Chair mentioned the need for flexibility to respond, the need for economic resilience and the need for safeguards, and I hope Members will see that what we are doing today will allow all those processes to come back to this Assembly where safeguards will be put in place, where scrutiny will be mandatory, where the economic resilience and the flexibility to respond will all be dealt with. So, at this end of this First Reading on the principles, I ask for Members' support and the appel, please.

**The Deputy Bailiff:**

You ask for the appel. I ask Members to return to their seats. If all Members have had the opportunity of returning to their seats, then I ask the Greffier to open the voting. If all Members have now had the chance to cast their votes, then I ask the Greffier to close the voting. The principles have been adopted unanimously:

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Helier				
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 C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
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 M.B. Andrews				

**The Deputy Bailiff:**

Deputy Jeune, does the Environment Scrutiny Panel wish to scrutinise this matter?

**Deputy H.L. Jeune (Chair, Environment, Housing and Infrastructure Scrutiny Panel):**

No, Sir.

**The Deputy Bailiff:**

Then we will move on to the debate in Second Reading. How do you wish to propose the Articles in Second Reading?

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

*En bloc*, please, Sir. I think it is fairly straightforward. Members have understood what we are doing.

**The Deputy Bailiff:**

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

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

I do wish to congratulate the Minister for taking this initiative. I feel that I need to just correct Deputy Renouf about what I said in the last debate because I did not say that the Bridging Island Plan had not gone through a full process. Indeed, both Deputy Moore and I attended the examination in public, which was unsatisfactory for a number of reasons, but that is a different story. This is about process. In fact, even during the course of the Island Plan a policy was dropped that protected development in St. Brelade's Bay, and when that was raised with the Minister he had not been aware of it. We also tried to bring in amendments about providing accommodation for hospitality businesses. There had been no real structure around that and it has affected because we had exactly this in our own constituency. We had somebody try to ...

**The Deputy Bailiff:**

Deputy Scott, in terms of the Articles, are you speaking to any specific Articles?

**Deputy M.R. Scott:**

I am speaking ... well, I just wanted to say that the Minister did not respond to one question that I had asked, and that is in relation to why ... we seem to be missing an Article allowing an amendment of the law just generally because more changes are anticipated.

**The Deputy Bailiff:**

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

**4.2.2 Deputy S.G. Luce:**

I do not really have much to say to Deputy Scott other than to repeat what Deputy Curtis said. This is enabling legislation and if Deputy Scott has an issue with the way things were done in the past, there will be an opportunity in the next Assembly when it comes to deciding how the process for the Island Plan debate will happen to change things which have not worked properly, or were perceived to not work properly previously. So I hope very much that Deputy Scott will engage with that process. In sitting down, could I call for the appel on the Second Reading?

**The Deputy Bailiff:**

You call for the appel. I ask Members to return to their seats. If all Members have had the chance of returning to their seats, I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the Articles have been adopted:

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 1</b>
Connétable of St. Helier				Deputy D.J. Warr
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 C.S. Alves				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy B.B. de S.V.M. Porée				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

**The Deputy Bailiff:**

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

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

I do, Sir.

**The Deputy Bailiff:**

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

**Deputy S.G. Luce:**

I just want to thank Members for their support. This is quite a small change but not an insignificant change. It means that coming back to the Assembly in the new term will be the rules around how we change the Island Plan and specifically how we bring short-term changes during the period of the Island Plan, which will allow us to respond to anything important that needs a change. So I thank Members for their support and call for the appel in Third Reading.

**The Deputy Bailiff:**

The appel is called for. **[Interruption]** Well, I thought the Minister was replying. All right. Well, does any Member wish to speak in Third Reading? Well, I will treat the Minister's speech as a reply, unless you wish to say anything further, Minister?

**Deputy S.G. Luce:**

I do not think so, Sir.

**The Deputy Bailiff:**

Very well. You call for the appel?

**Deputy S.G. Luce:**

I do, Sir.

**The Deputy Bailiff:**

The appel is called for. I ask Members to return to their seats. If all Members have now returned to their seats, I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading unanimously:

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Helier				
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 C.S. Alves				
Deputy I. Gardiner				
Deputy L.J. Farnham				

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 M.B. Andrews				

**5. Draft Public Finances Law (States Funds) (Jersey) Amendment Regulations 202-(P.24/2026)**

**The Deputy Bailiff:**

We move on to the Draft Public Finances Law (States Funds) (Jersey) Amendment Regulations, which have been lodged by the Minister for Treasury and Resources. The main respondent is the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

[12:45]

**The Deputy Greffier of the States:**

Draft Public Finances Law (States Funds) (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 55 of the Public Finances (Jersey) Law 2019.

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

I am very pleased to bring these regulations before the Assembly today. They are necessary to put the legislation in place to deliver the Investing in Jersey vision. In particular, they create the Jersey Capital Investment Fund, which we will know colloquially as the J.C.I.F. This fund is the foundation of that plan and will protect investment in our infrastructure from being diverted to meet short-term

day-to-day pressures and ensure that we are allocating funds to capital which are sufficient to maintain our assets in the medium and long term. If these draft regulations are approved, the Consolidated Fund will be replaced from the end of 2026 with 2 new funds: the General Revenue Fund for day-to-day spending and the Jersey Capital Investment Fund for spending on infrastructure and other assets. The General Revenue Fund will become the default current account for the States, unless the Assembly or the Minister for Treasury and Resources have agreed that funding will be dedicated for capital purposes, in which case the J.C.I.F. will be used. Once funding has been allocated to capital in the J.C.I.F. it will become deliberately difficult to use it for other non-capital purposes. That would require approval of the States Assembly. I should stress at this point that the draft regulations do not in any way weaken the Assembly's role in approving expenditure. States Members will continue to be the ultimate approvers of all spending, but in future if these draft regulations are adopted this will be primarily through 2 funds, the General Revenue Fund and the J.C.I.F., instead of one fund at present, which is the Consolidated Fund. As well as creating the 2 funds, these draft regulations also amend the Articles of the Public Finances Law relating to approvals in the Budget to refer to the correct fund. The powers of the Minister to transfer funds are updated, with any capital underspends being retained in the J.C.I.F. and not being available for general revenue spend. The draft regulations propose other minor changes to the law. For example, the definition of "major project", which was too restrictive, would be removed. The same spending approvals that were applied to major projects would now be applied to all projects with their own head of expenditure approved in the Budget. There are other housekeeping changes to tidy up the law. While these draft regulations put the relevant law changes into place, the full implementation of the fund, including the first allocations of funding to it, will be part of the Budget 2027-2030. As well as making approvals through the new funds, the capital assets currently in the Consolidated Fund will be transferred to the J.C.I.F., as will borrowing relating to the new healthcare facilities and other balances relating to assets. Moving forward, income and expenditure relating to capital assets such as disposal proceeds, rental income and hard maintenance costs such as roofs and windows will be managed through the J.C.I.F. This will ring-fence income toward the cost of life cycle maintenance and development of assets. We will not be transferring the costs of providing services using those assets or softer maintenance such as cleaning. These will remain in the General Revenue Fund as costs of delivering services to Islanders. Jersey relies on a substantial and diverse portfolio of public assets that includes our transport network, coastal defences, schools, emergency response facilities and sports infrastructure. Collectively, these assets play a critical role in sustaining economic activity and shaping Islanders' daily experience of government. Maintaining the standard of public infrastructure and buildings expected by Islanders requires Government to adopt a long-term strategic approach, ensuring assets continue to meet both current requirements and the Island's evolving needs. The Government has also recognised that some assets that have served the Island successfully for years are now in need of renewal. Through the Investing in Jersey programme, the Government has established a 25-year strategy for renewing and maintaining the Island's infrastructure and public buildings. The J.C.I.F. is a central enabler of that vision. It provides a mechanism to protect essential capital investment from short-term fiscal pressures and by aligning funding with a long-term investment plan extends the Government's planning horizon beyond the conventional budget cycle. The development of longer range capital planning will encourage a more systematic approach to assessing need through robust asset management plans, helping to ensure that infrastructure and public buildings are sustained through co-ordinated strategic programmes and not through reactive or *ad hoc* tactical interventions. In doing so, it enables capital decisions to be taken with greater foresight and at the right time, allowing funding strategies to be established that can build funds progressively. This will help to ensure that major future investments can be delivered in a planned and orderly way while allowing the impact on the taxpayer to be carefully managed as part of a long-term fiscal strategy. How to fund the J.C.I.F. will be a key decision moving forward. It will be for future Assemblies to consider how best to fund capital expenditure, but the J.C.I.F. puts in place structures to make sure that these are transparent by separating them more clearly from the cost of

providing services and other day to day spend. The establishment of the J.C.I.F. is the first change in the shift to longer-term financial planning and decision-making. Further actions, including a move back to multi-year budgeting, will, I hope, be brought by the next Government, embedding longer term forecasting and developing a long-term financial strategy. This will require further changes to the Public Finances Law. I have already requested law drafting so that the drafts are ready for the next Council of Ministers to consider. At this stage, I would like to thank the Corporate Services Scrutiny Panel for their report on these draft law changes. Their report is a thorough and thoughtful piece that shows a really good grasp of the issues, and I welcome the panel's input. I also welcome the comments of P.P.C. and can confirm that the changes to Standing Orders have been drafted, and I again anticipate that the next Minister for Treasury and Resources will lodge these changes for debate once they are ready to bring these regulations into effect by order. If the States agrees these important changes in the Public Finances Law, the J.C.I.F. will be established in 2026. However, Budget 2027-2030 will be the first to make allocations to the fund with capital expenditure being managed through the fund from 2027. If the regulations are approved, the next Minister for Treasury and Resources will consider any further changes to the Public Finances Manual that are needed to implement suitable controls and governance in time for the 2027 Budget, although these are expected to be limited. I therefore ask the Assembly to give their support and I propose these regulations.

**The Deputy Bailiff:**

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

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

I was just going to say the capital investment plan and the idea of long-term planning for capital projects is very important. I think one of the reasons we have not had some projects completed, which were agreed some years ago, is because there has not been that foresight. We do need to plan ahead, I would say, particularly for redevelopment of St. Helier. However, I am not in support of a Medium-Term Financial Plan for day-to-day spending. That has shown in the past to lock us into 4 years of spending in a particular way and has led to all sorts of inflexibility and problems across our public sector and our services which need to be responded to year on year. So, although I agree that long-term planning for capital projects is there, the tacit move to an M.T.F.P. (Medium-Term Financial Plan) for our day-to-day spending is something that I would be unlikely to support. I just want to put that on record. I think those 2 things can be separate and I think it gives greater flexibility with our day-to-day expenses, particularly in an ever-changing world. I think we do need to have plans for longer term capital projects. So, I will be supporting but with that proviso.

**The Deputy Bailiff:**

Thank you, Deputy. Does any other Member wish to speak on the principles? Deputy Miles.

**Deputy H.M. Miles of St. Brelade:**

I am wondering whether I should propose the adjournment because my speech might take longer than 5 minutes.

**The Deputy Bailiff:**

Is the adjournment proposed?

**LUNCHEON ADJOURNMENT PROPOSED**

**The Deputy Bailiff:**

Then the States stands adjourned until 2.00 p.m.

[12:56]

**LUNCHEON ADJOURNMENT**

[14:00]

**The Deputy Bailiff:**

We do not look quorate, so could I ask Members to return to their seats? Very well. Before we resume the debate on the States Funds Amendment Regulations, I have to draw to Members' attention that we have a problem with the clocks timing speeches, in that when they are switched on they disrupt the voting system. We consider the voting system to be more important than the clocks, but rest assured, Members, that your speeches will still be timed by the Greffier and there will be a "ping" once we get to the 15 minutes. So, we will resume the debate on the States Funds Regulations, and Deputy Miles was about to speak.

**5.1.2 Deputy H.M. Miles of St. Brelade:**

I can assure the Assembly that I will not need a "ping" because I am not likely to get to 15 minutes. I could try. I am standing to speak on behalf of the Corporate Services Scrutiny Panel and as the main respondent for this proposition. The proposals deliver decisions already agreed through the recent Budget 2026-2029 and forms the legal foundation for the Government's Investing in Jersey vision. So the panel first reviewed the creation of the Jersey Capital Investment Fund during its review of the Budget and we provided findings and recommendations at that time. We supported the principle, recognising it as an important step towards stronger long-term planning, but we did emphasise the need for clear governance, transparency and sustained political commitment. The panel has presented detailed comments which reflect its detailed observations on the proposals. Our observations centre around 4 areas. Our review of the Budget highlighted that the current Consolidated Fund is weakened. Working capital demands exceed available balances. The fund is, in effect, cash negative and historical buffers have been depleted. Day-to-day overspends have often been covered by diverting capital allocations, undermining long-term infrastructure planning. So creating the ring-fenced Jersey Capital Investment Fund is intended to protect capital budgets, ensure infrastructure is properly maintained, and provide a stable 25-year planning horizon underpinned by a new long-term capital plan. On the whole, the panel feels that these reforms are positive but still in their early stages. As I have said, they will require sustained political discipline, robust governance and continued long-term commitment. In terms of the structure of the fund, the panel notes that the General Revenue Fund becomes the core operational fund, receiving general revenue income and funding all day-to-day expenditure. The Capital Investment Fund will hold capital assets, fund capital and asset-related expenditure, and receive rental income, capital receipts and approved borrowing. Together the funds will continue to provide a consolidated view of States finances but the panel feel with improved transparency over what is operational spending and what is long-term investment, and that is welcome. The panel notes that stronger budgeting discipline will be required. Day-to-day spending must be met through general revenues. Capital investment must be funded through the Jersey Capital Investment Fund, and the central reserve will need to be rebuilt to provide adequate flexibility and contingency. Importantly, the panel considered the governance, controls and recharging safeguards. As we have heard, funds in the Jersey Capital Investment Fund will be ring-fenced. They cannot be moved out by Ministers. Only the Assembly can approve any movement of funds and capital underspends will remain within the fund. Project approvals remain the responsibility of the Assembly, and the long-term capital plan will provide a long-term, evidence-based framework to prioritise investment, which is essential, and improvement-led spend in capital. The panel also explored how recharging staff costs to the Jersey Capital Investment Fund would work. We found that while some recharging is legitimate for staff directly delivering capital projects or maintaining assets, there will be strong safeguards to prevent misuse. The Government has already committed to clear rules in the Public Finances Manual, internal audit oversight and evidence-based justification for all the recharges. The long-term capital plan underpins the Jersey Capital Investment Fund and sets out capital needs over 25 years, giving visibility of essential and improvement-driven investment. It is intended to improve stability and reduce the frequent changes historically seen in

capital programmes. Prioritisation will still follow existing processes but the plan ensures that all decisions are transparent, evidence based and visible to the Assembly. The panel notes that the long-term capital plan will develop in phases, with more mature planning emerging over time as departments adapt to longer-term expectations. The draft regulations do not prescribe how the Jersey Capital Investment Fund will be funded, so it will be down to future Assemblies to decide the level of political ambition for long-term investment, whether to reprioritise spending, seek efficiencies or consider alternative funding sources. They will also need to consider how to balance funding of the Jersey Capital Investment Fund with the need to strengthen central reserves. We have heard that those options will be considered as part of future budget processes. In terms of fiscal measures and an operating balance, as we have heard, the creation of the fund changes how the operating balance is assessed. Instead of considering depreciation alone, the new framework will look at the operating position after a base transfer to the fund, representing the minimum investment needed to maintain public assets. The panel understands that this produces a stronger triple lock for sustainability, number one being income surplus, the second block covering the cost of depreciation and the third ensuring sufficient capital investment through the baseline Jersey Capital Investment Fund transfer. The aim is to ensure that budgets genuinely generate the cash required to sustain infrastructure over the long term. The panel also noted some future developments which are outside of this proposition and several important reforms will need consideration by future Assemblies. That includes the issue that Deputy Rob Ward raised over the multi-year budgeting, likely through a one plus 3 model starting from Budget 2028-2030. They will also need to consider long-term financial planning and forecasting over a 10 to 25-year period, and also a long-term financial strategy to address structural risks such as demographics, healthcare costs and climate change. So, none of those developments are required for the Jersey Capital Investment Fund to be created but they are essential to realising the full vision of Investing in Jersey. To close, the panel supports the draft regulations as an essential first step in strengthening Jersey's long-term financial management. The draft regulations provide the needed legal structure for the Jersey Capital Investment Fund, but detailed governance arrangements and future policy choices will determine their effectiveness. Finally, success will depend on ongoing political discipline, clear strategic priorities and a commitment to transparent, long-term planning.

**The Deputy Bailiff:**

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

**5.1.3 Deputy M.E. Millar:**

I think I only have 2 observations to make. Firstly, Deputy Ward has questioned our proposals or our thinking about medium-term financial planning for revenue spend and capital spend. We are fairly clearly of the view in Treasury that is the only effective way to minimise spend going forward. It is a decision for another day. The next Assembly will have to consider that later this year. I would say, for example, we have all seen quite a lot in the press recently about charities wanting multi-year funding, and the only way Government can really guarantee the provision of multi-year funding to charities is by moving to multi-year funding itself. As I say, that is a question for the next Assembly. I would like to thank the chair of the Corporate Services Scrutiny Panel for what, of course, was a balanced, effective summary of the position. I am grateful for her comments and for the panel's support. So, I move the principles and call for the appel.

**The Deputy Bailiff:**

You call for the appel. The appel has been called for. I ask Members to return to their seats. If all Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted:

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
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				
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 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 Bailiff:**

Does the Corporate Services Scrutiny Panel wish to scrutinise this matter?

**Deputy H.M. Miles (Chair, Corporate Services Scrutiny Panel):**

No, thank you, Sir.

**The Deputy Bailiff:**

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

**5.2 Deputy M.E. Millar:**

Yes, please, Sir, and if I could propose *en bloc*, please. I could give a very quick summary if that would be helpful.

**The Deputy Bailiff:**

It is up to you.

**Deputy M.E. Millar:**

I will do that seeing as I am here. Just to confirm, the changes are broadly: replacement of the Consolidated Fund with a General Revenue Fund and a Jersey Capital Investment Fund; changes to Articles relating to the Budget, which was previously known as the Government Plan, to reflect the separate funds; removal of the definition of major projects, with totals approved for all projects in future; and changes to powers relating to approvals by the Minister for Treasury and Resources to reflect the creation of separate funds. Other miscellaneous amendments to the law brought in relates to regulations but not directedly related to the creation of the J.C.I.F. include renaming throughout the law of Government Plan to Budget, minor changes to the requirements relating to States trading operations, the removal of Schedule 4, which relates to specific approvals of withdrawals from the Strategic Reserve Fund and a change to Article 24 which is an authority to withdraw specified amounts from the fund. I propose the regulations.

**The Deputy Bailiff:**

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on the regulations? No Member wishes to speak on the regulations, then I close the debate. Minister, do you wish to reply?

