STATES OF JERSEY

OFFICIAL REPORT

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[9:30]

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

The Bailiff:

Going back to the point you were going to raise, Senator Gorst. Two Members have joined online, we will revisit the question of the Connétable being en défaut if we find out there are some difficulties in him joining.

Senator I.J. Gorst:

As I have always thought, living out east is not perhaps the ... **[Laughter]**

Senator T.J.A. Binet:

I hope now is the right time to say, but in the event that we do not finish at lunchtime, I have to accompany a family member to a medical appointment in the U.K. (United Kingdom) this afternoon, so I will have to leave at lunchtime.

The Bailiff:

Thank you very much.

PUBLIC BUSINESS – Resumption

1. Draft Sea Fisheries (Les Ecréhous) (Jersey) Amendment Regulations 202- (P.66/2026)

The Bailiff:

The next item of business is the Draft Sea Fisheries (Les Ecréhous) (Jersey) Amendment Regulations, lodged by the Minister for the Environment, Agriculture and Fisheries. The main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I will now ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Sea Fisheries (Les Ecréhous) (Jersey) Amendment Regulations 202-. The States make these Regulations under Articles 2 and 29 of the Sea Fisheries (Jersey) Law 1994.

The Bailiff:

The Minister will address the principles.

1.1 Senator M.R. Le Hegarat (The Minister for the Environment, Agriculture and Fisheries):

I am pleased to bring this proposition before the Assembly today. This may appear to be a relatively small technical change to fisheries management, but in reality it forms part of a much wider effort to protect one of Jersey's most important marine resources and to support the long-term future of our fishing industry. This change is one of a package of measures being introduced to tackle declining lobster stocks. It builds on the increases to the minimum lobster landing size approved by the Assembly over the past 3 years, and forms part of a wider programme of fisheries management measures that will be progressed during this term of Government. These management changes are being introduced on a timescale agreed with the fishing industry to allow adaptation to the changes. Together, these measures will help strengthen lobster stocks, improve the long-term sustainability of the fishery, and support the continued success of Jersey's fishing fleet. In the face of climate change and new predators such as octopus, increasing the resilience of this stock is important more than ever. Briefly, for those who are not familiar with different fishing pot types, a parlour pot is a 2-chambered lobster and crab pot from which it is hard for the catch to escape. Unlike traditional open inkwell or D-pots, the second chamber retains the catch after the bait is consumed. This can result, should the pot not be checked every one to 2 days, in the catch becoming bait for whatever enters the pot next; in quite often cases, octopus. This in turn causes unnecessary mortality in the fishery. In the case of

pots not fished for several days or even weeks in times of bad weather, the resulting mortality can be significant. Excluding these highly efficient pots from our most productive habitats gives the lobster population a chance to improve from its current impacted state. In this change, we see the area covered by the regulation increase from 13.5 km^2 to 40 km^2; an increase of close to 200 per cent. This brings the regulation into line with the scale of its equivalent at Les Minquiers Reef, where the no-parlour pot zone has been a successful management measure for many years. Members may ask why the current zone at Les Ecréhous has, until now, been so comparatively small. The simple answer is that it was a result of the Bay of Granville Agreement management systems where management decisions had to be negotiated between Jersey, Brittany and Normandy. Today we have the advantage that with sound data and rational argument, logical measures can be implemented without compromise. This said, I am pleased to be able to share with the Members that this measure has received the support of Norman and Breton fishers, as well as our own. Commercial potting for lobster has historically been the mainstay of much of Jersey's fishing fleet. Today it remains an important fishery for licensed Jersey and French vessels. It is essential that resource is managed responsibly to sustain a viable fishery. Many of the most productive lobster grounds in our waters are associated with shallow rock reefs such as Les Minquiers, Les Ecréhous and Les Dirouilles. These habitats provide important shelter, feeding grounds and breeding areas for lobster and crab populations and are critical to the health of the wider potting fishery. The commercial fishery is currently facing significant challenges, with catches declining from their exceptional peak in 2017 to levels below those recorded when reliable records began in 2007. Annual research conducted by the Marine Resources team has shown that this decline is not just in size adult lobsters, but also in the juvenile population. This is a great cause for concern, as it indicates that we now lack the stable breeding population of years past. Despite these challenges, the fishery remains economically significant, with Jersey fleet landing 46 tonnes of lobster in 2025, with a first point of sale value of nearly £900,000. The team at Marine Resources, working in partnership with the industry, have jointly agreed several management measures to improve the fishery; the shared objective being to maintain what is still a fishery of critical importance to many of our small inshore fishing vessels into the future. With warming seas and changing food webs, lobster may not reach its 2017 levels again in the coming years. However, with the right regulation and management in partnership with the fishing fleet, we can maintain a stable fishery. I recommend this proposition to the Assembly.

The Bailiff:

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

Connétable A.N. Jehan of St. John:

Could I just say the Constable of Grouville has now joined us online, so could his défaut be raised?

The Bailiff:

Are you here, Connétable of Grouville?

Connétable M.A. Labey of Grouville:

I hope so, Sir. **[Laughter]**

The Bailiff:

Yes, the défaut is raised on the Connétable of Grouville.