**Deputy M.E. Millar:**

No thank you, Sir.

**The Deputy Bailiff:**

Those Members who are in favour of adopting the regulations kindly show. Those against? The regulations are adopted in Second Reading. Minister, do you wish to propose the matter in Third Reading?

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

Yes please, Sir.

#### **The Deputy Bailiff:**

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

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

I just wanted to thank the Minister for Treasury and Resources and all the officials and Scrutiny, of course, who have worked to deliver the final part of the Investing in Jersey programme, which is an important and long overdue long-term programme for considered investment in the Island's infrastructure and future.

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

I thank the Minister for Treasury and Resources for bringing forward this proposition.

[14:15]

There is no question in my mind - I have said it in this Assembly many times over the past 8 years - Jersey has failed to invest in its infrastructure appropriately since the turn of the millennium, in my opinion. This Capital Investment Fund is genuinely, as the chair of the Scrutiny Panel said, a very good first step. One of the things I particularly find important about it is that it should enable greater discipline in the future to ensure that Ministers and the Council of Ministers do ensure that money is put aside for capital projects and is not sucked into services, because we cannot deliver services properly if we do not have the appropriate infrastructure around them. The failure, in my mind, to invest in capital within the Island, in Jersey's infrastructure over the past 25 years has led to lost economic opportunity and therefore most likely has hindered economic growth over the past 25 years. This is something that now I am really pleased that this Government is bringing this programme forward because we can start to turn that tide and start to invest. In the future, States Assemblies will be able to invest with greater certainty, providing the relevant sectors, most notably the construction sector, with a pipeline and certainty around that pipeline as to the work that needs to be done. This will help Jersey grow into the future in the way that we need it to grow into the future in order to have the economy that provides the engine to public finances, provides the engine to a cohesive society and enables us to live on this Island and, most importantly, prosper on this Island. So I am hugely supportive of this. I agree with the caveat, for want of a better word, that the chair of the Scrutiny Panel highlighted. But this is a very important first step and I am pleased that the Assembly is supporting it.

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

I endorse all the comments that Deputy Morel just made, in particular, about historic underinvestment. That is something we probably do not reflect on enough. There has been a systemic failure over many years to invest. I would also say that this proposition, the set of proposals on the creation of this fund are going to become very important going forward as we face particular challenges. The challenges we are going to face are going to be around current spending. I have sat in Government Plan meetings where it was all in one big pot and we were trading off different things. We were trading off current spending against capital spending and so on. I imagine that there will still be an element of that even with this fund. There will still be calls to move money from one to the other part but having it in a separate pot will be a significant discipline. It will create a kind of touchstone by which things will have to be judged, decisions will have to be made. The reasons why it has been created, because of that historic underinvestment, there is an appeal there that can be made to the need to correct that. The next Government will face significant spending challenges. Without wishing to go over old ground too much or be too political about it, I will try and keep it neutral. The next Government will face considerable spending challenges around the fact that there are spending

commitments that will be very difficult to sustain without either a cut somewhere or increasing revenue, because the funding sources are by the short term or relatively uncertain. In that context, I think that the Capital Investment Fund is also particularly important because it will put a little bit of an arm around those crucial catch-up investments that are needed and say: “You may have that problem with current spending but you do need to think very hard before you raid this Capital Fund.” I think that the direction of travel is clear and good. That is why I support it, because it will increase the pressure for budgeting over the current spending, over ongoing spending to be disciplined as well. The one plus 3 years budgeting will feed into that as another part of the same process. I take Deputy Rob Ward’s points about the dangers of a straitjacket but there needs to be some kind of discipline around spending over the long term. I would always caveat any rules around that sort of thing with an exceptional circumstances asterisk. We can agree any rules we like, but if we go into recession the situation is different and we will have to respond to that accordingly. As a basic principle, business as usual, we should have a separate Capital Investment Fund. We should put our arm around it and say it is for that. It has a very important function and a particularly important function because of historic failures. We should use it as the springboard to try and introduce more discipline into our current spending plans as well. So yes, I am happy to support this in Third Reading.

#### **5.3.4 Deputy M.R. Scott of St. Brelade:**

I do wish to point out that there has been infrastructure investment in certain places, in certain ways. In particular, in the airport which probably is a more sophisticated airport than many other quite developed jurisdictions. Andium has invested lots in housing and there has been investment in our telecoms as well. The point I want to make there is that this is the result of a siloed or disconnected funding model that probably needs to be reviewed going forward, in conjunction with the use of this fund, which seems to be there to fill a gap. We have to basically ask ourselves - I hope the Minister might comment on this - whether the funding models that we have got to pay for these current infrastructure developments, whether that is the best one and whether there actually needs to be more of a realistic review in this area.

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

I also welcome the establishment of this fund. It is not just the fact that Jersey has not invested or anticipated the need for this kind of investment but also that depreciation of assets also has not really been accounted for, fully understood previously. That also needs to start to happen more regularly. One thing I wanted to raise - I know we are in the Third Reading - is how this might affect assets that are owned by the States but in the custody of A.L.O.s (arm’s-length organisations). The 2 that immediately spring to mind, but there will be others, are the Opera House and Elizabeth Castle. Other castles are available, although only one really, I suppose. **[Laughter]** Other opera houses are not necessarily available but the Arts Centre does a very good job for a slightly different audience. The reason I raise that is these ... certainly when it comes to the Opera House and the Castle, I remember having conversations with Jersey Heritage and they say to us: “Look, these are your assets. These belong to Jersey. We are just the custodians of this for you.” So ultimately, when work needs to be done on these, the Government needs to pay for them. You cannot expect Jersey Heritage to pay for them. We also need to make sure that we do not find ourselves in the same situation in the future where we were with the Opera House. A lot of money was spent on it and a great job has been done on it during this term, and it has reopened. But that still remains a States asset, a Government-owned asset which is under an agreement with a third party to operate it. That is our responsibility. Unless that changes - and it may well be that a future Minister for Treasury and Resources seeks to negotiate a different role or to offload an asset on to a third sector or to the private sector - they will remain on our book. So it is not simply about investing in things like hospitals and schools and roads. There are those A.L.O.s, and we have not even started talking about Ports of Jersey, the outlying harbours that might come into this. What happens if Ports of Jersey, for example, are not in a position to be able to maintain all of those in one go? They will be ultimately an asset that needs consideration

from the States more widely. So it is one thing to set up a fund, that does not mean that future Governments are not going to have to get their heads around all of these A.L.O.s with different remits. Some of which are there to ostensibly make money for Government, others are there to not make money and to be custodians of assets. It does become complicated. I think that the setting up of the scheme is the easy part but actually deciding how those revenue streams are paid into it and for future Governments and Assemblies to avoid the temptation to raid that fund is going to be very interesting to watch for States Members and perhaps for the neutral observer, if such a thing does exist in Jersey.

**The Deputy Bailiff:**

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

**5.3.6 Deputy M.E. Millar:**

I thank all Members for their contributions to the debate. Deputy Morel and Deputy Renouf broadly spoke along the same theme, which is the rather historic underinvestment that we have seen. We do know the Government has recognised that that is an issue and that we really do have to start looking carefully at how we manage our capital assets. That is exactly what we are doing with this fund. The Capital Investment Fund is underpinned by work that has been going in Treasury for some considerable time. This touches on Deputy Tadier's comments. We have been looking at long-term capital planning for some considerable time with a 25-year horizon, which will look at maintenance costs and depreciation costs and making sure that those are funded for the future, as well as making sure that we do have the funding needed for new and updated infrastructure. As Deputy Renouf said, the next Government and all future Governments will have to make some very difficult decisions going forward. We know there are huge demands for capital investment. Deputy Tadier mentions heritage assets. Yes, I absolutely agree. Those will be expensive to maintain but we are still trying to build a hospital. We want a new school, a new youth centre; more than one new youth centre. We want a refurbished Fort, we want more homes, we want more mains water capacity, we need better sea defences. There are all manner of things that we could do if we were minded but they will cost money. We have to be very well aware of what the cost is and decide how we prioritise all of those things for the future. I do not think any of us are under any illusion that there are difficult decisions to be made, both in terms of how we fund capital and how we preserve the funding for capital. Preserving that fund is absolutely the most essential thing. I do not know if Deputy Tadier was trying to upset me, but if anybody is suggesting that we set up yet another arm's-length independent States-funded organisation to manage heritage assets, I will not be at the front of the queue. You probably know that by now. Deputy Scott, I think, mentioned the airport and other funding models. Clearly, Treasury will look at all funding models. We have to consider where the money comes from, how we raise it, general taxation, other charging. I do not think a user-pays charge on schools or the hospital is going to wash with anyone, but as I said, these are things that have to be decided in the future. Today's debate is about setting up the bones of the framework, and the flesh will go on those bones later on this year. I would like to thank all Members for their support thus far and their contributions. I would also like to take this opportunity to thank the Treasury officers who have worked very hard on bringing us to this stage and also on working on drafting instructions for the next stage. I am grateful to them for their efforts. I call for the appel.

**The Deputy Bailiff:**

The appel is called for. Thank you, Minister. I invite Members to return to their seats. If all Members have returned to their seats, I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the regulations have been adopted unanimously:

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
-----------------	--	------------------	--	---------------------

Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
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 C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
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				

[14:30]

## **6. Reduction of lodging period**

### **The Deputy Bailiff:**

Before we move to the next item of Public Business, Deputy Tadier, you lodged an amendment to your proposition concerning restrictions on solar ground mounts on agricultural land. Do you wish to propose a reduction in the minimum lodging period under Standing Order 26(7)?

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

Yes, please, Sir. If the Assembly thinks it is convenient to do so now, I will briefly explain why I have submitted this. Members will know that I arranged a meeting last week for a briefing from the petitioners about the solar mounts on agricultural land and following that there was feedback. I also took into account the Minister's comments, and I believe that this late amendment would probably allow for a more nuanced debate, which is less - how shall I say - absolutist in the prohibition. It removes the idea of prohibiting the solar panels and replaces it with a presumption against, so I think it does allow for more flexibility. I have taken on board feedback from Members who would seem to be more accommodating with that, and I believe it is in the public interest to reduce the lodging period, because I think it would allow for a more rounded debate and it does reflect public concern.

### **The Deputy Bailiff:**

Thank you, Deputy. Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, then those Members who are in favour of reducing the lodging period kindly show. Those against. The lodging period is reduced.

## **7. Draft Director Disqualification Sanctions (Jersey) Amendment Law 202- (P.25/2026)**

### **The Deputy Bailiff:**

We move on to the next item of Public Business, which is the Draft Director Disqualification Sanctions (Jersey) Amendment Law, P.25, which has been lodged by the Minister for External Relations. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel, which is Deputy Tadier, and I ask the Greffier to read the citation.

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

Draft Director Disqualification Sanctions (Jersey) Amendment Law 202-. A Law to further amend the Companies (Jersey) Law 1991 and the Limited Liability Companies (Jersey) Law 2018. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

The draft law would make amendments to the Companies (Jersey) Law 1991 and the Limited Liabilities Companies (Jersey) Law 2018. There are a number of amendments. Firstly, the amendment introduces a new prohibition on appointing a person designated for the purpose of director disqualification sanctions as the director of a Jersey company or the manager of a Jersey limited liability company. Secondly, the definition of director disqualification sanctions is amended to give it the same meaning as that given in the Sanctions and Asset-Freezing (Jersey) Order of 2021. Thirdly, the amendments link the existing licensing power for director disqualification sanctions contained in the Sanctions Order. This licensing power reflects that contained in the corresponding U.K. legislation and would enable the Minister to authorise a person subject to director disqualification sanctions to be appointed as a director of a Jersey company or a manager of a limited liability company and to act as one subject to any limitations contained in the licence. I am grateful for the work that Scrutiny have done in scrutinising this amendment, and I commend it to the Assembly.

**The Deputy Bailiff:**

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

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

My panel was pleased to have a briefing with officers from the Minister's department on 10th February, and then subsequently we asked some questions relating to this during our quarterly hearing, which happened to be the next day. We do understand that this is, in effect, a routine correction to an oversight in a recent set of related revisions brought about through P.106/2025 to do with the Companies Law. It was approved by this Assembly in January and provided for the automatic removal of director of a Jersey company or a manager of a Jersey limited liability company who becomes subject to a U.K. director disqualification sanction, but it did not at the time contain provisions for a person subject to a designation from being appointed to those positions. The proposition, if adopted, will extend the prohibition to include appointments. We were also informed as a panel that in some cases a disqualified person may still need to be appointed to the position of a director or manager of an L.L.C. (limited liability company) in order to perform specific actions that prevent harm to unrelated businesses or ensure compliance with legal requirements. This was something which did interest the panel, but we were quite satisfied that the Minister and officers gave answers that that would be in very limited circumstances and there would be relevant oversight of that if and when it did happen. I do not know if the Minister wants to speak to that more in the summing up. It may be of interest to other Members but, certainly from the panel's point of view, we are satisfied with the rationale for allowing the Minister to issue temporary exemptions under the licence, along with the assurances provided regarding the monitoring of licence holders, and our panel is supportive of this proposition.

**The Deputy Bailiff:**

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

**7.1.2 Deputy I.J. Gorst:**

As I said in my opening comments, I am grateful to the work of the panel and they did indeed, as the chair has just said, furnish us with a myriad of questions which we enjoyed answering, and they obviously got to the core of the issue that the chair just referred to. It is important on occasions to be able to, under licence, appoint individuals who may be sanctioned but with a strict constraint of licence conditions. I maintain the amendment and call for the appel.

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. If all Members have returned to their seats, I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted unanimously

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
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 C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
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				

**The Deputy Bailiff:**

Deputy Tadier, does the Economic and International Affairs Scrutiny Panel wish to scrutinise this matter?

**Deputy M. Tadier (Chair, Economic and International Affairs Scrutiny Panel):**

No, thank you.

**The Deputy Bailiff:**

Minister, how do you wish to propose the Articles in Second Reading?

**7.2 Deputy I.J. Gorst:**

If I may propose them *en bloc*, Sir. They are as I described in the principles.

**The Deputy Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak on the Articles in Second Reading? If no Member wishes to speak, then I close the debate. Those Members who are in favour of adopting the Articles, kindly show. Those against. The Articles are adopted in Second Reading. Do you wish to propose the matter in Third Reading, Minister?

**7.3 Deputy I.J. Gorst:**

If I may, Sir, thank you.

**The Deputy Bailiff:**

Does any Member wish to second the matter in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Minister, do you wish to say anything in Third Reading? Very well. Those Members who are in favour of adopting the proposition in Third Reading, kindly show. Any Members against? The proposition is adopted in Third Reading.

**8. Draft Water Law (Jersey) Amendment Regulations 202- (P.26/2026)**

**The Deputy Bailiff:**

We move on to the next item of Public Business, which is the Draft Water Law (Jersey) Amendment Regulations, which is being lodged by the Minister for the Environment. The main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel and I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Water Law (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 1(3) of the Water (Jersey) Law 1972.

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

Sir, before the Minister starts, may I make a minor declaration of interest?

**The Deputy Bailiff:**

Yes.

**Deputy A.F. Curtis:**

It is a very minor one. I have a shareholding in Jersey Water that does not trigger the public declaration, i.e. it is less than £25,000 in value and less than 1 per cent of issued share capital. But nonetheless, given the topic of funding the proposed changes, I wish to declare. I will abstain but I do not know whether you need to rule it as a direct pecuniary interest or not.

**The Deputy Bailiff:**

Thank you, Deputy Alex Curtis. In view of the modest size of the shareholding, we have noted the declaration, but you do not need to abstain or refrain from participating in the debate. Any other declarations? Minister, do you wish to propose the Regulations?

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

Very few Islanders will not have heard of P.F.A.S. (per- and polyfluoroalkyl substances), a group of manmade chemicals that can have adverse health effects. In this debate on the principles, I am seeking the support of the Assembly to set a standard in relation to the level of P.F.A.S. in the mains water supply and to specify a date when this new standard will come into effect. This is a matter of public confidence. Islanders are aware of P.F.A.S. They are aware of the risks. They expect us to act on the best available evidence setting a clear standard and a clear timeframe to achieve it. We can provide assurance that this issue is being addressed with the seriousness that it deserves. I was asked earlier in the sitting why I did not consult on this amendment prior to lodging. I will reaffirm my response now. I gave a Ministerial commitment to bring forward a robust regulatory standard for P.F.A.S. in Jersey and I was conscious that, had I not lodged, we would not have had the opportunity to debate this important matter before the election. I believe that the time to discuss this is now and not in 6 months' time with a new Government. I appreciate that there will be many views and the debate will bring forward many options and opinion. There will be some questions currently unanswered and more clarity could be sought, but this Assembly floor is the precise place to have this debate, and I have faith that we will arrive at a decision that is the right one for our Island. But let me say a bit more about P.F.A.S. and the focus of our deliberations. Jersey is not alone in facing P.F.A.S. challenges. Many countries are already tightening limits and taking actions while others have started their research and policy development. In fact, Members may have seen the programme on ITV on Sunday evening focusing on the residents of a small village, Bentham in North Yorkshire, where high levels of P.F.A.S. have been found located near a firefighting foam manufacturing facility. P.F.A.S. have commonly been used in industrial processes and consumer products globally for several decades and are now present in the environment worldwide. Due to their chemical structure, they are highly resistant to degradation processes and they persist in water, soil and other environmental media over long periods of time. For this reason, they are often described as "forever chemicals". Human exposure to P.F.A.S. may occur through a number of pathways but principally through consuming food and drinking water. The potential health effects associated with P.F.A.S. exposure are an evolving area of scientific research and different P.F.A.S. are understood to have different properties and effects. The health outcomes that have been associated with exposure to P.F.A.S. at high concentrations are an increased risk of developing testicular or kidney cancer,

increased cholesterol, reduced vaccination efficiency in children and reduced duration of breastfeeding in exposed mothers. These health effects are specifically associated with high levels of exposure; for example, for those living around airport hotspots who drank borehole water with levels far exceeding guideline limits. To return to the Jersey context; firefighting foams containing P.F.A.S. were historically used at Jersey Airport and elevated levels of P.F.A.S. have been identified in the ground water in parts of St. Ouen's Bay and in surface water streams flowing south from the airport. Subsequent environmental Island-wide testing has also identified the presence of P.F.A.S. in ground water and surface water streams elsewhere across the Island, which is not directly connected to the activities at the airport. While water sources where the higher levels of P.F.A.S. have been identified and removed from the public network, such as in St. Ouen or in Pont Marquet, the continued presence of P.F.A.S. in the environment has prompted consideration of P.F.A.S. levels in the public water supply, which I must ultimately regulate to protect users. Recognising the seriousness of P.F.A.S., the Government of Jersey established a specialist P.F.A.S. Scientific Advisory Panel in 2023. As with lots of topics in today's world, everyone suddenly became an expert. However, our panel really are experts. The chair, Steve Hajioff, has 35 years' clinical medical experience, has acted as chief medical officer, has advised the World Health Organisation, World Bank, European Union Governments, U.K. departments, several N.H.S. (National Health Service) bodies and has expertise in chairing scientific panels. Tony Fletcher is an environmental epidemiologist and professor at the London School of Hygiene and Tropical Medicine and has, for 40 years, experience of studying the exposure, biomonitoring and health impacts of P.F.A.S. Professor Ian Cousins is a professor of environmental organic chemistry at Stockholm University with 26 years' experience in P.F.A.S. research. He leads a research group focusing on understanding the sources, transport, fate and exposure of P.F.A.S. in the environment. Together, the panel has reviewed global scientific, medical and public health evidence and literature relating to P.F.A.S. They have heard from dozens of world leading experts in P.F.A.S. over the past 3 years and they have been on Island and met Islanders living in affected areas. The panel works always in public in the material presented to them and in their deliberations on recommendations and conclusions. Their reports are issued in drafts and they invite Islanders' input at each stage. In response to Members' concerns yesterday as to whether the panel had considered feedback provided by Jersey Water, the chair of the P.F.A.S. Panel in the public meeting last Thursday stated that: "The panel has reviewed all feedback as it came in using a screening approach to see whether anything warranted a major change and nothing had triggered a significant change so far, but that does not mean changes could not be made later." They continued to add that their recommendation in terms of the limit and the timeframe was based on what has been achieved and is practicable globally. The panel were asked to make recommendations in terms of the appropriateness of setting a regulatory limit for P.F.A.S. in mains drinking water in late 2024, when they started their research on environment exposures of P.F.A.S. They delivered their recommendations in August last year, reviewed them and confirmed them again in December 2025 and, last week, they published their final completed Report 4, confirming their recommendation for an enforceable limit in the mains water supply. I emphasise this because the development of this policy has been in the making in the public domain for 18 months and more. We have spoken at length about the limits and what is achievable. I have taken the advice of the P.F.A.S. Panel seriously, and I have acted on their recommendations as I believe it is thorough, grounded in scientific evidence and a proportionate approach. My amendment to the law introduces a new enforceable limit for P.F.A.S. in mains drinking water of 4 nanograms per litre for the sum of 4 P.F.A.S. to be achieved in 5 years. This figure was, in the panel's considered judgment, the appropriate standards to protect public health. We have seen comparable approaches in other jurisdictions where similar limits have been adopted in response to evolving scientific understanding. It is not true that Jersey is leading the charge, as was stated here yesterday. While we are ahead of the U.K., some E.U. (European Union) countries and others around the world have already introduced statutory limits in recognition of the global concern. Members will be aware that there are different opinions on the timescale and the deliverability of this limit. However, my suggested timeframe is

again grounded in evidence. The P.F.A.S. Panel has considered real-world examples of treatment solutions being designed, constructed and brought into operation within a period of around 3 years. Evidence was presented from projects in Sweden, Germany and the United States, demonstrating that technologies such as granular activated carbon and iron exchange are established, effective and capable of being implemented within this timeframe, even in sites with complex physical constraints. Jersey Water also presented to the panel in public their preferred solution at the time, being granular activated carbon and iron exchange, at their existing water treatment works. Based on this international evidence and on presentations from Jersey Water, the panel concluded that a 5-year implementation period would be achievable and reasonable. As I mentioned in my response to the oral question yesterday, my amendment allows for the practical realities of infrastructure delivery through dispensations within the law itself. Dispensations have been used for many years and are built into the law to allow for when things are outside the water company's control. Some Members are concerned about setting a timeframe before the technical solutions have been designed, tested and costed. However, setting a clear timeframe is important. At a defined and enforceable date, there is a risk that progress is slow or deferred. Establishing a statutory limit with a clear point by which it must be achieved creates certainty. It provides a strong signal to all involved that this is a priority and that action must follow. We have seen in other areas, such as nitrates, that setting a firm standard drives co-ordinated effect and long-term improvement. Indeed, the panel in their public meeting last Thursday, said that: "Without pressure of a limit, there can be a temptation not to move quickly and that setting a target can act as an incentive." More broadly, this amendment responds directly to public concern. Members will recall last year's petition calling for action on P.F.A.S. in drinking water. I made a clear commitment at that time to bring forward a regulatory standard within this Government term stating: "I plan to introduce the standard in this Government term with a phased implementation period." This amendment delivers on that commitment and does so in a way that is grounded in scientific evidence. In bringing forward this amendment, I have been guided by one central principle; that decisions of this nature should be led by evidence. The recommendation of the panel represents the most robust and comprehensive assessment available to us. It is right that we reflect those recommendations in law. Members raised questions earlier in this sitting about whether there has been a "polluter pays" consideration to the anticipated costs Jersey Water will face in reducing P.F.A.S. levels. We must remember that P.F.A.S. is a historic and widespread global issue, with multiple sources accumulated over many decades. Although we have identified and isolated some local sources from the water supply, Island-wide P.F.A.S. levels would still require treatment regardless. Because the pollution cannot always be attributed to a single responsible party, enforcing a "polluter pays" approach in this context is extremely challenging. Comments have also been made about Jersey Water's wastewater filter cake and its suitability when applied to land. I want to be clear about what the evidence shows. The testing, which has been shared with the panel, indicates that, in the fields where filter cake has been applied, the results have shown no cause for concern. Based on this evidence, the panel agrees with this conclusion. Some Members feel that we should wait until the World Health Organisation brings forward their own recommended limit in 2027. Any W.H.O. figure will need to consider the broad differences in the different capabilities in water infrastructure and treatment across countries globally. As a result, it is likely to be a limit that all countries could achieve and, therefore, one higher than is recommended to us by the P.F.A.S. Scientific Panel. The first of the W.H.O. guidelines is that Member States should strive to achieve concentrations in drinking water that are as low as reasonably practical, and this is what the P.F.A.S. Panel have considered for Jersey in setting a drinking water level which is evidence-based, health driven and practical. I should quickly set out the key principles of the law. The regulatory framework for the quality of water supply to the public is set out in the Water (Jersey) Law 1972. For the purposes of the law, the Minister for the Environment is the regulator and water quality standards intended to protect human health are described as "requirements for wholesome water". The law provides for the standards that define wholesome water to be set out in schedules and allows for those standards to be amended by regulation. This enables new substances, additional parameters or

revised limits to be introduced where appropriate without any need for primary legislation. It rests with me as the Minister for the Environment to propose such changes by regulation when required. At present, there are no statutory standards in the law for P.F.A.S. in Jersey. In the absence of local regulatory limits, Jersey Water monitors P.F.A.S. in the public water supply by reference to standards in other jurisdictions to ensure the quality of water supply to consumers. Jersey Water's public water supply currently meets existing United Kingdom and European Union guideline values for P.F.A.S. These draft regulations would introduce a statutory standard for P.F.A.S. in water supplied to the public by Jersey Water by amending the schedule to the law. The schedule currently includes a table of chemical parameters together with their permitted maximum concentration or value and units of measurement. The proposed P.F.A.S. standard, including a date when it would come into effect, would be added to the schedule within the existing table. Put simply, Members, if we fail to set limits and associated timescale for implementation, we are effectively sending out the message that we are not taking P.F.A.S. seriously. It is my view that we need to get moving on this. Action is needed to safeguard the health of Islanders and provide them with long-term assurance in relation to the quality of mains drinking water. We cannot be in a position, surely, where an increased risk to health has been identified, where we have an expert panel making recommendations on how best to proceed and where we then fail to put forward measures to safeguard Islanders, many of whom are very worried. I ask for Members' support, in concluding the principle speech.

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

Sir, can I ask a point of clarification from the Minister?

**The Deputy Bailiff:**

Yes.

**Deputy J. Renouf:**

The Minister said that the report that was produced was the final report. Can he clarify that because my understanding was it was the final version of the interim reports and the final version would be produced later in the year? I wonder if he could be absolutely clear about that point.

**Deputy S.G. Luce:**

Yes, I am sorry if I inadvertently misled the Assembly. The report that was produced from the panel last Thursday was the final draft report. That draft report has been circulated to all stakeholders so that Islanders can input into that report before the panel finally publishes for the last time in a few weeks' time.

**The Deputy Bailiff:**

Are the principles seconded? Was that a yes? **[Seconded]** Does any Member wish to speak on the principles? Deputy Jeune. Sorry, Deputy Gardiner, you recorded your light first in fact, so Deputy Gardiner.

[15:00]

**8.1.1 Deputy I. Gardiner of St. Helier North:**

I did second because I would like to congratulate the Minister for bringing this amendment to the Assembly in this term. It is sticking with his commitment to the public into the Assembly and standing firmly in this belief. Today is the first time this Assembly has been asked to place a legal standard on P.F.A.S. in our drinking water, and that matters for me because once a standard is written in law, it defines what is considered safe. It is in the law what exposure we are prepared to accept for every Islander. As the Minister said, P.F.A.S. are known as forever chemicals. They do not break. They accumulate in our environment and accumulate in the human body and the Government's scientific panel's report, as the Minister said, confirmed that. P.F.A.S. has been found

in groundwater streams and public water supplies. It links, as the Minister said, to health outcomes, including impact on the immune system, cancers, neurological development and liver function. This is not new and, Minister, we have all known that P.F.A.S. contamination in Jersey for decades is linked to the historic use of firefighting foam at the airport. This is not an emerging issue. It is longstanding and this is why, as the Minister said, the Scientific Advisory Panel was established to review evidence, assess risk and recommend standards that protects Islanders. They carried out work. They reviewed international studies, engaged with global experts and their clear recommendations; 4 nanograms per litre to be achieved within 5 years. Why I stop here is because, as the Minister said, there are different directions about the numbers, but it is really important to understand the number which sits with the science. This European Food Safety Authority assessed chemical risk across Europe and they put tolerated weekly intake, the level of exposure considered safe over a lifetime, and this level is extremely low, crucially in a total intake figure. When we are talking about the weekly intake, I was thinking about water because we can get this intake from water, from food and from the wider environment, and water is only typically around 30 per cent of exposure. When we set the standard for water, it is really important because of the share of total intake and how much our body will intake safely because we still will get P.F.A.S. in our body. If the P.F.A.S. in our water is higher than the panel recommended, there is really little room left for anything else for another impact of P.F.A.S. of the environment coming into our body weekly. This is why the panel recommendations are missing and this is really sticking with clear panel recommendations of 4 nanograms. The Minister mentioned other jurisdictions that have gone with this number but Denmark set 2 nanograms per litre. OK, we do not need to follow. We are not leading but at least we can stick with the 4. Let me be clear. I propose completely a statutory P.F.A.S. standard because having no standard is no longer acceptable, but setting a standard is not the end of the conversation for me. It is the beginning. It is important if we regulated this level, the data that underpins - and this is why I am raising it here because we progress with the debate - must be accessible and open to scrutiny and it must extend beyond drinking water. Wastewater, and disposal of P.F.A.S. also matter because P.F.A.S. does not disappear. It moves. We need understanding and transparency as to where it goes. The P.F.A.S. does not wait. P.F.A.S. continues to be there. The question that we are asking now is it is accumulated in soil, water and other bodies and impact is not evenly distributed. The Minister mentions various health implications. The impact is not even. They fell hardest on children, pregnant women, elderly and those with weakened immune systems. We have also seen trends that should give us pause. My children require additional support than before. I am not saying that P.F.A.S. is the sole reason and cause, but there is growing evidence linked between early life exposure to impacts on the development and when there are signs moving forward and concern, especially for children and the responsibility, we cannot delay the response. We have been told the cost may be significant but even within the supporting materials, there are different solutions that can be cheaper. I could not see that they have been yet fully assessed, the final approach is still uncertain and we are being asked to accept a high exposure level now based on costs not yet confirmed using a solution that is not yet decided. This is not evidence-led policy. There is another "but". Obviously, we must support today the Minister and, within 5 years, I hope it will be delivered, but we do not need to wait for all 5 years, from my perspective, and this is why I want to raise it here. Because if it were raised during the debate, to the single large infrastructure solution, there are areas that we can act now. For example, targeted filtration in schools and public buildings protecting those that are most at risk. Two schools have already taken this step. That shows that it is possible and that progress can begin immediately. It is not about choosing between action and possibility. It is about choosing where we act first. We also need to reflect on how we engage with the public, and the Minister always was engaging with the public. The people who are raising a concern, it is not a problem to manage. They are part of the conversation, they are managed and that engagement matters because it reflects something important. Islanders care about their health, the environment and the decisions we make in this Assembly and, for me, I would like to, before I finish, relate to the expectation. It is another minute. We move forward with urgency, with transparency and with a firm commitment to protect

Islanders that we act before this becomes a consequence and because when it comes to protecting Islanders, it is still acting too late, and I will be supporting these principles.

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

I rise on behalf of the Environment, Housing and Infrastructure Scrutiny Panel. The panel supports the principle behind this proposition. We recognise the very real public concerns around P.F.A.S., and we support the intention by the Minister to introduce a security standard framework to reduce P.F.A.S. levels in Jersey's drinking water. We also recognise the significant work undertaken by the independent Scientific Advisory Panel, Government officers and the Minister for Environment and other stakeholders to move this issue forward. This is important for public health and the long-term protection of our water supply recognising that, as others have said, today's water is within E.U. and U.K. drinking standards. However, while we support the direction of travel, the panel has taken - and I would like to emphasise this - considerable time and care before reaching the conclusion that we must call in this proposition once the principles have been voted on. We have not done so lightly. Our role as Scrutiny is to ensure that the Assembly is making decisions based on a clear, robust and shared evidence base. From the work we have undertaken, including public hearings with the Minister and direct engagement with Jersey Water, it is clear that a number of key issues remain unresolved. This is evident and highlighted in the questions on Tuesday for the Minister for the Environment and the Minister for Treasury and Resources that many Members are still grappling with the Minister for the Environment's proposal and subsequent amendments from different Ministers that take the standard and timeline in different directions. At this stage, given the significance of this issue and the very late point in the political cycle, the panel does not consider it possible to provide the Assembly with clear assurances either in support or against the Minister's proposition or in favour of any of the other amendments. I would now like to highlight some key elements of the panel's comments paper and set out the evidence and understanding that we have gathered to date. Firstly, the proposed standard. The introduction of a 4 nanograms per litre limit is based on the interim findings of the Scientific Advisory Panel, which was part of their draft report which has 31 recommendations. This report was published last Thursday, although there has been an interim report published earlier this year that focused specifically on mains drinking water. We absolutely support that work. Though we have been asking P.F.A.S.-related questions at our quarterly hearings to the Minister to keep abreast of the work, and we held a P.F.A.S.-specific hearing only on Friday, there has been no opportunity for full scrutiny of those recommendations to date. Secondly, the question of technology. At present, it is not clear what solution will be used to meet this standard. We have heard differing views. The Minister has indicated that treatment technology such as granulated activated carbon and iron exchange could be installed at existing treatment works. However, Jersey Water has told the panel that retrofitting these technologies would be extremely challenging and then consistently achieving a 4-nanogram limit is likely to require entirely new infrastructure. This goes to the heart of deliverability, and we have not had time to scrutinise either claims or understanding the timeline of any analysis or evidence that was put forward to support the Minister when making his decision to bring this standard and timeline to the Assembly for debate today. Thirdly, on the timeline, the proposition sets a 5-year timeframe. Yet Jersey Water has been clear that, in their words, it is highly ambitious and, more realistically, would take at least 7 years, particularly if new infrastructure is required. The Minister was clear that there is the possibility of future derogations if the timeline cannot be met, which currently happens with nitrates levels in our water, but our concern is that the Assembly is being asked to approve a statutory requirement without confidence that it can be delivered within a timeframe set. This position is further complicated by the number of amendments now before the Assembly. One amendment has come from a Minister, another from a Member who also holds Ministerial office but has brought his amendment in a personal capacity. Both will have had access to more information through their respective roles than the panel have been able to obtain at this stage, particularly as we have not yet been able to launch a full review. The differing approaches reflected in these amendments suggest that even those closest

to the policy work are not aligned, which makes it challenging for the panel and indeed for Members to assess the deliverability of the timelines being proposed. Fourthly, funding. At present, there is no agreed funding mechanism. We have heard very different cost estimates from tens of millions to potentially over £200 million. There is also no clarity on who will pay, whether Government borrowing will be required, or what the impact will be on Islanders' water bills. These questions are fundamental to informed decision-making. Fifthly, alignment and clarity within Government. As mentioned already, the panel notes that amendments have been brought forward which reflect differing views on the appropriate way forward. While we do not currently comment on the merits of individual amendments, their existence highlights that there is not yet a single, clearly agreed pathway, especially when uncertainty is also reflected in the evidence we have received. Finally, in the wider picture, P.F.A.S. is not an issue that can be solved through water treatment alone. It requires a whole-Island approach, including monitoring, prevention, land use management, and engagement with multiple sectors. The Scientific Advisory Panel itself makes this clear. As we have heard, P.F.A.S. is unfortunately everywhere. Even at the Scientific Panel's launch of its draft report last week that I attended, one of the members said that, even in rain, P.F.A.S. can be up to 2 nanograms per litre, even when it rains; the rain itself is 2. The panel worked at pace to scrutinise this proposition as much as we could. As I said before, we even held a public hearing on Friday, and we were still receiving substantive new information from stakeholders just days, and in some cases hours, before lodging our comments yesterday afternoon. That information raised further questions that we have received since the hearing, which we have not had sufficient time to explore properly. In those circumstances, and in order to fulfil our responsibilities to this Assembly, the panel believes that calling in the proposition is the only sensible and proportionate course of action. Let me end where I began. The panel supports the principle of introducing statutory P.F.A.S. limits.

[15:15]

We support the direction set by the Scientific Advisory Panel, and we agree that action is needed. However, as the Minister has acknowledged, any standard must be reasonably practicable. At this stage, we do not believe the evidence base is sufficiently complete to demonstrate that it is. Significant questions remain around deliverability, cost, technology and timescales. Until these are resolved, the Assembly cannot be asked to proceed with full confidence. For legislation of this scale and long-term impact, the Assembly deserves, and I hope the public expects, greater clarity. It also raises a fundamental question. Can we reasonably set a statutory standard without fully understanding the cost and deliverability implications? For that reason, the panel has taken the decision, and it has been a hard one, to call in the proposition. However, we want to be equally clear that this work must not be lost. We strongly encourage the next Government and the next Minister for the Environment to bring forward revised proposals earlier in the next term; proposals grounded in a complete evidence base that is capable of withstanding thorough and informed scrutiny. I also call on Jersey Water to continue at pace as this standard is developed and the timeline to be tightened, because it will be back as soon as possible, and they will need to be able to deliver what is being asked of that standard. This is about getting it right, rushing legislation through at the end of term risks unintended consequences and creating expectations that may not be deliverable, particularly around achieving the 4 ng/L (nanograms per litre) within 5 years, and when there is not yet sufficient evidence to give that confidence.