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

Speaking as the chair of the E.H.I. (Environment, Housing and Infrastructure) Panel, we have submitted comments on this proposition and we support it. As the Minister said, lobster landings have fallen sharply since 2015 and marine resources surveys are finding low numbers of legal-sized lobsters but also undersized ones, which is a real concern because it tells us the next generation is also under pressure and it risks our sustainability of our lobster.

[9:45]

Les Ecréhous is a Ramsar site of international importance. It is also a place where people earn their living. We have to protect both. Our fishers need healthy stocks just as much as the reef does. So I ask the Minister for 3 things: monitor the outcomes, not just compliance; are the number of lobsters recovering? Are juveniles surviving? Report back to this Assembly so we know whether this is working. And keep talking to all stakeholders involved. This is a good evidence-based measure and I urge Members to support it.

The Bailiff:

Does anyone else wish to speak on the principles? If no one else wishes to speak, I call upon the Minister to reply.

1.1.2 Senator M.R. Le Hegarat:

I thank the chair of the Scrutiny Panel. It is always valuable when there is support from Scrutiny in relation to changes that we wish to make. Yes, of course, I will. The team at Marine Resources will keep continually monitoring and they will happily report back to the chair of the panel and the wider Assembly. We will certainly keep talking with the fishing industry both here and, of course, in Normandy and Brittany, because without good stakeholder consultation we cannot make improvements.

The Bailiff:

Those in favour of adopting the principles, kindly show. The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the principles have been adopted unanimously:

POUR: 40		**CONTRE: 0**		**ABSTAINED: 0**
Senator L.J. Farnham				
Senator I.J. Gorst				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator M.E. Millar				
Senator S. Kersten				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy L.M.C. Doublet				

Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				
Deputy P. J. Romeril				

The Bailiff:

Deputy Jeune, can you formally confirm that your panel do not wish to call this matter in?

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

No, Sir.

The Bailiff:

We now move on to the Second Reading. How do you propose the regulations, Minister?

1.2 Senator M.R. Le Hegarat:

En bloc, please, Sir.

The Bailiff:

Are the regulations seconded? **[Seconded]** Does anyone wish to speak on the regulations in Second Reading? Those in favour of adopting the regulations, kindly show. The regulations are adopted in Second Reading. Minister, do you propose the matter in Third Reading?

1.3 Senator M.R. Le Hegarat:

Yes, please, Sir. Again, I thank Scrutiny for their support.

The Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** Does anyone wish to speak in Third Reading? Is the appel called for? The appel has been called for. I invite Members to return 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 regulations have been adopted unanimously in Third Reading:

POUR: 40		**CONTRE: 0**		**ABSTAINED: 0**
Senator L.J. Farnham				
Senator I.J. Gorst				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator M.E. Millar				
Senator S. Kersten				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				

Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				
Deputy P. J. Romeril				

2. Extension to Jersey of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (P.69/2026)

The Bailiff:

The next item is the Extension to Jersey of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, lodged by the Minister for External Relations. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion − to refer to the text of the Budapest Treaty, as set out in the Appendix to the accompanying Report, and to agree that the Minister for External Relations should request the extension of the Treaty from the United Kingdom of Great Britain and Northern Ireland to the Bailiwick of Jersey.

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

The proposition seeks the Assembly's support for the extension to Jersey of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. This proposal represents another important step in Jersey's wider intellectual property modernisation programme. It builds on the Assembly's previous support for the extension of key international I.P. (intellectual property) treaties, including the Patent Co-operation Treaty, the Madrid Protocol, the Hague Agreement and the Nice Agreement. Our modernisation programme is founded on a simple objective, ensuring that Jersey's intellectual property framework remains aligned with internationally recognised standards and continues to support innovation, investment and economic opportunity. Extending international treaties is an important part of that work. Participation in globally recognised frameworks strengthens Jersey's international connectivity, enhances our reputation as a responsible and forward-looking jurisdiction and provides confidence to businesses and rights holders that our I.P. regime operates in line with international best practice. The Budapest Treaty plays a valuable role within the international patent system. In certain biotechnology and life sciences innovations, a written description alone may not be sufficient to satisfy patent disclosure requirements. The treaty provides a practical solution by allowing a single deposit of a microorganism or other qualifying biological material with a recognised international depository authority to be accepted across all contracting states. This reduces duplication, lowers costs for innovators, and simplifies the process of seeking patent protection in multiple jurisdictions. Jersey will not be required to create its own depository, but merely recognise deposits made through the international system. Importantly, the extension of the treaty will not require any changes to Jersey's legislation or administrative

procedures. It is a sensible, proportionate and forward-looking measure. I should like at this point to thank former Deputy Scott for all the work that she did in this area and getting us to this point, and of course, I would like to thank the Scrutiny Panel for their continued scrutinisation of all this work. For my part, I also look forward to transferring all this out of my portfolio into that of the Minister for Economic Development, but that is still to come. I hope that Members will support this extension.