### **8.1.3 Deputy Sir P.M. Bailhache of St. Clement:**

I would like to begin by thanking the Scrutiny Panel for an excellent and very helpful report. I quite understand the decision they have made to call in the regulations if the principles are adopted. My problem is whether the principles should be adopted, because I am not clear what those principles are. Is the principle that we should have a statutory limit of a certain level of nanograms per litre in the water supplied by the water company? If so, I would obviously support that. Or is it that, in principle, there should be a limit of 4 nanograms per litre, as recommended by the expert panel? If

so, again, I would be inclined to vote in favour. My problem is that the Minister says that the principles are different. The Minister says that he wants to set a limit and specify the date by which it should be brought into force. That is critical for me because, as we know, there are a large number of amendments that will not be debated that touch on that. The issue is more complicated than that. The recommendation of the expert panel was not just that the limit should be 4 nanograms per litre, but that it should be implemented, and I quote: "... as soon as reasonably practicable, ideally within 5 years." That word "ideally" seems to have been omitted from some of the text quoted in the Minister's report. The panel has not made any specific recommendation as to timing except that it should be done as soon as practicable. That question of practicability involves questions of technicalities, i.e. what the best way is to do it. Finance; what is the cost? None of those have really been considered by the Minister. The Minister gave an undertaking, which he explained to us, and he has complied with that undertaking to bring the matter before the States. However, it seems to me that these technical and financial considerations are absolutely crucial. We do not know what the best technical solution is because Jersey Water is still conducting trials. We do not know what the capital cost or the running costs are. All we do know is that, on the basis that Jersey Water has to implement the recommendation within 5 years, they cannot afford to do it. They have other capital commitments in the pipeline. The Government will have to provide the finance. I am not clear why the statement at the end of the Minister's report states that there are no financial implications for the Government. It seems to me that there are very substantial financial implications for the Government if it has to borrow £200 million in order to back up Jersey Water's obligation to carry out this work within a period of 5 years. I do not think that we should be voting for the imposition of a statutory obligation upon Jersey Water within the timeframe suggested by the Minister, which is the critical part, in the absence of this missing information. Jersey Water is a well-run local company. It is committed to the principle of reducing P.F.A.S. in the mains water as quickly as possible. It does take its P.F.A.S. obligations seriously. If we approve the principles of these regulations, what is the company going to feel obliged to do? The principles, as the Minister tells us, are to carry out this work within the timeframe specified in the regulations, not dealing with any of the amendments, the principles concern the timeframe specified in the regulations. That seems to me to place Jersey Water in a very difficult position. They have a decision of the States, which says that within 5 years they have to bring the P.F.A.S. level down to 4 nanograms per litre. Do they ignore that on the basis that the rules relating to the elections will require the regulations to fall? There is still a resolution of the States, which is on the record. The Minister has fulfilled his obligation. He has brought the matter to the States. I would have liked him to withdraw these regulations and the principles. If the Minister is not prepared to do that, I would like him to make it clear that the principle we are debating is simply one of imposing an obligation on Jersey Water to bring the P.F.A.S. level down to 4 nanograms per litre, but without a timeframe. If the Minister is prepared to do that, I would be inclined to vote for the principles. Otherwise, I fear I shall have to vote against them.

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

I want to start with a positive message. I hope Members will forgive me for a light-hearted comment on a serious matter. There is some good news regarding P.F.A.S. It comes from the meeting held last week to introduce the Scientific Panel's latest interim report, which I attended. Members will know that P.F.A.S. is ubiquitous. It is everywhere in our world. It is in our food, our clothes, and so on. If you are worried about P.F.A.S. levels in Jersey Water, there is a way to reduce your P.F.A.S. exposure. According to the panel, the secret is to drink vintage wine. Vintage wines from the 1960s and earlier were made before P.F.A.S. became ubiquitous in the environment. As long as you stick to the oldest and most expensive vintages, you should be fine. I do accept that there are some issues around social justice. Perhaps the Minister for Social Security could look into making 1945 Château Mouton Rothschild available as a social security benefit. Not enough bottles left, the expert in the corner there says. But to get to the main point, to get one thing out of the way, I support the principle that we should set a standard. I support the Scientific Advisory Panel's judgment that the 4 ng

standard is a good one to set for Jersey. It is demanding, but I think that is a fair standard to aim for. However, I am not at all certain about the timetable. In fact, I would go further. This is a hot mess. It is a political hot mess. Let us recall that the Minister has conceded that he essentially bounced, the Chief Minister, the Council of Ministers, and Jersey Water, not to speak with the Assembly and the public, into not just the 4 ng standard, but the 5-year timetable. In my view, the 5-year timetable should be based on the most rigorous analysis of the trade-offs between a precautionary public health principle and the practicalities and costs of achieving it. That this has not happened is blindingly obvious. The Minister has relied on an invented principle that it is his job to set the standard as a regulator and the matter of cost is not his business. That is not how it works. Regulators always have to consider cost. The test that is generally applied in the U.K. and throughout Europe is that a regulator should set the best available standard, where the key word is “available”. That is understood by regulators as technology that can be implemented under economically and technically viable conditions. A regulator in general cannot simply require the best or most advanced technology imaginable in any timetable they fancy. It must be something the sector can realistically adopt without being rendered economically unviable. That is a core principle in setting regulatory standards. The Minister has tried to argue that he was led to believe that it would not cost £150 million to £200 million to meet the 4-nanogram standard in 5 years and that the necessary treatment could be provided by adapting existing plants. But he was told about the likely costs by Jersey Water in the middle of last year. I will come back to that in a moment, but first let us look at where we are today. The Minister has based the 5-year timetable, not on the draft final report by the Scientific Advisory Panel, which is the point I just clarified, but on the final version of the draft report. The Scientific Advisory Panel’s report has not been finished. In particular, the draft report does not take account of feedback that the panel have been given since the first version of the draft report was submitted a month or 2 ago. I was at the meeting that the Minister mentioned and he was not, so I presume he is relying on a report from officers who were there when he says that the panel had taken into account feedback from Jersey Water. That is not quite what was said. What was said was that they screened feedback for significant impacts and did not change their view. They did not confirm that they had seen the Jersey Water report and considered it and rejected the argument. A small distinction, but I think an important one. Because that feedback from Jersey Water includes detailed information from them about the true costs of meeting the 4-nanogram standards within 5 years, or at least what Jersey Water consider to be the true costs, or 4 years and 9 months as it now is. At that meeting, both Jersey Water and I asked questions of the panel. Jersey Water asked whether it was appropriate for the panel to make their recommendations without taking into account feedback on their first draft; the feedback from Jersey Water that challenged the panel’s argument that 4 nanograms in 5 years was possible.

[15:30]

The chair of the panel accepted that the criticism had some validity. He admitted they had acted under pressure to meet a deadline. His rationale was that it would get confusing if they kept changing recommendations between drafts. He confirmed that all comments, including those from Jersey Water, will be considered and acted on for the final report. But of course that final report is unfortunately due out after we finish. So, to be clear, we are being asked to make a decision before the report is finished. I asked what had led the panel to 4 nanograms and how committed they were to 5 years. The answer was that it was a compromise. The phrase the chair used was the panel went back and forth. Some thought faster, some thought slower, which is interesting, is it not? The panel were not sure. It was a compromise decision. Fair enough, but we should know that. What did they rely on in making ... I see there is no timer on, I am slightly concerned.

**The Deputy Bailiff:**

You are still being timed, Deputy.

**Deputy J. Renouf:**

Sorry?

**The Deputy Bailiff:**

You are still being timed.

**Deputy J. Renouf:**

It would be helpful to see. What did they rely on in making their choice about 4 nanograms in 5 years? They relied, as the Minister said, on subject experts in other countries. Multiple international experts felt that Jersey should be able to meet this standard in this timetable. But they did not rely on feedback from Jersey Water, the one local expert with the most knowledge. That was not entirely their fault. They were asked to produce an interim report and they judged that, given the timetable; they did not have time to consider all the feedback. The Minister referenced their view, which is correct, and I certainly heard them say it, that unless a timetable is imposed there is a temptation for slippage. That is a fair point. But I do want to make a brief point about other jurisdictions and how they met their standards. There are several reasons why that is not necessarily so relevant to Jersey. Other countries have much greater land area, so new water treatment plants are easier to site and easier to deliver. They also have large bodies of water, large uncontaminated, or nearly uncontaminated areas, which they can draw upon when they take out of the supply the highly contaminated areas. In fact, in the countries that I was able to research that had highly contaminated hot spots, their response was not to treat the hot spot areas or the highly contaminated areas, it was simply to remove them. If they had a 12-nanogram area, they would probably just take it out of supply rather than try to treat it. So there are other ways for large jurisdictions to approach this that we do not have available. I said I would return to the question of the Minister said yesterday that the costs he was told about by Jersey Water in the £150 million to £200 million bracket that he felt they were based on 2 nanograms. Jersey Water have sent a letter to Scrutiny - it is public now I believe - which makes it clear that he was presented with the £150 million to £200 million figure in the context of the 4-nanogram limit at a meeting on 11th August last year. I challenge the Minister to release that presentation because I think it will prove my point. As far as I can see, it is simply demonstrably not true to say that he was not told of the potential cost of treating to a 4-nanogram standard within 5 years last year. We simply have to factor cost into this decision. We have to recall that the current 12-nanogram limit of P.F.A.S. in the water supply is judged safe, according to the Scientific Panel. The 4-nanogram limit is precautionary. It recognises what we all know to be true. We would rather not have any P.F.A.S. in our bodies but that is not possible. So we should drive levels as low as we can in case future evidence emerges that suggests that our current 12-nanogram levels do represent a public health issue. The risks around P.F.A.S. are a little similar I think to the situation with particulates in the atmosphere. There are a class of micro particles known as PM2.5, that are produced by combustion, particularly for example the combustion of diesel in vehicles. PM2.5s are closely linked to various lung ailments and they are also exceptionally long lasting and, in some cases, permanently retained in the lungs and in the body. PM2.5s are produced by motor vehicles, particularly diesel vehicles. Yet we would not propose a ban on the internal combustion engine because of that. We would accept that we had to be proportionate. In fact we do have a net-zero plan that aims to eventually phase them out, but it is proportionate to the risk. I would say as an aside, it is interesting that when the Minister justified his decision to abandon the ban on the import of diesel vehicles from 2030, he made much of social justice. It was his guiding principle. Now, perhaps not so much. Jersey Water would have to virtually double their bills to pay for a new treatment plant within 5 years. How will that impact the less well-off in Jersey? The Minister has produced a get-out clause, which is that he could issue derogations if Jersey Water were unable to meet the standard. I have to say that makes a complete mockery of the entire process we are going through. If the Minister is sitting there saying that the answer to the fact that 5 years is too difficult is: "Well, I will just sign a piece of paper saying they can ignore it anyway", then what on earth are we doing? Why are we bothering with all of this? We could set a standard for tomorrow, derogation,

does not matter. I think not a reasonable argument. So, in conclusion - I hope I have still got time, 3 minutes - I want to place on record my immense gratitude and thanks to the Scientific Advisory Panel. They were appointed when I was Minister, although I obviously was not involved in their appointment, and I have been consistently impressed with everything, their conduct, their work, the way they have handled public meetings. I think they have been tremendously impressive and my guiding principle has been to follow what they say. But this is an arbitrary timetable imposed by a Minister to meet a self-imposed deadline. The promise to do something is meaningless if the something is bad policy. We are simply not in a position to decide the best way forward at the moment. I cannot say whether we should choose Deputy Millar's amendment or Deputy Binet's or whether some third proposal might be better. The Minister says our decision should be based on expert advice and, as I say, I support the panel, I have supported the panel; yes, it should. But when we get to this Assembly, it is not just the expert scientific advice, otherwise there would be just a straightforward pass-through from the panel to legislation. We are here to apply our judgment, and that involves looking at the bigger picture, the wider picture. The costs and feasibilities are critical, as are the bigger picture in terms of other investments that may need to be made to expand water supply. For example, I am told that raising Val de la Mare reservoir would be a £300 million investment. If you add that to P.F.A.S., we could be looking at ½ a billion pounds of investment in water within the next 5 or maybe 10 years. We need to understand this in terms of the bigger picture. Think about it this way, if we were not facing an election, if this proposition had come in a year ago, would it have been called in by Scrutiny? Of course it would have. The chair of the panel is absolutely clear the panel do not have enough information to make recommendations. The way forward is clear. I take on board Deputy Bailhache's point, he is concerned what is meant by the principles. I remember asking your predecessor, Sir, about what is meant by the principles, and the answer, to paraphrase, I may be being slightly unkind here, is they are slightly what you want them to be. The principles are the intent behind the whole proposition, as I understand it. I am content to vote for the principles on the basis that it is a 4-nanogram limit and that there should be a timetable set. What that timetable should be I think is a question that we should consider or that another Assembly should consider when they have more information in front of them. So, for me, the way is clear, pass the principles to indicate the way forward, the direction of travel, the principles involved, with a strong caveat around the timetable, but go no further until we have that information.

**Deputy T.J.A. Binet of St. Saviour:**

There are a couple of things - I just figured my naivety - but can I just check that if we establish these principles, those principles do carry on to the next Assembly so it would be that we have got a fixed timetable and a limit, or does the whole thing start again?

**The Deputy Bailiff:**

The decision of this Assembly is not binding on the next Assembly.

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

Not in the least. OK. I think from a technical point of view, I will come to my point in a second. The next thing I need to deal with is conflict of interest and I am sorry, we have got a very busy week and I am sorry if this is a bit tedious, but as Members will know, a lot of emails get circulated about the businesses that Deputy Binet and I are involved with. The first thing that has been levelled at us is that we are benefiting from the position with the stance we have taken on P.F.A.S. because a business that we have got sells P.F.A.S. filters. I just want to declare openly that I made some inquiries over the weekend, I think over the last 18 months we have sold 20 under-the-sink units for the retail value of £6,000 or £7,000. I think that would be, relative to the company's turnover, *de minimis*, it is negligible, and we have gone to the extent of stopping advertising them so that there is no appearance of conflict of interest. Today, all Members will have received another email accusing us of selling agricultural chemicals containing P.F.A.S. We do sell some agricultural chemicals, I

think in terms of our total retail it is less than ½ a percent of turnover and I have no idea which of those chemicals, if any, contain P.F.A.S. They may, I have been getting people to try and inquire. They cannot find any evidence of P.F.A.S. at the moment but there might be some P.F.A.S. I would venture to suggest that we sell an awful lot of things that contain P.F.A.S., so I just ask for you to confirm whether you are comfortable for me to carry on.

**The Deputy Bailiff:**

Thank you for raising this, Deputy Binet. I think in view of the fact that you have a very specific interest, which is not shared by a wide section of the population, I think under our rules you do have a conflict of interest.

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

That troubles me slightly. The filters involved, I can buy them from Amazon any day of the week and there are a number of different suppliers here for those products. As far as agricultural chemicals are concerned, I am not even certain that we are selling anything that contains P.F.A.S. This has just been brought to my attention today. I can assure Members that none of the decisions I am making here are ever designed to benefit me. If I wanted to work to my own benefit (a) I would not be here in the first place and (b) I would be supporting Deputy Moore's proposition and keeping very quiet because I think her proposition would involve the fitting of about 70,000 units, and then I would have a conflict of interest. But under these circumstances, if I am ruled to have a conflict of interest here, I would just as well leave the Assembly because we sell tractors that have got oil in, they have got P.F.A.S., we probably sell spraying equipment that will contain the chemicals. I mean where does it stop? I just do worry from a point of principle that, if that is right, I would probably be ruled to be in trouble from a conflict point of view on everything.

[15:45]

**The Deputy Bailiff:**

Deputy Renouf, do you have a conflict to declare?

**Deputy J. Renouf:**

No, but I am in the unlikely situation of wanting to ride to the rescue of Deputy Binet. I wanted to ask for further clarification of a ruling from you really about your ruling you have just made now.

**The Deputy Bailiff:**

I was about to clarify it further, but do you wish to ask me the question?

**Deputy J. Renouf:**

The point I would ask you to clarify is which bit of the information that Deputy Binet ...

**The Deputy Bailiff:**

It was really in relation to the selling of the P.F.A.S. units. Are there any other suppliers of P.F.A.S. treatment units in the Island?

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

Yes, there are a number of different water treatment units.

**The Deputy Bailiff:**

How many other suppliers?

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

I think 2 or 3 other companies, but you can buy them from the internet and you can get your local plumber to fit them. As I say, we have withdrawn advertising, it is not damaging the business because

this is such a very small percentage of what we do. We have been doing water treatment since we bought the company 25 years ago. The water treatment covers all manner of treatment that has got nothing to do with P.F.A.S. and we only found out that we were selling those filters last summer, when somebody brought it to our attention, and we had sold 4. Like I say, I am sure if I went through the product range that we sell I will find that I have got a conflict of interest, I would really have to leave the Assembly. It becomes impossible in a small community. Thinking about it, I think we might sell some protective clothing to the Infrastructure Department; we did at one point in time. I would have to check, but we have made these declarations in our standard declarations and I think everybody knows.

**The Deputy Bailiff:**

If you have made the declaration ...

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

Declarations have been made at every stage throughout the course of it, the ownership of those companies, the shareholding. I do not know whether I would be required to list the product range but it would be quite extensive and it would be a lot of work for people to analyse. Anyway, I have to leave it there, leave it in your hands.

**The Deputy Bailiff:**

Deputy Gorst, are you wishing to ...

**Deputy I.J. Gorst:**

I do not wish to be unhelpful, but it would seem to me that both Deputies declared their interest of their shareholding or ownership of this company, which sells a broad range of items.

**The Deputy Bailiff:**

That was the point I was wishing to arrive at. The declaration has been made and that is noted. In terms of your ability to participate in the debate, or even lodge an amendment, which you already have, or vote on the debate, then my ruling is that it does not deprive you from doing any of these things. You have made your declaration, that is noted and that is sufficient.

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

Thank you. That is something of a relief.

**The Deputy Bailiff:**

Deputy Kovacs, do you wish to speak?

**Deputy R.L. Kovacs of St. Saviour:**

No, I am a bit confused of what this declaration is.

**The Deputy Bailiff:**

He has declared ownership in a company.

**Deputy R.L. Kovacs:**

No, sorry, for myself, if I need to declare anything or not, given that this could be in the food of the restaurant that we run or it is confusing so it is up to you to rule.

**The Deputy Bailiff:**

I think, if you are aware of anything specific that you are concerned about, then raise it. But Deputy Tom Binet and Rose Binet's declaration is that they own a company that sells certain products such as P.F.A.S. units or some agricultural chemicals that may contain P.F.A.S. that they have made that

declaration, that is noted and that is sufficient. It does not deprive them of the ability to participate in the debate or vote on the debate. I hope that is clear. Very well, Deputy Binet, please continue.