The Bailiff:

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

2.1.1 Deputy S.J. Gleave of St. Helier South:

I do not have much to add to what the Minister has said. I can commend the Minister for the work that he is doing on the international treaties and confirm to the Assembly that this did come to the Scrutiny Panel for our review. We had a full briefing on it. We talked to the team who were working on I.P. as well. This is important. It opens up potential opportunities for Jersey. I concur that there is no new legislation required, and I would also just like to recognise former Deputy Scott. The panel is happy to recommend to the Assembly that this receives our support.

The Bailiff:

Does anyone else wish to speak on this proposition? I call upon the Minister to reply.

2.1.2 Senator I.J. Gorst:

I thank the chair for her kind words. Officers have worked diligently to get us to this point, and there is more work to come, but I think that it is an important part of ensuring that we meet international standards and have a recognised international approach to I.P. and all those related matters. Of course, what it does is allow us to have confidence in our inclusion in free trade agreements, but, more importantly, it also creates an economic opportunity for the future. I commend the extension of this treaty to the Assembly and ask for its support, and call for the appel.

The Bailiff:

The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the extension has been adopted unanimously:

POUR: 40		**CONTRE: 0**		**ABSTAINED: 0**
Senator L.J. Farnham				
Senator I.J. Gorst				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator M.E. Millar				
Senator S. Kersten				
Connétable of St. Mary				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				

Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				
Deputy P. J. Romeril				

3. Law Revision Board: appointment of members (P.70/2026)

The Bailiff:

The next item is the Law Revision Board: appointment of members, lodged by the Chief Minister. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion − in accordance with the provisions of Article 15(2)(a) of the Legislation (Jersey) Law 2021, to appoint Connétable R.D. Johnson of St. Mary and Deputy M. Tadier of St. Brelade as members of the Law Revision Board.

Senator L.J. Farnham (The Chief Minister):

Senator Miles will act as rapporteur.

3.1 Senator H.M. Miles (Assistant Chief Minister - rapporteur):

I am pleased to propose this proposition which seeks the Assembly's approval to appoint Connétable Johnson and Deputy Tadier as members of the Law Revision Board. Under the Legislation (Jersey) Law, 2 States Members are appointed to serve on the board alongside its other statutory members. This board performs an important role in reviewing revisions to Jersey legislation, helping to ensure that our laws remain clear, accessible and up-to-date. I believe both nominees are well suited to this role. Connétable Johnson's experience, including his position as vice-chair of the Legislation Advisory Panel will be a valuable asset to the board. Deputy Tadier also brings considerable experience and a strong understanding of Jersey's legislative processes, which will help support its work. Both Members have confirmed their willingness to serve, and I am grateful to them for doing so. These are well-considered appointments to an important statutory body, and I ask Members to support the proposition.

The Bailiff:

Is the proposition seconded? **[Seconded]** Does anyone wish to speak on the proposition? No one wishes to speak. I close the debate. Those in favour, kindly show. The proposition is adopted.

4. Draft Financial Products and Prospectuses (Jersey) Law 202- (P.71/2026)

The Bailiff:

The next item is the Draft Financial Products and Prospectuses Law, lodged by the Minister for External Relations. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Financial Products and Prospectuses (Jersey) Law 202-. A law to provide for the registration of certain financial products and the regulation of the circulation of prospectuses to retail investors, and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

Today, I am seeking Member support for the Draft Financial Products and Prospectuses (Jersey) Law. This law, if adopted, would repeal the Control of Borrowing (Jersey) Law 1947 and associated order, and create a new registration regime for certain financial products. This piece of work forms an important part of the Government's competitiveness programme, which Members will be aware there was a published report called *Time to Win* in March of this year. As Members know, that report is an action plan for safeguarding and growing our financial and related professional services sector. Rightly restoring competitiveness is one of the 4 pillars of the Government's Common Strategic Policy, which the majority of us supported yesterday. I was clear from the start of this programme that while we worked on formulating the long-term plan, we must also make quick changes to Jersey's business and regulatory environment. This legislation therefore is, although seemingly laborious, *Time to Win* in action. The control of borrowing framework was implemented in the post-war era to safeguard economic stability and ensure oversight of capital-raising activities, and it served Jersey well for a time. But with our modern regulatory laws, it is now outdated, causes duplication and unnecessary administrative burden, both for industry and for the Jersey Financial Services Commission. It could be argued that the repeal is long overdue. Following public consultation and extensive industry consultation, I am proposing a new law which will retain only those elements that we need to keep. It will also repeal the control of borrowing framework fully. Further, a range of consequential amendments are proposed to update those laws, but refer to the control of borrowing framework. The Financial Products and Prospectuses Law makes modern provision for certain

products where we need to retain regulatory oversight, namely the registration of Jersey Private Funds, the registration of Legacy Private Funds, the registration of digital asset issuers, and the regulation of the circulation of prospectuses to Jersey retail investors. The Jersey Private Fund regime was introduced in April 2017, providing a flexible fund structure for professional investors. The J.P.F. (Jersey Private Fund) is an integral and growing part of our funds industry, therefore it is important to maintain the provisions around this product. Continuance of the J.F.S.C. (Jersey Financial Services Commission) registration of Legacy Private Funds related to private funds set up prior to the introduction of the J.P.F. regime, as I said, in April 2017.