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

Even though this does not look like it will carry forward, I think if we are voting on principles, we need to be clear. I think Deputy Jeune outlined things very accurately in her speech and that was backed up by some very helpful comments from Deputy Bailhache and indeed Deputy Renouf. I have to make it clear that it is not the appropriate time to do either of the 2 things that are tabled here, to set the limit or set the timetable, because if you set a limit and you extend the timetable, what you are still doing is you are obliging Jersey Water to make a decision that requires a long installation timeframe, which means it has to commit to a methodology before it has carried out its trial work. If it did end up being £100 million or £200 million, that decision has to be made soon. No amount of derogations at a later stage are going to rescue anybody. It might give them a bit longer but they have then committed to that exceptionally large sum of money. What my amendment did - all it did - was to suggest that we give Jersey Water the time to do their trial work so that we can make an informed decision about what equipment can deliver any particular level of P.F.A.S. contamination and then make the decision based on those 2 things. So we would know what level it could deliver and how much it is going to cost. With the sums of money involved, I will make no apology for that. Like everybody else, I want to have clean water for myself and for my family, from a selfish point of view. I paid to have my P.F.A.S. levels tested and they are quite high, the second highest of the people that I know that have had a test done. So I have got a conflict of interest there. I want my P.F.A.S. levels to come down. But it is not by setting a level at this stage and a timetable at this stage. For me, let Jersey Water do the trial work. We own 60 per cent or 70 per cent of Jersey Water, we can keep a very close eye on the work that they are doing, we can put a lot of pressure on them to do work in parallel to look at the types of equipment and do some essential work on planning how to get those things installed. We have got quite a complicated infrastructure for a small place, and that makes it that much more expensive. All of these things have to be taken into account and, as I say, I think Deputy Jeune highlighted all of those things, so I would urge Members, if we are establishing a principle, even if it is just from a discussionary point of view, we should be clear about what we are doing and we should not pin ourselves down to either of those things at this point in time. Yes, at some point in the future, of course, but not now.

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

I understand the difficult decision that the Scrutiny Panel have taken today and I do quite agree with Deputy Jeune when she says that Jersey Water should continue at pace to progress in finding solutions to meet the reduced level of P.F.A.S. that should be required in our drinking water. The report to my amendment, which I am disappointed not to be able to argue with Members today or to debate with Members today, in my report I argue that a swifter timeframe, one that sits within the 5 years that the Scientific Panel recommends for a lower limit of P.F.A.S. in our drinking water, albeit they still recommend that it should ideally be done within 5 years. So my report recommends or identifies that there are other solutions, such as I pointed out providing systems in every single premise and household in the Island or there, as have been shared with Members on numerous occasions, are other examples from around the world. If I recall correctly, there was one in Australia that was installed within months to treat a whole system. Jersey has had confirmed knowledge of contamination since 1985 with the originating events traced to 1984. That is over 4 decades of awareness. Therefore, the timetable is critical and we must, as an Assembly, take action in order to protect the health and well-being of Islanders. P.F.A.S. is not a theoretical risk. They are persistent bio-accumulative chemicals already present in our water, our environment, and in human blood, as Deputy Binet just referred. The science supports that we should not delay. The science supports that we should intervene in protecting human health, and I hope that Members will support the Minister for the Environment in his principles today, because this is a critical matter. I would also agree with Deputy Renouf that the

suggestion of derogations do however make a mockery of agreeing these principles today. We should consider and be very aware of the derogations that have been in place for many years on nitrate levels in our water, and I regret that those remain in place. Delay carries measurable consequences. Every year of postponed action prolongs exposure, increases cumulative body burden, and escalates future healthcare costs. Other jurisdictions have demonstrated what decisive action looks like. Germany identified and responded to major P.F.A.S. contamination within approximately 4 years through containment, treatment and regulatory intervention. The science panel itself recognised the need for urgency, recommending implementation within a defined timeframe, aligned to health-based thresholds. Even within that, additional time was already built in to accommodate operational constraints. Further delay moves beyond practicality and into avoidable risk. Yesterday, the charity Brighter Futures held a conference about early intervention. It is widely understood in this Assembly and outside that early intervention improves outcomes for children's future lives. The same principle applies to our health. The earlier we act on issues that impact upon the health of Islanders, the quicker we can improve health and well-being. That means cutting disease and therefore the need for treatment and, yes, that cuts costs. This is why we regularly debate alcohol limits, tobacco limits, and duties, to encourage Islanders to make healthier choices in their lifestyles. Members are not choosing today between cost and safety; they are choosing between immediate mitigation and prolonged exposure. The longer action is deferred, the greater the harm and higher the eventual cost, both financial, environmental and human. We can find savings elsewhere; we can and we must prioritise human health. Members must not forget the impact of this bioaccumulation in our bodies. Particularly let us consider the body of a child, a child weighing 20 kilos feels the impact of bioaccumulation to a much greater extent than an adult who may be 4 or 3 times heavier than that child. So, when we are putting children first, we should also consider very deeply the importance of responding to this in as quick a timeframe as you can, in order to put children first. I urge Members to support the Minister. He is doing the right thing here. Voting against the principles would, in my view, be risking the health of Islanders

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

I am following the speeches with interest, and I found the last speech to be very informative. I wanted to build on something that the Deputy said about children. Generally, the principle of this proposition, I am very much in agreement with it, but I do share some of the concerns that other Members have expressed that it is not quite quickly enough. Deputy Moore mentioned nitrates in water as well, and this is something that I asked some questions about in I think my first sitting as a States Member, and I focused on children in that question. When we talk about safe limits, this is something I really hope that the Scrutiny Panel, as I understand they are calling it in, will cover this because the Scientific Advisory Panel has mentioned this in their Report 3 on the testing monitoring of P.F.A.S. in the human body, that P.F.A.S. is present in breastmilk and that, nevertheless, women should still be encouraged to breastfeed because the benefits far outweigh the risks. But what I could not find in that reporting, and I stand to be corrected if it is mentioned elsewhere, is the impact on infants who are exclusively bottle fed.

[16:00]

Because my understanding of P.F.A.S. is that, when you boil water that contains P.F.A.S., it concentrates the P.F.A.S. levels in the water. When parents are making up bottles for their children and they are boiling the water to make the formula for their children, we might be feeding children formula that has higher levels of P.F.A.S. in it than is in the tap water that it originates from. That kind of nuance of how people are living and consuming water, that is something that we really need to take into account. As the previous speaker mentioned, look at children first and not just look at average levels across an average person in the population, because children are of course smaller as well; their bodies are physically smaller, so any P.F.A.S. exposure is likely to have a disproportionate impact on them. I would be grateful if the Minister could comment on any of that and whether has

that been covered by any of the scientific panels; is that on his radar? I know the Scrutiny chair is listening and that she will take that on board with her review. Perhaps one of the solutions in the short term, given that it is clear to me that there are sections of the population who are more impacted by this exposure, perhaps we should be funding filters for pregnant women because, whether babies are being breastfed or bottle fed, their exposure is going to be higher and more impactful. So I would be grateful to the Minister if he could respond to that, and I will look forward to the Scrutiny review into this subject. I wanted to thank the campaigners because the question I asked several years ago about nitrates was prompted by some campaigning I was contacted by. I think we never would have got this issue aired in the way that it has been if it was not for that persistent campaigning. I know that some people have spent years trying to get this on the political agenda. I am also grateful to the States Members who have listened and really tried, because it is a very specialist area and it is clear to me that there are some Members in the Assembly that have really tried to make it a specialist area and have really understood it and are trying to act. So my gratitude for those efforts.

#### **8.1.8 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:**

I want to start, as I think some others have, by being very clear that I do support the aim of the Minister to reduce P.F.A.S. levels in our drinking water and take action based on the work of the Scientific Advisory Panel. I do have some sympathy for the Minister today and yesterday as well, he is getting a bit of a hard time on this one. I do truly believe he is trying to do the right thing here. But there are a few things that I would like to add to this. Some has already been said so I will try not to repeat that. I am glad to see that I am not the only one who has been feeling uncomfortable with the way this has gone, and I am pleased to have heard from the Scrutiny Panel and others and Deputy Bailhache's comments, which I will return to shortly. Because I think I made it very clear yesterday that I was concerned that we could, as an Assembly, be getting ourselves into a bit of a difficult place with this when we had so many different sides coming at it from different places and some concerns about affordability and deliverability. So I think we are going to get to a sensible place with this, but I do still think there are a couple of things that I would like to add at this point. They may well be things that the next Scrutiny Panel takes away, the next Minister takes away, but also I think it is important that we have some of these in our minds when we are considering this matter. I know certainly that, when I knock on doors in my constituency, I will be asked about P.F.A.S. levels, but I will also be asked about mains water extensions, and the 2 things do link together in this debate. That is one of the points I would like to make, because when I visited Jersey Water in preparation for this debate, as I know other Members did as well, they made it very clear that, whatever action they have to take, it is not going to be cheap at all, and that it will mean there are some tough decisions to make. They were very clear that it may mean that some projects are deprioritised. Jersey Water currently has a reasonably small pot of money each year for extending the mains water network, and they do not do many extensions each year because that pot is already small. They made it very clear that pot would be at risk if they are needing to call on as much of their existing resources as possible to plough into taking action on P.F.A.S. That is a concern for me because the 2 things do not entirely work together like that because we are talking about improving our mains water supply and reducing P.F.A.S. in there. But we do have a large number of properties, more than we should have really, that do not have access to the mains network. Are we choosing to prioritise one over the other here when there are very real risks in some of those private supplies. It is an expensive process for private homeowners to either expect to add themselves to the network or, as we have heard from Deputy Binet, to install systems which could deal with it themselves. I know that there are a lot of people, certainly in my constituency, a number who simply cannot afford to take those actions. So I have gone a little bit off script there, but I think there is an interplay between those 2 subjects there and just ploughing ahead with the drinking water levels. We cannot forget the other side of it, those Islanders who are on private supplies and are we still going to push ahead with plans to try to get more people on the mains water, which we are trying to improve the quality of? So I suppose I have a question to the Minister about, is that the way forward and, if so, what help is

being considered for those people as well? I was contacted ahead of today by a constituent, and I am just trying to find my example of it, and they are one of a small number of houses down a country lane about ½ a mile from the nearest mains water supply, and they said the cost of connecting themselves to that is completely prohibitive. They just cannot afford to do it. Their question, they had concerns about, if we are adopting these limits in the mains drinking water supplies, they really worry about the impact it will have on their property. Both to do with property prices and will people want to rent their properties from them? They even use the word that that their water will be seen as not being wholesome anymore, even if they do testing to look at it. They have a real worry there, so their question was: are people like them going to be offered any support or alternatives? They are probably one of the properties that it is not going to be realistic to connect them, so are there other solutions that Government is considering and Jersey Water are considering - probably not Jersey Water in this instance - but to support those individuals, or are we just leaving them to it on their own? We have had schemes to help people with heating systems, electric cars, and others. I understand it is perhaps not feasible for everybody in the Island because of the wastewater that it creates and our needing to look after our resources, that everybody would have reverse-osmosis machines in place. But is there a case for, where there are properties that it really is not going to be possible or feasible, affordable for Government or individuals to get on to the mains network, to say: "Government will support you in having such machines in place." The other point that I would like to make as well is Deputy Bailhache, I absolutely agreed with what he said, and questioned myself about whether we should even be asking to vote on the principles today. I think it is the third time in probably a year that this has troubled me in debates in this Assembly. We do not get clarity and I think, as we just heard from a previous speaker, that there is not any clarity and it is left to us as individuals to vote as we interpret the principles to be. So my request would be, whether P.P.C., and I am sure it may well be the next P.P.C. that this would come to, but is there a clearer way that we could do this where we could make it more clear in propositions what the principles are. This has happened 3 times in recent months and it does not sit comfortably with me. I will leave it there.

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

Can I ask a question?

**The Deputy Bailiff:**

A point of clarification?

**Deputy R.J. Ward:**

Well, I believe it is a procedural question. This is going to be called in by Scrutiny.

**The Deputy Bailiff:**

Yes.

**Deputy R.J. Ward:**

That has been confirmed. Therefore, it will not come back to this Assembly and it has to start again from first principles, the debate on the principles. Therefore, we will debate and debate the principles today, it will be called in, and it will have absolutely no effect whatsoever on this piece of work. I am right in thinking; I just wanted to confirm that before I make a decision.

**8.1.9 Connétable A.N. Jehan of St. John:**

I rise to speak in support of the previous speaker about her concerns about connecting to homes. I have been dealing with 26 homes in my Parish, they were told 10 years ago that they would be connected within 4 years, 6 years later they are now being told they have got to pay £8,000 each to connect to the mains drains. Sadly, many of them have got contaminated boreholes and it is a real genuine concern for those families. I also worry, not only about new connections, but the sheer lack of volume of renewals of existing infrastructure, because at the rate I was told Jersey Water were

replacing their infrastructure, it would take over 200 years to replace their infrastructure that they write off after 30 or 50 years. I had arrived today fully intending to support Deputy Binet's amendment, but that is not going to be possible. But I do support the chair of Scrutiny in calling this in, because we are in a position where we have got 3 Ministers, one has a proposition, 2 have amendments. It is not a good place for us to be as Members, and I do think further work needs to be done. I am not sure which way I am going to vote when we get to the vote shortly, but I echo Deputy Stephenson's concerns about the state of our network, the lack of progress in extending that network, and I would question part of what Deputy Bailhache said.

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

I promised Deputy Rob Ward that I would speak for a good 15 minutes. No, I just wanted to quickly say I think we know which way this is going so I will not speak long, but the debate has moved away from P.F.A.S. and towards Jersey Water, which I think is very interesting, is something we should all take from the debate. Some of the things that were said - and I cannot remember if it was Deputy Stephenson or Renouf - were about the levels of investment going back into the water network. It is really important we do not in Jersey - and I praise Jersey Water for this - have the problems that the United Kingdom has with their water companies and treatment. But it does appear, listening to the Connétable of St. John and others, that there is a significant difficulty in investing in the Island's water infrastructure. One of my concerns when Deputy Luce, who from my perspective understandably brought this forward but knows that this is not going to go any further forward, one of the concerns I had was about understanding the true nature of Jersey Water's needs. No matter where we set the level for P.F.A.S., what are their true needs in terms of help with regard to developing the infrastructure to meet the targets that the Minister wishes to set. Even in this debate we have heard that it is difficult to understand that. This is a company which returns dividends to shareholders but apparently, according to the Connétable of St. John, is unable to connect people to the main supply in the timeframes that they initially set out, and then asks for extra spending to do that. So I am concerned that any targets that we set would be used as a method of enhancing the infrastructure investment that the company wishes to do, but doing so from public funding rather than through the fees that it charges, which is the way it should be doing it.

[16:15]

What we have learnt in this is that one of the things we do need a future Minister or future Scrutiny Panels to look at is what are Jersey Water's needs, what are they spending in terms of investment in the Island versus the fees they take, and then understanding the call that may or may not be required on the public purse. These are fundamentally important questions when it comes to setting targets for pollution control. I really do respect the work of the panel, and also Deputy Luce and Deputy Binet in driving the work of the panel and listening and acting. That is, to be honest, all that the 2 of them have wanted to do, is listen to the panel and act on their findings in order to provide Islanders with a degree of a sense of security in their water supply. It is unfortunate that the work of the panel is finishing at the same time as the term, because that has ultimately led to the slight confusion around this debate. But there is more work to be done around Jersey Water, and I think it will be beholden on that Assembly to really get a firm understanding of what does the company need in order to reach potential targets. I speak from a position of ignorance on this: are they investing appropriately in our water network in terms of the amount that they are also paying back to shareholders and so on in dividends. These are really important questions that this Assembly needs to ask in order to make sure that we have a water company that we know supplies us with good quality drinking water. That is something, as I said, many people in the United Kingdom cannot claim their water company is doing, so I praise Jersey Water from that perspective. We do need to lift the lid on the bonnet and have a closer look at what do we expect them to do in terms of infrastructure spend; is there any need for a call on the public purse? I would hope there is not because that should be part of their constant ongoing maintenance and infrastructure development.

**Deputy R.J. Ward:**

Sir, may I propose Article 84, that we go straight to the vote please?

**The Deputy Bailiff:**

You have to give 30 minutes notice, Deputy.

**Deputy R.J. Ward:**

Oh. [Laughter]

**The Deputy Bailiff:**

Are you giving ...

**Deputy R.J. Ward:**

No, I am upset with my own misreading of Standing Orders. I pride myself.

**The Deputy Bailiff:**

Are you giving 30 minutes notice?

**Deputy R.J. Ward:**

I would like to give 30 minutes notice, yes.

**The Deputy Bailiff:**

That is noted. Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and I call upon the Minister to reply.