[10:00]

The J.F.S.C. registration of digital asset issuer is a continuation of the existing regime as set out in *Time to Win*, it is important that we make provisions for the future of this sector. The regime will need to be flexible as this sector evolves. Continuing to require J.F.S.C. consent for the circulation of prospectuses to local people who may not be financially sophisticated is also a necessary and appropriate safeguard. Changes are proposed to the laws for setting up Jersey companies, Jersey limited partnerships and Jersey limited liability partnerships. For example, in relation to a Jersey company, there will no longer be the dual requirement of companies law and of Co.B.O. (Control of Borrowing (Jersey) Order 1958). Instead, the requirements will all be in one place. The proposed new law adds various requirements into existing product laws. It adds registration requirements in the registry laws, that is Companies Law, Limited Partnerships Law, Separate Limited Partnerships Law, Incorporated Limited Partnerships Law, Limited Liability Company Law and Limited Liability Partnership Law. Further, it adds continuance for requirements that were previously in Co.B.O. into the Companies Law, Limited Liabilities Companies Law and the Limited Partnership Law. The proposed new law also amends an existing class of regulated Trust Company Business activities, T.C.B. (Trust Company Business) Subclass One to add register services activity undertaken by a company, limited liability company, or limited liability partnership. This law also makes amendments to other legislation that are necessary as a result of the repeal of the control of borrowing framework. So if adopted, this proposal will bring about a much needed overhaul of the existing regime, one that modernises Jersey's regulatory framework, makes it easier to do business in the Island, and ultimately helps to restore the Island's competitiveness. I would like to extend my sincere thanks to the Economic and International Affairs Scrutiny Panel once again for their diligent Scrutiny of this legislation. I move the principles of the law and commend it to the Assembly.

The Bailiff:

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

4.1.1 Deputy S.J. Gleave of St. Helier South:

The Scrutiny Panel, I can reassure the Assembly, has had a full briefing on this, and frankly, the work is one of the hygiene factors for the *Time to Win* programme. Having received a full briefing from the teams involved, we sought assurance from the industry that the new law was both a welcome improvement and, quite frankly, as good as they thought it could be, or whether they thought it did not go far enough. We met with the Jersey Funds Association and the Digital Assets Working Group, as well as individuals, and they can see no further improvements. They welcome the changes. They want them to come as fast as they possibly can be. That is the only thing I would urge the Minister, they want to see these changes brought in as quickly as possible. I think there is just some frustration about the speed with which things are going at the moment. As quickly as possible is the message I got from the industry, and they very much welcome it. So I commend this to the Assembly and I urge everyone to support this proposition.

Deputy M. Tadier of St. Brelade:

Just a quick question to ask if it is necessary for any declarations of interest to be made in this debate if there are Members who might have an interest in this area of lending or the affected areas from the repeal of this and the new framework?

The Bailiff:

Again, that is a matter for Members to consider and make declarations, if appropriate. Bearing in mind, if anyone is in doubt, that they should do so. Does anyone else wish to speak on the principles? I call upon the Minister to reply.

4.1.2 Senator I.J. Gorst:

I would be surprised, but would be delighted if there were Members that needed to make a declaration because it will mean they will be setting up new Jersey companies or virtual digital structures and supporting our economic growth. I suspect probably not, they are too busy with their jobs in this place, but I can always be hopeful. So I thank the chair for, as I have said, her and her panel's diligent review of this work, and I am grateful for the feedback that she also received, as I did from industry, that this law gets absolutely the balance right that some of these structures rightly do want to be within the ambit of regulation, but they want it to be as simple as possible; that is what this law does. She is also right to raise the issue that once the Assembly has a previous law it will of course continue through its normal post-parliamentary process for all of those approvals, but it then passes to the regulator to do all of its work. I share sometimes the frustration that the implementation of complex pieces of legislation or dismantling in this case of complex pieces of legislation can take some time. I did write again to the regulator, I think it was earlier this week - it has been a long week for all of us - I think it was either at the end of last week or beginning of this week, to ask them to review their implementation timetable and bring it forward as much as possible. I am constantly conscious of the need for us to do this work quicker and ensure that we are moving all of these items forward. So I have got no doubt that they will be reviewing that request. They will have heard the chair's comments in the Assembly today, which were of course not just her personal comments but comments coming directly from industry about the implementation timeframe. So I maintain the principles. I ask for Members to support and I call for the appel.

The Bailiff:

The appel has been called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

Connétable T. Palmer of St. Lawrence:

Can I just say that the Constable of Grouville is having a job voting, but he is trying to vote.

The Bailiff:

Well, he can always tell us what his vote is if he wants to, as opposed to trying to do electronically. He can just tell us what his vote is if he can hear me. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I announce that the principles are adopted unanimously:

POUR: 40		**CONTRE: 0**		**ABSTAINED: 0**
Senator L.J. Farnham				
Senator I.J. Gorst				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				

Senator M.E. Millar				
Senator S. Kersten				
Connétable of St. Mary				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				
Deputy P. J. Romeril				

The Bailiff:

I need to ask you, Deputy Gleave, to formally confirm that your panel will not be calling this matter in.

Deputy S.J. Gleave (Chair, Economic and International Affairs Scrutiny Panel):

No, we will not be.

The Bailiff:

Thank you very much. Minister, how do you propose the articles in Second Reading?

4.2 Senator I.J. Gorst:

I gave a slightly longer speech in the principles reading than I might have liked to have done, hopefully explaining to Members the changes that the Articles will deliver, and therefore I propose them *en bloc,* and I will seek to answer any questions that Members may have.

The Bailiff:

Are the articles seconded? **[Seconded]** Does anyone wish to speak on the Articles in Second Reading?

4.2.1 Deputy K.M. Wilson of St. Clement:

I just wonder if the Minister could just explain the impact of removing the first stage of the scrutiny process as referred to in the report. Does that strengthen the governance or does that align with some of the principles around trying to reduce the burden of regulation?

The Bailiff:

Does anyone else wish to speak on the Articles in Second Reading? No one else wishes to speak, I call upon the Minister to reply.

4.2.2 Senator I.J. Gorst:

I think the Deputy was referring to commentary in the report rather than the individual Articles. Of course, what we have sought to do is to reduce the regulatory burden. So where someone setting up a company or a certain structure has had to do all of the work in the Companies Law and then they have had to have permissions under the Co.B.O. legislation as well, we are seeking to streamline all of that into one requirement. So the very principle of the changes to this law was that Co.B.O. had become not only outdated, but duplicative and administratively more difficult than it needed to be, not competitive. So we are taking out layers which were unnecessary and not managing any risk. So that was the whole principle of the changes that we have brought in, in this regard. The necessary safeguards are retained as we talk to industry, and as I said, J.P.F. wanted to be within the regulatory framework because it helps with the promotion, but they wanted to do so in a light touch way, and that is why we have turned this into a registration and prospective piece of legislation, and not the big cumbersome piece that was there before. So I will do that in Third Reading. I maintain the articles and call for the appel.

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

Before the appel starts, can we raise the défaut on Deputy Porée please?

The Bailiff:

Are Members content to raise the défaut? The défaut is raised. The appel has been called for. Members are invited to return to their seats. Can I ask the Greffier to open the voting? All Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I announce that the law has been adopted unanimously in Second Reading:

POUR: 41		**CONTRE: 0**		**ABSTAINED: 0**

Senator L.J. Farnham				
Senator I.J. Gorst				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator M.E. Millar				
Senator S. Kersten				
Connétable of St. Mary				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy B.B. de S.V.M. Porée				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				

Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				
Deputy P. J. Romeril				

The Bailiff:

Minister, do you propose the matter in Third Reading?

4.3 Senator I.J. Gorst:

I do, Sir, and in doing so I wish to thank those across industry at the regulator and my officials in my department. I think it is fair to say only 2 years ago we would not have thought it possible to be able to repeal a piece of legislation from 1947, which had become so all enveloping across the financial services industry. But it just goes to show when we work together across Government, across industry and across regulator in a constructive way and we put Jersey first and we are laser-focused on ensuring that we remove duplication and bureaucracy from our system and we modernise our legislation, we can be confident in our future. I thank all of those involved. I know it has not been straightforward, but I think it is an excellent piece of work. It is one of many that are still to come within the Time to Win action plans. I thank all of those, and I ask for Members to support in Third Reading.

The Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles as adopted in Second Reading in Third Reading?

4.3.1 Deputy M. Tadier of St. Brelade:

I would like to congratulate the Minister for the work that his department has done on this. I know it has been a long time coming. But it is also a good challenge I think to his fellow Ministers to show how quickly he can turn a piece of legislation around. He can repeal a whole new law in the space of 2 years and then bring a new framework in. When we hear excuses from other Ministers in other areas that they need more time to do things or that it is too difficult, perhaps they just need to knock on the door of the Minister for External Relations and maybe even ask if he has got any spare band width for help with their departments.

The Bailiff:

Does anyone else wish to speak in Third Reading? If no one else wishes to speak in Third Reading, I ask the Minister to reply.

4.3.2 Senator I.J. Gorst:

I thank the Deputy for his comments. Of course he previously chaired the Scrutiny Panel which scrutinised myself and my department, and I am grateful for all of the work that they did there.

[10:15]

He makes a very good point. If any of my colleague Ministers are bringing forward pieces of legislation or have got proposals that are going to deliver economic growth, bring more business to Jersey and not only in the financial services and business sector but right across our economy, then my door is always open. I will support them to deliver any proposals for economic growth. **[Approbation]** Having said that, I know we are just focusing on this and I have gone slightly out of brief - although possibly not - I ask for Members to support this legislation in Third Reading. I call for the appel.