**8.1.11 Deputy S.G. Luce:**

Maybe more people should get up and propose the 30 minutes. It certainly had the desired effect. I thank Members for their support. We have had a very interesting debate. I welcome the fact that there is so much support for the principles, as set out. It is heartening to see the shared commitment across the Assembly to act in one way or the other and to deliver a standard for Islanders that is evidence-based. I maintain that I think this floor of the Assembly is the place for this debate because it is here that we can take the steps to move forward rather than stalling for another political term. I will say a bit more about being disappointed about not making more progress today in a minute, but if I could just briefly address the concerns of those who have spoken. Deputy Morel, no, it is not the U.K., thank goodness, but I do recognise what you say about Jersey Water being a private company. I always considered them to be a private company. They deliver dividends to shareholders, irrespective of who those shareholders are. My job is to look at them from a regulatory perspective. In response to Constable Jehan and Deputy Stephenson, I just want to say that I recognise the importance of clear advice and supporting Islanders when it comes to boreholes and P.F.A.S. In the coming months I will ... and I have already started and committed to formalising some existing arrangements by establishing a dedicated page on the gov.je website. Members will know all the work that we do, all the questions we have been asked about P.F.A.S., the answers we published; all the work of the panel is all available online. We are not hiding anything. I would like to set out some clear information and some available advice and signpost for Islanders the appropriate way to get some support. The question I wrote down for Deputy Stephenson is here: your constituents with boreholes, have they had their boreholes tested? That is the first thing to say. If they have been tested how has it been done, which lab has been used and what information gained. Deputy Stephenson said she thought it was sensible to stop. I am not sure that I agree it is sensible to stop, but that is the word she used. Deputy Doublet said she looked forward to the panel calling it in, but I say to Deputy Stephenson and Deputy Doublet, this is not calling in as we know it, this is to call it in and put it in the shredder because it is all gone after today. If we do not get to the Second and Third Readings it disappears. Boiling water, I do not know the answer but I will ask the panel to

come back to you. That is a health issue really for the Minister for Health and Social Services, but something I did say in my opening remarks is that high levels of P.F.A.S. result in reduced vaccine efficiency for children, so there is a clear health implication there. I thank Deputy Moore for her support. Deputy Binet, I would thank him for his support, he has been a great support for me over the months that we have been together working with the P.F.A.S. Panel and I 100 per cent support his position on his filters and everything else he sells because it is no different from everybody else. Anybody can go on the internet. Equally, anybody can phone their plumber who will go off and buy them a P.F.A.S. filter. I do not think there is anything for the Deputy to worry about there. He and I have had a number of interesting and challenging discussions on P.F.A.S. in the last weeks and months, some at length, but we always go away and talk to each the next day and continue to be very good friends. He did say though that Jersey Water needed to be given the time to do the final work. For me, giving Jersey Water time to do whatever they want to do is not good enough and it is certainly not strong enough. We could be here for ever waiting for them to decide what we need to decide for them to decide. Deputy Renouf I need to address. He started talking about vintage wine which caught my attention, and then maybe less so afterwards. The regulator must consider the costs; well, I think this is the forum for considering costs and the regulation all in the same forum. As a regulator, I do not share exactly the same views as him in that. I have spoken with the panel, as he has done. He has questioned them, but I have questioned them myself and I will make some reference to things they have said to me in my concluding remarks. I believe that my conclusions have been properly considered. The Deputy challenged me on what I had been told last year, and I accept certainly Jersey Water declared that there were a range of options quite early on in these discussions, and the range of options started with doing nothing and ended over here with a brand new treatment works, all shiny, sparkling and visible from space, and it was some way of in between the 2. But I would say to Members that the indication at that time to me was if we needed a new treatment works that was because we would have set our level at 2 nanograms and not at 4. At every stage, as far as I was concerned, 4 nanograms in 5 years was challenging. That is a word they have used to me; I accept that, but I do not regard challenging as the end of the line, and I will mention that again as well. As for derogations, I am very clear. Jersey Water enjoy using derogations now, they have enjoyed using derogations in the past, I cannot see how they can now say that it is not good enough for the future. I will leave that there. Deputy Bailhache talked about the principles and, as for my concern, I think the principles are exactly that, the principle of deciding a limit within a time for Jersey Water to take action to reduce P.F.A.S. That is what I would consider as the principle. We get on to the detail, the numbers, the timeframe, the levels, that sort of thing comes in the Second Reading. I will address Scrutiny in my summing up. I just finish by thanking Deputy Gardiner for her support. The level of 4 was reached off a lot of work; it has not just been conjured out of thin air. The panel went away and did a lot of work on analysing levels of P.F.A.S. in food, they then worked on the basis that 20 per cent of your intake comes from water, 80 per cent from food. They put the calculations in and the number that came out at the end, or the weekly tolerable intake, was 4 nanograms. I will leave that there. But I just want to talk a little bit about the comments paper submitted by the Environment, Housing and Infrastructure Scrutiny Panel, which appeared very late yesterday afternoon. They say: "While the panel supports the principle of establishing a statutory P.F.A.S. limit it has no choice but to call in the proposition." While I welcome the panel's strong backing for the principles, and its encouragement for Members to support them, I have to say - parliamentary language - I am bitterly disappointed by the panel's intention to call it in this afternoon. As the panel recognises, its action means that the amendment to the Water Law falls away automatically and the whole process will need to begin again in the new Assembly. Respectfully, I suggest that this is unnecessary and a backwards step. The panel references the challenge presented by the publication of the final report last Thursday, with the Scrutiny hearing on the next day. This was last Friday when I went to the panel for an hour and a ½-plus and spoke to them. This timetable was agreed by us in advance with the panel in order for them to scrutinise and ask questions on the completed report 4, which had been published the day before and has now gone out for the public to have some input before it is

completed, and finally published in June. In fact, the final report did not introduce much new detail. That information had already been included in the earlier draft reports and the online public meetings, which had been available to Scrutiny. There were just 2 minor additions which appeared. There had been an opportunity to hold earlier hearings and questions were raised at the quarterly hearing, but it was agreed with the panel that holding the hearing last Friday with myself was sufficient and the most appropriate option. The panel also highlights that emerging information is being submitted right up to this debate from many stakeholders. Yes, this is what we have experienced over the past 18 months, and I have to say there is no end in sight. The nature of P.F.A.S. is such that new information is coming out constantly. However, there comes a point at which one has to act on the basis of information known at a point in time. It does not mean that actions cannot be revised later, but one has to stop at some point and get the ball rolling. This would have been the opportunity today. Scrutiny's actions to delay, in my view, sends the wrong signal to Islanders. P.F.A.S. has serious health outcomes. That is why we need to act now. Let us not forget that those Islanders who are seriously affected ... I received an email from one this morning who has campaigned for a very long time, and I was told in this email: "This has been a long real fight for me and my family. We genuinely need to see finally something being taken seriously. You are doing the right thing morally for future generations." It is a sad day when the Assembly is, in effect, not following the scientific evidence before it. I am sure that this evidence will only evolve in a more precautionary and stricter way, and it certainly is clear that the evidence will not go in the other direction. Another Islander emailed all States Members this morning confirming that the scientific basis of why 4 nanograms per litre in drinking water is appropriate. He directed us to the European Food Safety Authority's study and the tolerable weekly intake that I just mentioned when answering Deputy Gardiner's question. The threshold is based on observed biological effects on children, which includes water and food intake. The Islander in their comments states: "Water is the most controllable exposure pathway; food and environmental exposure are harder to regulate quickly so water is the primary intervention point. Ignoring it guarantees continued overexposure." When we consider the percentage of the weekly tolerable intake that current levels of P.F.A.S. in drinking water represents in the average person's diet, drinking just 2 litres of water per day would represent about 45 per cent of your tolerable weekly intake. If the level of P.F.A.S. in drinking water falls to 4 nanograms then 2 litres would only represent 15 per cent. We can see that water is indeed a major contributor.

[16:30]

I remind Members that it rests with me as the Minister to set or revise water quality standards that are set out in the schedules of the law. I believe that I would be failing in my duty if I neglected to do this. The recommendations of the P.F.A.S. Panel have determined the content of my amendment. I believe through the work of the panel that a 5-year timescale should give ample time to bring into effect the infrastructure required. It will not be delivered overnight; I accept that. In fact, the Assembly might have agreed 7 years if we had gone on this afternoon to debate the Second Reading. But either way, we need to get started now. Jersey Water needs to know what it is working with. Again, the P.F.A.S. Panel were mindful of Jersey's particular situation and suggested their timescales accordingly. Other countries are doing this more quickly. Without a defined and enforceable date there is a risk that progress is slow or deferred. If, for good reasons outside of its control, Jersey Water finds the deadlines hard to meet then dispensations are there to be used if needed, and I have spoken about that before. Since I lodged this proposition Jersey Water has, as far as I am concerned, changed the goalpost. I realise they have a different viewpoint in this, and the letter sent to Scrutiny they say a new water treatment works was known to me last year. I disagree. I have worked together with them all the way through the last 2 years working on this issue. They have been wholly supportive of the emerging limits and discussions. Those discussions have focused on the existing works. In presentations to the Ministers last year they showed a full range of options, from no change to a brand new treatment works. It was not clear that all options had been discounted in favour of that brand new facility, however, when the final limit was lodged the situation appears to have

changed and now the company says it is impossible to meet. The only reason I was told that Jersey Water wanted more than 5 years was to build a new standalone treatment works, and that was because we might set a limit of 2 nanograms. Yes, last year they said they needed 5 years to reconfigure and put in additional processes, and of course the way ahead was going to be “technically challenging”, and I quote them there, but nothing was ever going to be easy or simple, and certainly to me challenging does not mean impossible. At the start of the sitting yesterday, Sir, you named a few different processes that could bring debates to a halt. If these principles are agreed and Scrutiny calls this in at the latest sitting before we have a general election, it is nothing much more than a wrecking motion. Calling it in means the whole proposition and proposed amendments goes straight in the bin, I am afraid. No chance to agree on the statutory P.F.A.S. limits, no debate on timing; nothing. I struggle to understand what different conclusion we would gain by the Scrutiny calling it in if they were therein allowed to carry on. Assuming that after this vote there is a general agreement on the principle then we could agree the scientific evidence on what limits need to be met. The debate effectively centres on the timescales; we could have the discussion around that. Amendments had been lodged. So I am going to just chop a few bits off this speech and say to Members, it is all or nothing today. I presume they realise that. I thought we needed to debate this important topic in the Second and Third Reading but clearly that is not going to happen. I am disappointed. Information keeps coming in but strict levels on P.F.A.S. are only going to get stricter. Public health considerations for Islanders mean that we should not wait to get started. We need to get on with this. I urge Members to support these principles and I again urge and request Scrutiny very carefully consider the implications of calling this in, but I absolutely respect to ability to do that. I call for the appel.

**The Deputy Bailiff:**

The appel has been called for. I ask Members to return to their seats. If all Members have had the chance to return to their seats I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. I can announce that the principles have been adopted:

<b>POUR: 41</b>		<b>CONTRE: 4</b>		<b>ABSTAINED: 2</b>
Connétable of St. Helier		Deputy C.F. Labey		Deputy M. Tadier
Connétable of St. Brelade		Deputy Sir P.M. Bailhache		Deputy R.E. Binet
Connétable of Trinity		Deputy M.E. Millar		
Connétable of St. Peter		Deputy T.J.A. Binet		
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 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 C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
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 H.L. Jeune				
Deputy A. Howell				
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 Greffier of the States:**

Those voting contre: Deputies Labey, Bailhache, Millar, and Tom Binet. Deputies Tadier and Rose Binet abstained.

**The Deputy Bailiff:**

Does the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise this matter?

**Deputy H.L. Jeune (Chair, Environment, Housing and Infrastructure Scrutiny Panel):**

Yes, but I would like to just emphasise that I do not believe this work will be lost or put in the shredder. It is too important, and I hope that a statutory limit will be put to the Assembly as soon as possible in the new term.

**9. Draft Cremation (Jersey) Amendment Regulations 202- (P.29/2026)**

**The Deputy Bailiff:**

That is the end of that proposition so we move on to the next item of Public Business, and that is the Draft Cremation (Jersey) Amendment Regulations, which have been lodged by the Minister for Health and Social Services. The main respondent is the chair of the Health and Social Security Scrutiny Panel. I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Cremation (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 3 of the Cremation (Jersey) Law 1953.

**9.1 Deputy T.J.A. Binet of St. Saviour (The Minister for Health and Social Services):**

I should probably start by confirming that - to the best of my knowledge - we have not sold anything to the crematorium. **[Laughter]** I am sure when I get home that I will find on social media that I have. Anyway, I am bringing forward the Draft Cremation (Jersey) Amendment Regulations in order to modernise legislation that has remained largely unchanged since 1961, and in recent years has caused significant operational and legal challenges. Under the current regulations cremation is prohibited where a person has left a will or written instructions stating their wish to be buried. Increasingly staff are encountering cases where a decades old will specifies burial while the family knows that the person's final wishes were to be cremated. At present that written, historic statement takes precedence, regardless of the person's final wishes. This is neither compassionate, nor practical, and it has caused considerable distress for a number of families. It places medical referees - principally doctors - in a very difficult position of having to refuse authorisation for cremation based on limited information. In the U.K. this policy was repealed in the 1960s. There is no sound policy reason for Jersey to retain this approach, particularly now that over 80 per cent of people choose cremation. Proposed amendments will repeal these outdated prohibitions, allowing the executor or near relatives to make the final decision, taking into account the person's will, final wishes, and family circumstances. This will ensure that sensitive decisions remain private family matters. It is not for the state to intervene by refusing authorisation for cremation. It is a neutral placing private decisions rightly in the hands of families. We are also modernising the application for cremation form. The current form is outdated and, importantly, it does not ask for information such as whether the deceased has a medical implant or a pacemaker. If this is missed it poses a serious safety risk to crematorium staff and to the equipment. Unfortunately officers have reported occasions where implants were not identified by medical staff on the old forms. We are also providing a clearer definition so that near relatives can make the application for cremation. This includes the spouse or civil partner, the adult child, parents, or a relative who lived with the deceased. We are also addressing bureaucratic barriers so that any person ordinarily resident in Jersey may countersign an application for cremation. This small change will make the process simpler by replacing old fashioned criteria. Finally, these regulations include minor drafting updates and technical clarifications to bring the legislation up to modern, legal drafting standards. It is important to say that these changes do not alter the original policy intent. These practical amendments were requested as operational changes by officers in our department, and they are required as a matter of some urgency. They reduce stress for grieving families, make the cremation application process simpler, and modernise a significantly outdated piece of legislation. I commend these regulations to the Assembly and ask Members for their support.

**The Deputy Bailiff:**

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

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

My panel has published comments on this and we are supportive, as Members will have seen from our comments. One thing I did want to draw Members' attention to was some concerns that were

highlighted *via* one of my panel members, Constable Shenton-Stone. This was around delays in securing cremation services. Although we acknowledge that this is slightly out of the scope of these regulations we did receive some confirmation and some reassurance from the Minister that it was not the government services that were causing these delays, but just for members of the public to be aware of this. We thank the Minister and his officers for engaging with the panel on this.

### **9.1.2 Connétable R.D. Johnson of St. Mary:**

I simply rise to make a practical point. When I was doing legal practice in England many years ago, I one day received a call from a colleague in another firm saying could I see the solicitor of his aunt who had recently died, because he understood my firm had the will. So of course, efficient as I was in those days, I rummaged through the will safe, found the same and read it and rang him back: “You are aware, are you, that your aunt has expressed a wish to be buried at St Peter’s Church, Salesbury?” There was a sigh of dismay at the other end because he had arranged for her to be cremated. I simply make the point, which is that in practical terms relations or those who are ultimately contemplating death should make their wishes known to their nearest and dearest. Two weeks ago I was speaking to a friend here who was relying on the present law. He expressed the wish in his will that he be buried somewhere and he was disappointed to find out that the rules were going to be changed. But they are not enforceable in any event, it just bears out the point that in practical terms all individuals should make their wishes known to their family and not rely on anything else.

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

When I first heard about this I was a bit concerned, partly from just a theoretical point of view, but also bearing in mind that theory can very quickly become practice. While the Constable of St. Mary says make sure you tell your family what you want, some people would not necessarily trust their families, and that is why they put it in writing in the first place. So while I do not necessarily have a problem with repealing these 2 parts on the understanding of the Minister’s clear explanation, it does seem to me that people may, for all sorts of reasons, make a written statement in their will about how they wish their funeral to take place, which will include whether that is a burial or a cremation. It may not be a 10 year-old will that was made a long time ago and you have changed your mind and told your family; it may actually be that you have just made your will in the last 6 months and you have recently converted to a particular religion which you specifically do not want your body to be buried. It may be because you believe in the resurrection and you think that in order for you to be resurrected you need your body to be not cremated; notwithstanding the fact that of course, depending on when the second coming is, you may have sufficiently decomposed by that stage. But we are not here to question people’s belief systems, simply that this is not about dead people, it is really about respecting people when they were living and when they were conscious about how they wanted their funeral to take place. The Minister might say that is an extreme circumstance. But where a family member has more concern about keeping costs down, and if it is cheaper and more efficient and practical to have a cremation, against the will of the deceased, that written statement would now no longer hold any sway or force. I am not sure on the balance whether getting rid of it is absolutely correct, and whether families can be trusted. In my experience, family members cannot always be trusted and that is why one might go to a lawyer to draft a will and pay good money for that, only to find out that the written instructions have no sway anymore. I am not sure if that is a sufficient safeguard in this respect to ensure against that.

[16:45]

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

The Constable of St. Mary sort of pipped me to the post with the main question, but I was quite interested to read the proposition, that your body is not property, does not belong to you when you have passed over. I did have 2 parishioners, husband and wife, who prepaid their own funerals and made all the arrangements prior to their demise to make sure that they were buried as per their wishes.

I just find it a little odd that there must be a pre-will stage if the will cannot be traced immediately. Often there is quite a delay between the funeral and the will being read, so I do not know if there is any shortcut for that.

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

I am speaking with some concern about this proposed regulation amendment. This is not simply a technical update; it touches something deeply personal, how we honour our dead and how we respect the wishes, beliefs and dignity of each individual at the end of life. For many in our community, including those of the Muslim, Jewish and parts of Christian faith - myself included - cremation is not seen as acceptable. It is not a preference but a matter of belief and conscience. The same is true for many others who hold strong personal convictions about burial. This debate is not about religion versus modernity; it is about respect, respect for diversity and respect for a person's right to have their wishes followed after death. The proposed changes remove a statutory safeguard that currently prevents cremation where there is written evidence of the deceased's wish. While families are expected to take those wishes into account the legal certainty is reduced. Decisions may instead be interpreted and negotiated among relatives at a time of grief. That raises an important question. If someone has taken the time to clearly set out their wishes in writing, should those wishes not carry real weight? Should they not be protected? We speak often in the Assembly about personal autonomy. We have debated the right to choose how we die, yet here we are considering weakening the weight given to a person's clearly expressed wishes after death. That is a difficult contradiction, in my opinion. This is not about opposing cremation; where it is wanted it should of course be respected, but we must also stand up for those who do not want it, clearly, explicitly, and in writing. For many communities burial is an essential part of honouring the deceased. Among many Romanian families, for example, burial is seen as the proper and dignified way to lay a loved one to rest, even when it involves significant effort or cost, such as repatriation of the body if the death is to happen here for such migrant residents. That reflects how deeply these traditions, cultural aspects and beliefs are held. There is also a practical concern. Removing this safeguard risks creating conflict at a time of grief. Families may disagree. Pressure - emotional or financial - may influence decisions. The current rule, while imperfect, provides clarity and protection in precisely those moments. A modern system should be flexible, yes, but it should also be firm where it matters most, and few things matter more than respecting a person's final expressed wishes. A compassionate society does not simply make the process easier, it ensures that even in death individuals are treated with dignity and respect for who they were and what they believed. For those reasons I cannot support these changes as they stand, and I ask Members to reflect carefully on what is at stake and to ensure that in modernising our laws we do not unintentionally diminish the respect they are meant to uphold.

#### **The Deputy Bailiff:**

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

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

I thank Members for their various contributions. I tried to reduce this to a manageable speech because I know there is a lot of business to be done, but I hope I can reassure Members that this does not take away people's rights to be buried at all. This is to give some flexibility, particularly for the medical referees, to deal with a very good number of cases now where people have expressed a wish 40 years ago, everybody in the family knows that that was not the person's final wishes, and there have been numerous occasions where this has caused an awful lot of problems for undertakers and the medical referees. I have been briefed several times on this, and I have spoken to our own Medical Officer of Health, and I rather suspect if we do not change these rules we are going to have some real problems because they are now saying they do not want to deal with this. I think you might find people stepping back from the role. We could end up in real trouble. This is basically designed to cope with the fact

that 80-plus per cent of people are now opting for cremation. It does not take account of dealing with situations where things have clearly changed. If somebody has got a clear preference to do something that will be taken into account, and there is every chance that their wishes will be respected. This deals with situations where that is not clear, and that the family have got considerable reservations. For me I think it is absolutely essential that we adopt this and I genuinely hope that Members will understand that.