The Bailiff:

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

POUR: 42		**CONTRE: 0**		**ABSTAINED: 0**
Senator L.J. Farnham				
Senator I.J. Gorst				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator M.E. Millar				
Senator S. Kersten				
Connétable of St. Mary				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy B.B. de S.V.M. Porée				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				

Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				
Deputy P. J. Romeril				

5. Whistleblowing Legislation: Lodging by January 2027 (P.72/2026)

The Bailiff:

I now move on to Whistleblowing Legislation lodged by Deputy Alves. The main respondent is the Minister for Social Security. The amendment has been withdrawn, I understand. I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion − to request the Minister for Social Security – (a) To finalise and bring forward for debate, no later than 31st January 2027, the Draft Protected Disclosure (Protection of Whistleblowers) (Jersey) Law published in R.41/2026 (re-issue); and (b) to include in the report accompanying the draft legislation an explanation of any material changes which have been made to the previous version of the draft Law together with a timetable for its implementation.

5.1 Deputy C.S. Alves of St. Helier Central:

I thank the Minister for withdrawing her amendment. Hopefully, that will shorten this debate and enable us to get away sooner rather than later. This was never going to be a debate about whether we should have whistleblowing legislation. That debate happened 3 years ago and the Assembly unanimously supported the principle. This is about prioritising that decision and ensuring the legislation is brought forward sooner rather than later, given that we are almost 2 years beyond the original deadline. I am going to provide a brief history, an overview of what has happened to date, particularly for newer Members and for anyone who may need a reminder. In June 2023 I lodged P.47/2023, which was then debated in July of 2023. I made the case for whistleblowing legislation then, highlighting how we fell significantly short of international standards and best practice. I also asked for the necessary legislation to be brought to this Assembly within 12 months before the end of June 2024. That proposition was amended by this very same Minister, Senator Millar, who was then Deputy Millar, to bring the legislation forward before the end of December 2024 instead, adding a further 6 months to the timeline. I was happy to accommodate the Minister, and I accepted that amendment. The Assembly then unanimously voted in favour of directing the Minister to undertake that work over the following 18 months. In January 2024, almost 6 months after that approval, we had this Assembly's first successful vote of no confidence in a Chief Minister, and a new Government was finalised in the middle of February. I cannot comment on whether any work had been carried out prior to the vote of no confidence on whistleblowing and maybe Senator Millar, as the then Minister, or Deputy Feltham, as her successor, may be able to confirm that, but I would like to think work had already started. Deputy Feltham took over as Minister in the middle of February 2024 and

in May 2024 she asked the Jersey Employment Forum to undertake a consultation on any issues that may be raised by introducing this legislation. The main survey and consultation period concluded in November 2024, 6 months later. Deputy Feltham then formally accepted the Forum's recommendations on 30th June, and this was recorded under a Ministerial Decision. It was published to the Assembly on the same day as R.107/2025; that was 12 days after the Forum published its initial recommendations on 18th June 2025. In March 2026, Deputy Feltham, as the Minister for Social Security, published the draft legislation stating and I quote: "The intention of the Minister is to create for Jersey a straightforward and uncomplicated statutory whistleblowing process as a first step. The outgoing Minister welcomes feedback on the draft law and the proposed definitions and processes." That draft law has now been in the public domain for almost 8 months, giving stakeholders a further opportunity to provide feedback to the department. Looking at all of this together with the 2024 consultation; that is a total of 14 months that has been spent on consultation and opportunity for comments to date. Given that we are almost 2 years past the December 2024 initial deadline, Members can imagine how I felt on hearing the Minister at a Scrutiny hearing on 22nd September say that it will not be a priority for next year. I know that Ministers have their own portfolios and priorities and programmes of work but they also have a responsibility to deliver on decisions made by this Assembly. It seems to me that Ministers can sometimes forget they are Members of this Assembly first and foremost before they are Members of Government and Ministers. This is not a criticism of the current Government, it is an overall observation I have made over the last 8 years. We are all elected Members of this Assembly, accountable to this Assembly, and we all have a responsibility to respect and deliver on the decisions it makes. No one is above anyone else in here, whether you are a Minister, a Scrutiny or committee chair or a Back-Bencher. We all have a responsibility to implement the decisions taken by this Assembly, however difficult or uncomfortable that may sometimes feel. I know this all too well myself. I have found myself in situations, both as Assistant Chief Minister and as P.P.C. (Privileges and Procedures Committee) chair previously, where I was required to propose things that I did not personally agree with but which I was bound to do so because of an Assembly decision, and I did. I, again, thank the Minister for withdrawing her amendment, and I note her comments that the current draft is not fit for purpose and that she will continue working on it. I do not intend to dismiss those concerns. If the Minister believes changes are needed, then she should identify them and work to address them. But it is important to remember that we are not starting from scratch. We have a draft law that has been in the public domain since March, which was informed by the Employment Forum's recommendations following consultation and published for further consideration and feedback. If the Minister considers that parts of it are not fit for purpose, it is important that this Assembly understands which parts, why and what changes she believes are necessary, or is the Minister saying that none of this draft is fit for purpose? That would be a significant statement to make about legislation that has already been through this process. My proposition does not ask the Minister to bring forward the current draft exactly as it stands, nor does it ask this Assembly to approve it without proper consideration. It asks the Minister to finalise and bring forward the legislation, including, as set out in my part (b), an explanation in the accompanying report of any material changes made to the previous version of the draft law, together with a timetable for its implementation. I want to make it clear to Members the date in my proposition is a deadline for bringing the legislation forward for debate. It is not a deadline for the law to be enacted or brought into force. Again, I am not asking for this Assembly to approve legislation without proper scrutiny. I am asking for legislation that has already been developed, consulted on, published, to be finalised and lodged before this Assembly in 2, almost 3 months' time. There is still time for the Minister to work with the law drafters to make any necessary changes. The legislation would then go through the normal parliamentary process and a date on which it comes into force would be a separate matter. The 31st January 2027 is the date the legislation would be lodged, not the date the law would be in place. I think I have outlined my rationale for lodging this proposition. It is an attempt to press the Minister to prioritise this already significantly delayed work and to ensure that a decision made unanimously by the Assembly is not allowed to drift any further. Although I have not