**The Deputy Bailiff:**

Do you call for the appel? The appel is called for. I invite Members to return to their seats. If all Members have returned to their seats I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. I can report that the principles have been adopted:

<b>POUR: 38</b>		<b>CONTRE: 3</b>		<b>ABSTAINED: 0</b>
Connétable of St. Helier		Deputy R.J. Ward		
Connétable of St. Brelade		Deputy B.B. de S.V.M. Porée		
Connétable of Trinity		Deputy R.S. Kovacs		
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
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 A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

**The Deputy Bailiff:**

Does the Health and Social Security Scrutiny Panel wish to scrutinise this matter, Deputy Doublet?

**Deputy L.M.C. Doublet of St. Saviour (Chair, Health and Social Security Scrutiny Panel):**

No, thank you, Sir.

**The Deputy Bailiff:**

Minister, do you propose the regulations in Second Reading?

**9.2 Deputy T.J.A. Binet of St. Saviour:**

Yes, please, Sir.

**The Deputy Bailiff:**

How do you wish to propose the Regulations, Minister?

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

*En bloc.*

**The Deputy Bailiff:**

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

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

Could the Minister just take the Article that deals with the concerns that have been raised, certainly by myself and Deputy Kovacs, separately? Could he highlight that to us in the summing up if that is OK. I think the comments that I made in my first speech in First Reading could easily have been made at this point as well and I do not need to repeat them.

**The Deputy Bailiff:**

Which regulation is that, Deputy?

**Deputy M. Tadier:**

That is what I am seeking clarification on. It is the one that deals with the repeal of the wills and the request for a burial, saying that they cannot be cremated if there is a standing request in a will for burial. I think it may be Regulation 5.

**The Deputy Bailiff:**

Does any other Member wish to speak in Second Reading on the regulations?

**Deputy A. Howell of St. John, St. Lawrence and Trinity:**

Could we ask the A.G. (Attorney General); I think that is the whole point of what we are doing.

**The Deputy Bailiff:**

Deputy Tadier has asked for one regulation to be dealt with separately. I had understood that to be Regulation 5, which is part 3 of the regulations. Attorney General, can you assist?

**Mr. M. Jowitt K.C., H.M. Attorney General:**

If I have understood the Deputy correctly, the bit he wants taken separately is that it is not lawful to cremate the remains of any person who is known to have left a written direction to the contrary. That is in Regulation 4, paragraph 1 of the existing regulations, and it is point 2 that says that should be deleted. I hope that is helpful.

**The Deputy Bailiff:**

Minister, you are being asked to take paragraph 2 of the proposed regulations, which deals with the deletion of the existing Regulation 4(1); you are being asked to take that separately.

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

I do not think I can do that. I think it defies the whole purpose of the exercise so I am afraid that I will not be doing that.

[17:00]

**The Deputy Bailiff:**

Apologies to Members for that delay but in terms of what Standing Orders have to say about this, Standing Order 74(5) provides: "Any Member of the States may, however, request that any provision be voted upon separately." It says that Members may request it but it does not say that the mover of the proposition has to accept that. By convention it has always been interpreted that the mover of the proposition accepts that. Here we have a situation where, as I understand it, the Minister's objection to taking part 2 or Regulation 4 and the deletion of the existing Regulation 4(1) is that would defeat the object of the entire amendment. I can see the Minister's basis for refusing to have a separate vote on part 2 of the regulations. As Standing Orders just say that a Member may request it, they do not expressly provide that the mover of the proposition has to accept that. While it may have been interpreted in the past that the mover of the proposition has always accepted it; the Minister in this case is saying that will defeat the entire objective of the regulations. In those circumstances my ruling is that the Minister is not obliged to take part 2 separately. If he wishes ...

**Deputy M. Tadier:**

Sir, can I ask for clarification on the ruling?

**The Deputy Bailiff:**

I had barely finished it, but, yes, please.

**Deputy M. Tadier:**

All I was going to ask, are you saying that if Article 2 is taken separately that everything else would fall away, so it would not be congruent? I do not understand whether the Minister is saying that it would defeat the object is a political statement or that we could carry on voting on the other Articles and they would stand in their own right.

**The Deputy Bailiff:**

Well, my understanding is that the Minister is saying that will defeat the entire spirit of these amendment regulations. The whole purpose is to ...

**Deputy M. Tadier:**

I am less concerned about the spirit.

**The Deputy Bailiff:**

I am being asked multiple things by multiple people all at once. I think I have replied to Deputy Tadier. Deputy Gorst.

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

While of course the Chair makes a ruling, my understanding - and maybe I am mistaken - by convention is that that Standing Order when dealing with a proposition is right, Members moving a proposition can decide whether they take parts separately or not despite the request of another Member. But by convention, legislation there has always been a right of any Member to seek a separate vote on any Article of the legislation, despite the fact that particular Article may in fact then mitigate the requirement for all of the legislation. I wonder ...

**The Deputy Bailiff:**

That is a helpful intervention. Thank you very much, Deputy. In that case I reconsider that ruling and my ruling, therefore, is I reverse my ruling and I will direct that we have a separate vote on Regulation 2. Attorney General?

**The Attorney General:**

I hesitate to add to matters but I am reminded that if Regulation 2 is to be taken separately then it seems to me that Regulation 5 would need to be also because Regulation 5 amends Regulation 7(1) to delete subparagraph (a) of Regulation 7(1), which provides that: "A medical referee shall not permit any cremation to take place unless satisfied that the deceased did not leave any written direction to the contrary." So it is the same point. If the desire were that Regulation 2 should be taken separately then it seems to me that probably Regulation 5 would need to be taken separately as well.

**The Deputy Bailiff:**

Thank you, Mr Attorney. Deputy Tadier, do you wish for Regulation 5 to be taken separately as well?

**Deputy M. Tadier:**

I am fairly confident that by taking Regulation 2 separately it would allow those who have got a reason to vote against it to record that, and I suspect it will not pass and if by any chance the majority do not vote for 2 then I would be moving that as a corollary to that. But I think let us wait and see what happens.

**The Deputy Bailiff:**

Very well. Minister, taking this in order, do you wish to take part 1, part 3 and 4 of the proposed draft regulations; do you wish to have the vote on that first?

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

I have to say, I was suitably assured that this would not occur so I am not really properly equipped to deal with it. But I would say on principle, yes. Do I get a chance to have further comment on this before we vote?

**The Deputy Bailiff:**

We have not finished the debate yet so you have not replied yet. We have not got to voting yet. You have the chance to reply. I can see Deputy Renouf itching to put his light on.

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

If the debate is still live on the Articles ...

**The Deputy Bailiff:**

You have not spoken yet, Deputy, as I understand it?

**9.2.2 Deputy J. Renouf:**

I have not spoken, no. I would just say that I think there is a simple way through this in practice, which is that Deputy Tadier wants to make a point, he has requested the option, I hesitate to take the Assembly for granted but I think that even Deputy Tadier accepts his desire to take 2 is unlikely to lead to it being defeated. If we just simply proceed through the votes with a degree of calmness about it, that this situation may resolve itself.

**The Deputy Bailiff:**

Does any other Member wish to speak on the Regulations in Second Reading. If no other Member wishes to speak then I close the debate and I call upon the Minister to reply.

**9.2.3 Deputy T.J.A. Binet of St. Saviour:**

It would not be in my nature to try and deny people a chance to do what they want to do, and you have obviously made a ruling that that is what is going to happen, in effect. I have been looking through my notes while the discussions have been going on and I just came across a short paragraph which I think might be reassuring for Members. Officers have engaged with a crematorium user group, including funeral directors, faith groups, and the primary care body. So there has been a significant amount of background work that has taken place to come up with these proposals, and I certainly hope the Members will support them.

**The Deputy Bailiff:**

Do you call for the appel in Second Reading?

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

Yes, Sir.

**The Deputy Bailiff:**

Do you call for the appel in relation to parts 1, 3 and 4 of the regulations?

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

In the order that you suggest.

**The Deputy Bailiff:**

Yes.

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

It would be preferable to do 1, then 2, and then see how we get on for the rest. Could I ask for 1 and 2 separately?

**The Deputy Bailiff:**

We will do part 1 first then. The appel is called for in relation to part 1 of the amendment regulations. I ask Members to return to their seats. If Members have had the opportunity of returning to their seats I ask the Greffier to open the voting. If all Members have had the opportunity of casting their

votes I ask the Greffier to close the voting. Part 1 of the regulations has been adopted in Second Reading;

<b>POUR: 42</b>		<b>CONTRE: 1</b>		<b>ABSTAINED: 1</b>
Connétable of St. Brelade		Deputy R.J. Ward		Deputy R.S. Kovacs
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 C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
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 A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

**The Deputy Bailiff:**

Very well, we move on to part 2 of the regulations. If Members have had the opportunity of returning to their seats I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. Part 2 of the regulation has been adopted:

<b>POUR: 39</b>		<b>CONTRE: 4</b>		<b>ABSTAINED: 0</b>
Connétable of St. Brelade		Deputy M. Tadier		
Connétable of Trinity		Deputy R.J. Ward		
Connétable of St. Peter		Deputy B.B. de S.V.M. Porée		
Connétable of St. Martin		Deputy R.S. Kovacs		
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 L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy D.J. Warr				

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

**The Deputy Bailiff:**

Minister, how do wish to propose the remainder? *En bloc*?

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

I think I would like to take them *en bloc* if that is acceptable.

**The Deputy Bailiff:**

If Members have had the opportunity of returning to their seats I ask the Greffier to open the voting in relation to the remainder of the regulations. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. I can report that the remainder of the regulations have been adopted:

POUR: 41		CONTRE: 2		ABSTAINED: 1	
Connétable of St. Brelade		Deputy R.J. Ward		Deputy M. Tadier	
Connétable of Trinity		Deputy R.S. Kovacs			
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 L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
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 A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

**The Deputy Bailiff:**

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

**9.3 Deputy T.J.A. Binet of St. Saviour:**

Yes, Sir.

### **The Deputy Bailiff:**

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

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

The reason I voted against this was because I think there is a point of principle which I cannot get my head ... serious point of principle. I will do the serious point of principle first, whereby I think it is the right for people to choose whether or not they are cremated, and I think it is more getting that process right. There are many groups, who for religious reasons or for whatever reasons, have the right to make that choice and it should be respected. Obviously, the Assembly is going to vote for it so it gives me a chance to vote against something on a point of principle which I think is important for us, so I think that is important for people. On a less serious note, although quite serious for me, I also want to make my final leaving of this world as awkward as possible for my family **[Laughter]** and so they remember it.

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

I think there is a point that I would make here over and above what Deputy Ward has said and the points that were made. I think it is not something that should be taken lightly because I think issues of life and death are very important to people. All I was trying to say earlier is that if somebody has made an expressed decision that they wish to have their funeral treated in a certain way, which includes a decision or not to be cremated, then I do have concerns if that decision cannot be respected and can be overturned.

[17:15]

I get why we need to make this change, the one we have been speaking about, but I think it does not necessarily provide the right safeguards for me, and I say that as somebody who comes from a non-religious current estate way of thinking. That leads me to my second point, is that the reason that this is important is because the crematorium is a facility that is open to all Islanders. It is not a religious facility, and it is available to everybody because the state is the only provider of crematorium services in Jersey. I do not think there are any private or religious crematoriums that exist but, of course, there are other places that you can get buried. The church, for one, can bury you and I do not know if you can get a state burial as such on state land, so I do not think we need to get into that. But it has always fascinated me, for example, that when it comes to the laws that govern how you can get married, a civil marriage has certain restrictions about the content of a ceremony, whereas the crematorium ... and I have not been to the new one. I almost went there once for a funeral which I found was not there, and did not end up going to it in the end because there was a rally up there, but that is another story. I am concerned from a secularist point of view that there is religious iconography. I am interested in the fact that religious iconography and religious content can be allowed at a crematorium service whereas it cannot be allowed at a civil wedding ceremony, which I think is an interesting comparison. I wonder if the Minister might take that on board, if he does end up anywhere near this again in Government after the next elections, whether he might give wider consideration about how all of our civil facilities in Jersey for those major rights that people find themselves at different stages of their life, at birth, marriage and death that there could be some sort of intellectual consistency about the way that the States interacts with those functions.

### **The Deputy Bailiff:**

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

#### **9.3.3 Deputy T.J.A. Binet of St. Saviour:**

Once again, I thank Members for their contributions and Deputy Rob Ward for introducing a little bit of humour into a dark subject. As far as Deputy Tadier's comments are concerned, I take those

on board, and I can see there is some genuine concern here so if any Members are ... I can see they are concerned. If they wanted a briefing on the work that has been undertaken and the exact implications of this at any time in the future, I would be very happy to arrange that.

**The Deputy Bailiff:**

Do you call for the appel?

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

Yes, Sir.

**The Deputy Bailiff:**

The appel has been called for. I invite Members to return to their seats, and I ask the Greffier to open the voting. If Members have had the opportunity of returning to their seats, I ask the Greffier to close the voting. The regulations have been adopted in Third Reading unanimously:

<b>POUR: 40</b>		<b>CONTRE: 3</b>		<b>ABSTAINED: 0</b>
Connétable of St. Brelade		Deputy M. Tadier		
Connétable of Trinity		Deputy R.J. Ward		
Connétable of St. Peter		Deputy R.S. Kovacs		
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 L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
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 A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

**Deputy M. Tadier:**

It was unanimous apart from the contres, Sir. [Laughter]

**The Deputy Bailiff:**

Yes. Three votes contre.

**10. The Care Experienced Fund (P.30/2026)**

**The Deputy Bailiff:**

We move on to the next item of Public Business, which is The Care Experienced Fund, which has been lodged by the Minister for Children and Families. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion – to support Jersey’s care-experienced community (specifically, individuals aged 25 and over) by establishing a States Fund, to be known as the Care Experienced Fund (“the Fund”), in accordance with Article 6 of the Public Finances (Jersey) Law 2019 and based on the terms of reference set out in the Appendix to the Report.

**10.1 Connétable R. Vibert of St. Peter (The Minister for Children and Families):**

It gives me great pleasure to bring this proposition to set up the Care Experienced Fund. Many Members will be aware of the history behind this fund and that it has its roots in the 2017 Independent Jersey Care Inquiry Report. Given that almost 9 years has elapsed, I want to give confidence to the care leavers of the commitment of this Government to set up the fund. The 2017 report made a number of recommendations, one of which was the decision not to demolish Haut de la Garenne and to retain the adjacent property known as Avimore. The original recommendation was for both to be demolished. Following consultation with the Citizens Panel in 2019, the Council of Ministers agreed that Avimore should be sold for open market housing and the proceeds placed into a ring-fenced fund for the benefit of care-experienced Islanders. This decision was ratified by the Assembly when

it approved the 2023-2026 Budget, and in fact every Budget since. Finally, we are now at the stage when Avimore is about to be sold, and we can proceed with setting up the fund. In accordance with the Public Finances Law, this proposition is lodged with the consent of the Ministry of Treasury and Resources. I will now outline how the fund is designed and who is able to benefit from the support that will be available to eligible applicants. My officers undertook detailed consultation with the care experienced community to scope the design principles for the fund, and I shall like to put on record my sincere thanks to Jersey carers who helped with this consultation. Firstly, to benefit from the fund, an individual must previously have been a child looked after in Jersey's care system. It was agreed there should be no overlap with the Government's existing care leaver offer, so the fund will only be for applicants over 25 years old. Consultees were clear that access to the fund should not be through any government channel but *via* neutral front door. I am delighted to say that we have engaged with 2 Jersey charities who have agreed to act as independent administrators to the fund. I will not name them publicly until such time as a service level agreement is in place, but I can advise that negotiations are at an advanced stage. These 2 organisations have an enormous amount of experience in their field. They will receive and assess applications and make grants from the fund in accordance with the fund's terms of reference. They will report twice yearly on their activities to the oversight group ensuring the fund continues to meet the needs of care experienced Islanders. There are 3 broad areas for which eligible individuals will be able to apply to the fund for help. Firstly, mental health and well-being. People with care experience may experience ongoing mental health issues, and the fund will help them access appropriate support. Secondly, it is not unusual for someone with care experience to have had their education disrupted or to face financial barriers in accessing higher education. Accordingly, the fund will provide funding for access to lifelong learning opportunities. Thirdly, care experienced individuals can quite simply face challenges in their day-to-day lives if they do not have family support networks that many of us rely on. This is sometimes referred to as the "Bank of Mum and Dad". The fund will provide emergency support for things like medical, dental, or ophthalmic emergencies, unexpected bills or expenditures which would otherwise impact their daily life. The fund is planned to last 10 years, providing support to a group of Islanders who are in some ways an overlooked demographic. I hope improvements we are making in children's social care will mean the fund is no longer needed in 10 years' time but, if the need remains, there would be flexibility for funds to be added to extend the life of the fund. This, of course, would be a decision for a future Assembly. Avimore is not yet sold but the Minister for the Environment is in the process of issuing supplementary planning guidance to assist the purchaser, the Jersey Development Company, in determining how the site is developed. I am advised that the sale should complete sometime over the summer, which is why I wanted to bring this proposition to the Assembly now. If approved, the fund will receive the sale proceeds as soon as they become available and will be open to application from care experienced Islanders relatively quickly. I am grateful to Deputy Catherine Curtis and her panel for their support and their helpful comments paper. The panel raised questions of administration costs, which are estimated at approximately 10 per cent of the value of amounts distributed per annum. I can assure the Assembly that we have checked that this figure aligns with other funds, such as the Lottery Fund, Greville Bathe Fund and the Alice Rayner Fund, and I am confident that the fee represents good value for money. The creation of the Care Experienced Fund is an extension of our corporate parenting responsibility. It will enable us to show this group of Islanders that we have not forgotten about them and that they are part of our community and we will support them. Creating the Care Experienced Fund will help people access lifelong learning and develop skills to improve their employment outcomes. It can help bring resilience and long-term emotional stability, and it can help them navigate financial crises that occur from time to time. I make the proposition.

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

Is the proposition seconded? [**Seconded**] Does any Member ... sorry, I have already got Deputy Catherine Curtis on the list.

### **10.1.1 Deputy C.D. Curtis of St. Helier Central:**

Yes, this is a ring-fenced fund which will act to a certain extent like a “Bank of Mum and Dad”. It is for those people who, through their experience in the care system, do not have access to the sort of financial support that most people take for granted. I am sure many of us will at one time or another have asked for a loan or a gift from parents. While being very supportive of the principle, there were a few points we asked to be clarified. We questioned the definition of “care experienced” so that we could be sure that all those who deserve this help will be able to apply. We were assured that the definition is intentionally broad to allow for a degree of flexibility, bearing in mind people’s different experiences. We also queried the seemingly low estimate for annual investment income, which at 2 per cent is much lower than that received, for example, by the Ecology Fund, which I chair. We were advised that there was a deliberate intention to set it at a conservative level, so it may well be that the investment income will be higher than expected, allowing for more disbursements to be made, or allowing for the fund to last for a much longer term than expected. Finally, the proposed plan is for the fund to be administered by an outside organisation with a fee of 10 per cent of the distributions made, which may be the best way to proceed but, due to the timing of the lodging of this proposition, the panel has not had sufficient time to consider this administration matter sufficiently. We asked the Minister to address this point in his speech, but I acknowledge that he has mentioned the matter just now. We were pleased to see that the organisation Jersey Cares will be there to inform potential applicants to the fund. To summarise, the panel is very supportive of this fund, and is hopeful for a timely sale of Aviemore so that we can see this proceed without further delay. I congratulate the Minister for bringing it forward and can see how much it means to him, considering he is not well today but was determined to be here to propose it.

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

I just had a very brief question about the fund and I wondered: is there any ability for it to be applied retrospectively? For example, if someone has committed to a university degree perhaps, is there an ability to apply to fees that have already been paid perhaps?

[17:30]

### **10.1.3 Deputy M.R. Ferey of St. Saviour:**

In relation to something that the chair of the Scrutiny Panel mentioned, the administrators will play a crucial role in the success of the fund. The Scrutiny Panel raised an important question about costs. I can confirm that we have looked at the fee-charging arrangements for similar funds, and the Minister and I are happy that the fee levels proposed are appropriate when compared to other funds and represent good value for money. Administrators will have to develop the application process, and in some cases I imagine will assist applicants to complete the paperwork. They will evaluate applications and arrange for funds to be distributed. Operating under service level agreements, they will have to comply with data protection requirements and report periodically to the fund oversight board. There is an element of the unknown as we simply do not know how many people will apply to the fund. Having said all that, I am confident that the administrators are professional in their field and are well prepared for the task ahead.

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

I just wanted to speak in support of the proposition, principally because I am still very concerned that despite a lot of good work and obviously good intentions by Ministers past, present, and no doubt future. I speak to people who have experienced care and there are still significant gaps in helping some of them certainly in living their lives, particularly around things like psychological support. I know people who suffered in Jersey’s care system over many years, particularly leading up to the 2000s, who are still very much struggling to fit in with holding down stable lives. The thing that concerns me enormously is that we are not able to provide them in the existing systems with the care

that they need. So I do hope that this fund will enable them to access the financing that will get them the care that I know so many of them do need. It is sad that we are still in this situation, but the need for the fund is absolutely genuine and I hope it really helps us fill in the gaps where there are significant gaps at the moment.

#### **10.1.5 Deputy S.Y. Mézec of St. Helier South:**

Likewise, I speak in support of this proposition and want to thank and commend the Minister for getting us to the point now where we are on the brink of making this a reality, because it has been promised for quite some time now. I served as Minister for Children from 2018 to 2020 and that was in the immediate aftermath of the Independent Jersey Care Inquiry. There were lots of things that happened during that time and the conversations did begin about the establishment of this fund fitting into that broader agenda of corporate parenting, which is something I still think Jersey has a long way to go on. But this is an important step in that journey, ensuring that there is a framework in place so that Jersey as a society, through its Government, can support people who have been through the care system in ways that they otherwise would not have had and have not had until now. There were lots of discussions about the Aviemore site, in particular, and how that may or may not be used, and that was quite a bumpy journey. I slightly regret how long that has taken because of how that prolonged this, when we have been promising for so long that this fund would be set up. But I think full points to the Minister, his team, Jersey Cares, and everybody else who has played a part in getting it to the brink of now being a reality. I thank them for that work on that, and I am really pleased to be able to vote in favour of it.

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

As required under the Public Finances Law for the creation of a new fund, proposition P.30 was lodged with my agreement, and I want to be clear that I fully support it. Throughout the process I have been consulted and kept well-briefed by officers. I am aware that the Fiscal Policy Panel has previously cautioned against the creation of new funds, however, in this case establishing this fund is appropriate. It fulfils a commitment made by this Assembly that the proceeds from the sale of Aviemore will be used specifically for the benefit of care-experienced adults. Importantly, the fund will not duplicate existing benefits or support that is already available. It is also highly likely to be time limited. Once the Aviemore proceeds have been fully utilised there will be no further need for the fund unless a future Assembly decides otherwise. This is fitting, given its purpose to provide support to individuals who experienced care during years when standards were not what they are today. Members should note, however, that the lifespan of the fund will depend on several factors. These include the level of distributions made by the Minister for Children and Families, the investment income generated by the fund, and the extent to which benefits are uprated for inflation or otherwise over time. The proposition includes conservative assumptions for these variables, suggesting an estimated lifespan of around 10 years, but the duration could rise or fall depending on how those factors evolve. Although we do not yet know the precise amount that the Aviemore sale will realise, approving the creation of the fund now will allow eligible care-experienced adults to benefit as soon as the money becomes available. The final value will depend on planning considerations relating to the States of Jersey Development Company's scheme for the property. I understand that supplementary planning guidance is expected at the end of this month, which should enable a planning application to follow in due course. This fund represents a meaningful and targeted way to honour our commitment to those Islanders whose experiences of care fell short of the standards we would expect today. I ask Members to support the proposition.

#### **10.1.7 Deputy M.R. Scott of St. Brelade:**

It is heartening to see the recommendation from the Jersey Care Inquiry being supported in this way to support care leavers, and acknowledging the shortfall in actual standards that they went through. I believe that Deputy Mézec has touched on the point that I really want to emphasise, which is this

duty of corporate parenting. I think it goes far beyond this particular type of help and support. The Children’s Commissioner is now there and will help support them in pursuing complaints. I am not going to apologise for mentioning that she herself needs support in that kind of role, and has been in support of the establishment of a public services ombudsman herself, because I do not think you can get away from the actual lessons that need to be learned, and we still need to carry on learning when it comes to handling people who have got concerns about standards. Thank you, I will leave it at that.

**The Deputy Bailiff:**

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

**10.1.8 The Connétable of St. Peter:**

I thank everyone for their questions, their speeches, and their support. I perhaps will look at the definition of the care leaver. The definition is intentionally broad to allow a degree of flexibility, but the intention of the fund is to benefit adults who were previously children in the care of the Minister under Article 1A of the Children’s Law. This includes a wider group of children, including those in the Minister’s care for very short periods of time because they were held in custody on remand, so that could be as little as 24 hours. Details will be included in the service agreements to be entered into with the independent administrators, who will help them determine the eligibility of applicants. There is obviously a big difference between somebody who perhaps spent 24 hours in the care of the Minister, and somebody who perhaps was in the care of the Minister for many years. I do hope that this fund will make a real difference to care leavers. That is the reason for its existence. Looking at some of the financial information, the first instalment when the property is sold is around £1.3 million, and that will in fact rise to somewhere - dependent on the final planning permission, *et cetera* - between £2.2 million and £2.5 million; £200,000 will be paid to the independent administrators each year, and that will result in approximately 10 years of the fund, hopefully a little longer. Once again, I do thank everyone. I maintain the proposition and call for the appel.

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. If Members have had the opportunity of returning to their seats I ask the Greffier to open the voting. If Members have had the chance to cast their votes, I ask the Greffier to close the voting. I can report that the proposition has been adopted unanimously:

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAINED: 0</b>
Connétable of St. Helier				
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 C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
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 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				

**11. Lobbying Guidance and Engagement Code for elected Members of the States (P.34/2026)**

**The Deputy Bailiff:**

The next item of Public Business is the Lobbying Guidance and Engagement Code for elected Members of the States, which is P.34, which has been lodged by the Privileges and Procedures Committee. I ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion – to approve the Lobbying Guidance and Engagement Code for elected Members of the States set out in Appendix 1 to the report accompanying the proposition, effective from 7th June 2026.

**The Deputy Bailiff:**

Chair of P.P.C., I invite you to propose the proposition.

**Deputy S.M. Ahier of St. Helier North (Chair, Privileges and Procedures Committee):**

This has been brought by the sub-panel, the Machinery of Government Sub-Committee, and I would therefore ask the rapporteur to be the chair of the committee, Tom Coles.

**11.1 Deputy T.A. Coles of St. Helier South (Chair, Machinery of Government Sub-Committee - rapporteur):**

I am going to start by paraphrasing Dickens. “Lobbying was good to begin with.” I had planned a bit of a dull speech addressing the need and the importance of some form of lobbying register, but as this week has progressed, I have decided to rewrite this and make it a little bit more interesting and take everybody on a bit of a Tolkien-esque adventure, that will still probably be a bit dull. Anyway, book one, The Fellowship of the Definition. This adventure goes into how we got on to the subject of a lobbying register and why it has come before the Assembly in its current form. We start in Middle Earth ... I mean the middle of the term, when Deputy Moore brought her proposition to publish Ministers’ diaries. As the chair of the Machinery of Government Sub-Committee, I addressed concerns at the time about the lack of clarity to the to the public and people engaging with Ministers about what would be published. Though lobbying exists in Jersey, the question has always been what is lobbying, and this is often confused with the massive lobbying machines that we see in the U.S. (United States). On rejecting Deputy Moore’s proposition, I did commit to bringing this to the Machinery of Government for further consideration, and this proposition is the result of those considerations. It is fair to say that many of the discussions that were had really stemmed around the definition of lobbying and what lobbying in the Jersey context actually is. After many backwards and forwards and long adventures we wondered why we did not take the eagles to Mount Doom to begin with, but anyway we did settle on a definition of lobbying. For those have not read it in the report I will just reiterate it, and that is: “A person or persons representing an organisation, body or group with a shared purpose who seeks to influence a States Member to support a particular outcome.”

[17:45]

We think that this definition works well because of what it does not include. This definition does not include an individual representing their own views on a particular subject. But what it does include is if that person has a business and that their view that they are trying to press on to a Member will impact upon their business, then it is lobbying. The definition does not include when a member of the public wants help or assistance with a personal matter, like income support. Our discussions also crossed into the questions of when does lobbying happen and when should it not be considered lobbying. In a small jurisdiction such as Jersey, it is perfectly reasonable to expect that States Members will have friends and relatives that could also be considered lobbyists. It is also important for us to clarify when we are discussing Government policy with our friends and families in an informal setting that this is not lobbying. If this was lobbying I would need a P.A. (personal assistant)

just to record my interactions with my mother-in-law. On to book 2, The Tale of Two Lobbies. Lobbying can be viewed in many ways but, for keeping it simple, I asked ChatGPT to write 2 paragraphs; one framing lobbying in the negative and one in the positive. Lobbying in the negative. Sorry if my projection of this is not so negative. “Lobbying can be perceived as a mechanism through which powerful interests exert disproportionate influence over the political decision-making. Critics argue that the allowance of corporations, wealthy individuals, or the well-resourced groups to shape legislation behind closed doors, often prioritising private gain over the public interest. When transparency is limited, lobbying may undermine public trust in democratic institutions by creating the impression that policy outcomes are determined by access and influence rather than fairness and evidence. In its worst form, lobbying risks distorting democratic processes and marginalising the less powerful voice.” Lobbying in positive frames: “Lobbying is a legitimate and valuable part of the democratic process. It enables individuals, businesses, charities and professional bodies to provide decision-makers with specialist knowledge, lived experience and practical insight into how proposed laws or regulations may affect different sectors of our society. Effective lobbying can improve the quality of decision-making by ensuring legislation is informed, evidence-based and responsive to real-world consequences. When conducted transparently and ethically, lobbying promotes civic participation, strengthens dialogue between Government and stakeholders, helps ensure that diverse voices are heard in the development of public policy.” The challenge we face is that when lobbying is quiet and in the background there are many that will think that negative framing is the lobbying that is carried out. Of course I am not going to stand here and accuse any Member of participating in the negative framing, that would be unparliamentary. But unfortunately there are always those outside of this Chamber who want to influence us for their own private gain in an underhanded way. That is why bringing forward some form of lobbying register will help shift the view of lobbying from the negative towards the positive. From backroom dealings to public policy engagement, agenda pushing to advocacy, undue influence to interest representation. Lobbying is legitimate, it is not a threat to democracy but a feature of it, and we should not be afraid of it. Lobbyists should not be afraid to hide. In fact, some that charge a membership fee might want to be clear about their interactions and the amount of interactions they have with Members show their membership if they are getting value for money. This Assembly needs to support positive lobbying.

Book 3, The Return of the Proposition. I think it is clear through our interactions even within my own party, about how this register as proposed is far from perfect. What is proposed is an attempt to reach a balance. The chair of P.P.C. was clear, even before he was chair, that he would not support anything that imposed any new legislation. That is why this register is voluntary. It became clear, without legislation the obligation for lobbying groups to provide information would become very difficult. Devising a mechanism that would allow us to collect and publish this information would be timely, costly and a bureaucratic nightmare. The only solution that seemed to overcome these hurdles was to place this burden on to Members. To ease this burden, in its current form there is no timeframe when you have to register your engagements with lobbyists and there are no consequences should a Member forget. I know the question is if there is no consequences what is to stop a Member from simply not following the register if it is adopted? Simply nothing. The hope is that peer pressure from other Members from completing the register will encourage others when the public questions why there are no entries on their register. To the register itself. Personally I think the register is simple; just a few short entries on each interaction. You record the date, your own name, who initiated the interaction, because it is a legitimate part of our policymaking to actually engage with groups themselves and reaching out to them again is absolutely legitimate, that should be publicly accessible. Then there is a vague description of the lobbyist. It has to be vague at this point because while we have not got any legislation behind it, the idea around data protection became a sticking point, so we figured that vague would help us get something through. We encourage Members to publish things like a representative from the construction industry or a representative from one of the Island’s utilities. Then there is a free comments field, free to put anything or nothing. Personally this is where I would want to record how I interacted with that lobbyist, because lobbying is not just

face to face. We all receive a large number of emails, some are directed to all States Members and others are directed to us as individuals. Personally, I would only be registering the emails that are emailed directly to me, because these are the ones that I am most likely to interact with by issuing a response. I think it is at that point when we issue the response that we have actively engaged with the lobbyist. We might receive phone calls. I think these should be recorded. But again, this is also a learning experience in this first time of this guidance of this register. We have situations again, a small Island where we are stopped in the street and in the supermarket. I would suggest that some of these need to be taken on a case-by-case basis. I was once an hour and a ½ inside Waitrose when a member of Jersey's fishing industry stopped me for a chat. In fairness I have known this individual for a very long period of time, and it went from a personal chat into why we should support the fishing industry and things like that. You can feel when that interaction changed from just being friends catching up into that point where you are being engaged by somebody who represents an industry. But again, as a learning experience, we can find out when these things are being logged and whether we need to tidy them up at a later date. But this is why it affirms the belief that this should stay as a voluntary process at this time. I also should remind Members that this will start for the next intake of Members and not us straight away in these last few weeks, trying to get our head around it. It will be part of the training issued to new Members on their inductions. As I have said earlier, this proposition and what is being proposed is not perfect, but that is why it is not legislation, that is why it is not mandatory. This was an attempt to instil balance, a first step in a different form of transparency that our public deserve, and so I ask Members, after this terrible tale of adventure: are you prepared to take the first step in this new form of transparency to the public? I make the proposition.

#### **The Deputy Bailiff:**

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

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

We have got about 6 minutes, so I will be 6 minutes. I am going to speak against P.34/2026 for some very specific reasons. Let me be clear from the start; I fully support transparency, I support openness, and I support anything that helps Islanders understand how decisions are made on their behalf, and the influences on those decisions. I refer Members to the fabulous piece of work of P.115/2025. There is still time for election hopefuls to sign up to that voluntary code. But this is where we start the process. It is a voluntary code. Who will sign up to a voluntary code? That is going to be an interesting process. What we have in front of us today simply does not go far enough in a specific area. The proposition sets out a new lobbying guidance and engagement code, and it offers what is described as a public lobbying register. But it is a voluntary register, dependent on Members choosing whether to record their interactions or not, and it is a States Members' register, our interactions. The report makes it very clear that it is voluntary. We cannot build trust on voluntary disclosure. The stated aim of this register is to increase transparency and public trust by documenting who is seeking to influence Members' decisions. That is a good aim; a very good aim. But the mechanism to achieve this simply is not strong enough. A voluntary system will inevitably be incomplete, not because Members do not care, but because life is busy, interactions happen quickly, and without a formal requirement, things will be missed. Those missing gaps are exactly what undermine trust. Islanders deserve a complete picture, not a partial snapshot. The key objection for me is that the lobbyists themselves must be accountable. The code before us places the responsibility solely on Members to record engagements. There is no requirement whatsoever for lobbyists themselves to register, report their activities, or be subject to oversight. We are a small, self-determining jurisdiction. As a small, self-determining jurisdiction, we are vulnerable to influence, particularly if the groups are invisible to public view and accountability. I am not anti lobbyists. We just need to know who you are and who is funding and influencing you. We have an imbalance. It means that those with influence have no formal obligations, while those being influenced are left

carrying the responsibility. That, to me, does not work. It does not reflect best practice elsewhere, and it does not reflect what a modern democracy should be doing. Guidance is not the same as enforceable standards, and we are told there are no financial staffing implications from the proposal. That is because there is no enforcement mechanism, no oversight, no sanction, nothing to ensure completeness or accuracy. Without those things, this becomes a matter of goodwill. While I trust my colleagues, a system built on goodwill alone cannot deliver the rigour the public expects. A mandatory register would protect the integrity of this Assembly. It would also protect Members from speculation or unfounded accusation. That should matter to all of us. I believe that any mandatory register must include a register of lobbyists themselves. We then know who we are talking to. We know the influences. It may be that we make the choice not to engage with particular lobbyists. That is our political choice if we want to make it, and we have to be accountable for that. But at least we know who people are. We often talk about rebuilding trust, we talk about transparency, and here was a chance to demonstrate it. But if we approve a voluntary system, we risk doing the opposite; creating a framework that looks like transparency but is not strong enough to deliver it. We can and we should do better. I am not dismissing the work that has gone on in the proposal. I understand that, that it is a difficult process. But I cannot support a system that falls short of what we need. We should be bringing a statutory, mandatory register covering registration of lobbyists, regular reporting, independent oversight, clear consequences for non-compliance, a transparent and searchable public platform. That would give Islanders the confidence they deserve. Members of the Assembly need to have some form of clarity as to what is expected, not just of them but the lobbying groups that are lobbying them. It is about insisting that the transparency that we seek is meaningful. We keep public trust, and to do that we need a system in place that is robust and complete and enforceable. For that reason, I will vote against P.34 today, and I urge a new P.P.C., to bring back a proposal that truly reflects the standards Jersey should be aiming for, rather than just putting the onus on us for an incomplete and voluntary process.

**The Deputy Bailiff:**

By my clock, we have just gone past 6 o'clock. Is the adjournment proposed? The States stands adjourned until 9.30 am. tomorrow.

**ADJOURNMENT**

[18:00]