made direct reference to it, I think the events of this past week or so have highlighted exactly why these protections are needed now more than ever. People need to be able to speak up when they witness wrongdoing or have serious concerns. They need to know that they will be protected when they do so. That is what this legislation is about, and it is why I believe we need to make progress. With that, I propose the proposition and I hope Members will be supportive.

The Bailiff:

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

5.1.1 Deputy J. Renouf of St. Brelade:

I would like to begin by saying that I am trying to choose my words with care in this speech, and for this reason I will not be taking any points of clarification or information. I do acknowledge that choosing my words with care does not mean that I have chosen them well; I have done my best. I wish to make an obvious declaration. Members will be aware this debate coincides with an Employment Tribunal involving the former Safeguarding Partnership lead who was sacked by the Government and in which whistleblowing is a central issue. I would like to state for the record that the former partnership lead is my sister. Members will not be surprised that I have, therefore, recused myself from all Ministerial meetings, discussions and decisions relating to this matter. I would also say that my general views on whistleblowing long predate this particular case but that some of my comments today are inevitably influenced by recent events. I wonder if I could ask the usher for a glass of water please, I am in danger of losing my voice, perhaps not soon enough for some people. Moving on to the substance of what I have to say, I want to explain why I am in favour of whistleblowing legislation and passing P.72. Whistleblowing applies in different contexts, the private sector, the public sector and it bites I think slightly differently in each of these contexts. I will come to the private sector in a moment, but I am going to start with the public sector and by referencing the Care Inquiry report, which has considerable relevance for the matter before us. Before I do, I note and appreciate that the Chief of Police has apologised for his recently reported comments about the Care Inquiry. My view on the Care Inquiry report is straightforward. It is for me a foundational document in terms of how I approach politics in Jersey. Few reports have held up a more unforgiving reflection to us about events in the Island's past, but it did so in a way which gave us hope. It lays out a clear and comprehensive approach to a better future. The recommendations it made represent not just the programme of change but guiding principles as to how to continually improve how we deal with vulnerable people and indeed how we can improve Jersey. Central to that message was the issue of culture and the vital need to create a culture that encouraged the raising of issues. Of the 10 key failings identified in the report the fifth failing it described is this: "Failure to establish a culture of openness and transparency. Jersey's culture has not encouraged the reporting of poor and abusive practice." Turning to the key lessons that were described by the Care Inquiry report, lesson number one is worth quoting in full: "The welfare and interests of children are paramount and trump all other considerations. Traditional values, operating and management practices, the needs or employment status of staff, convenience, H.R. (human resources) practices and the reputation of the Island should all be secondary considerations to the interests and welfare of children." There was no explicit whistleblowing recommendation in the Inquiry report but the direction was crystal clear. People needed to be empowered to raise concerns and challenge authority. In 2019 there was a follow-up report by the Care Inquiry. It described continuing concerns from staff, including staff who had considered using whistleblowing procedures but said they had little confidence in the objectivity and transparency of those processes. There was a continuing culture of fear about reporting concerns. Are things better now? I want to say very clearly that there have been many improvements since the Care Inquiry report, and improvements continue to be made. I also want to acknowledge and thank all those dedicated people who work in the care sector for their commitment and to continue to drive improvements.

[10:30]

We owe them a lot. However, we are not there yet, as the Council of Ministers acknowledged in their recent statement. We still fall short of the cultural and organisational standards we need when it comes to encouraging and supporting those who have concerns to come forward. There is still a tendency to prefer institutional stability over searching self-examination, reputation management over simple openness, legal shenanigans over reconciliation. Before I come to the role of legislation in addressing these concerns, let me turn briefly to whistleblowing in the private sector. Very sadly we have an all too horrific recent example of what happens when a toxic safety and employment culture is not challenged. The recent Haut du Mont trial included a scarcely believable litany of management and cultural failure. We will never know whether a whistleblowing law could have changed any of this and whether any of the failings reported in court would have met the statutory threshold. What I would say is this, statutory protection sends a message. It sets a standard in society. It does not guarantee an outcome but it says where society stands. Not all the benefits of legislation are felt in successful cases brought to a tribunal. The biggest change may be the cultural response. Employers take notice and adapt, and I recognise that of course there are many employers who are already exemplary. Standards rise, internal whistleblowing processes are strengthened and new norms are created. I know there are significant concerns about whether the new law is ready. Some of those concerns centre on potential unintended consequences; for example, abuse of whistleblowing claims by employees who face disciplinary action and the costs of defending bogus claims and more layers of internal process. But I note that the Employment Forum unanimously supported the move to statutory whistleblowing legislation. I would say that statutory whistleblowing protection is also widely in place throughout advanced economies. Good employers know that whistleblowing ultimately protects them. Perhaps the biggest concerns are that the legislation as drafted will not be effective; £30,000 is not enough to compensate a high-paid employee on an Island where the consequences of whistleblowing may be that they never work again. It is a valid objection but we have to start somewhere. There are multiple versions of whistleblower laws around the world; they all have strengths and weaknesses. Ours will not be perfect. The Minister can lodge and improve. But as I have referenced already, there is a bigger reason for going ahead. The signal that we send when we provide statutory protection is a message to society, it drives cultural change. Let me raise one other potential weakness, the list of behaviours that are protected includes whistleblowing about a criminal offence, non-compliance with the law, environmental damage, a risk to the maintenance of law, deliberate concealment of these or an intention to act unlawfully. There is one thing it does not include, safeguarding breaches. In the light of recent events I suggest that we look at bringing safeguarding breaches into the scope of the law. I respect my Ministerial colleagues and Back-Benchers who take a different view on this matter. There is a question of balance involved. Is it better to push forward now with statutory protection, accepting that some work still needs to be done or is it better to wait and do another round of consultation and improvements first? I come down on the side of getting statutory protection on the statute books now. I take that view because the journey to better protection for whistleblowers is likely to be a long one; in fact it may never end. But what I do know is that you do not get anywhere if you do not take the first step. During the debate on the C.S.P. (Common Strategic Policy) I noticed that there were a couple of times where the wind suddenly seemed to catch the sails of an amendment. A couple of well-judged speeches and in almost no time at all the ship was sailing off in the distance and there was nothing we, as a Government, could do to catch up. Fortunately, it only happened a couple of times. I would suggest that as far as society is concerned, the wind has been in the sails of statutory whistleblower protection for a very long time. Indeed, the ship is almost out of sight over the horizon. As an Assembly, we have delayed and I think we are now far behind where society has got to. It is time to catch up. Today we are not being called upon to show the courage of a whistleblower, we are being called upon to show the courage of our convictions. Statutory protection for whistleblowers is how we give strength to those who have the bravery to put their careers and their livelihoods at risk to call out bad practice. We need them. We need to stand with them. Jersey will be a better place for it; let us get going. **[Approbation]**

5.1.2 Senator M.E. Millar:

It goes without saying the Government, all of us, fully support Deputy Alves in her aspirations to achieve effective protection of whistleblowers in Jersey. The amendment lodged by the Council of Ministers, which I have now withdrawn, in no way sought to diminish those aspirations. When I have said I did not want to prioritise it, it was because it needs more work. It was not a spoiling tactic, nor an attempt to kick it into the long grass. It reflects the importance that Government attaches to a proper period of reflection and consultation, to focusing on and considering the most appropriate and proportionate way in which whistleblowers can be protected. But it is also important that we give consideration to how whistleblowing can be facilitated and where it is appropriate, and that mechanisms to permit this are available and clear. That was the impetus behind my amendment. I am not going to discuss the Care Inquiry because that predates the very robust whistleblowing process that is now in place across the public sector. Whistleblowing mechanisms exist in other industries also. I acknowledge the good work done by Deputy Feltham on this issue and the further way in which the Employment Forum and the legislative drafters have produced a draft law for consideration. I simply cannot tell Deputy Alves what I did in 2023; I can barely remember what I did last week. But I expect it was put on our work plan for 2024, which then came into the hands of another Minister who, like me, chose to deprioritise things that I felt very strongly about. However, the new Ministerial team need time to look at this, take advice and make sure that any proposed scheme will work for whistleblowers, will work for employers and will help the Employment Tribunal when it comes to dealing with claims under any new law. It is only fair and reasonable that I undertake my own review before bringing legislation forward because I am not satisfied that the draft law addresses the subject adequately. It strikes me as not doing enough to encourage or enable whistleblowing, and in the majority of cases does not provide enough protection to those who do so. My proposal is to carry out further consultation with key stakeholders, including regulators, human resources professionals, employers, employee representatives and others with practical experience of whistleblowing frameworks. Most of the people in those groups I have already spoken to support this further work and agree that the current law is not sufficient. The previous consultation had 8 responses, 4 of which I believe were from law firms, from memory. In addition, I would like to complete an impact assessment to review the existing employee protections and any evidence there may be of gaps, the impacts on employment rights, on the Jersey Employment Discrimination Tribunal and on whistleblowing activity overall. The results of the impact assessment will be published. This work will ensure that the legislation ultimately brought forward is not only robust but effective. Members may be aware that the U.K. Government has recently initiated a consultation exercise as part of a fundamental review of the way in which U.K. whistleblowing is working. The U.K. Government response is promised later in 2027, and the consultation period closes, I believe, in January. Incorporating the results of this review into our own work will help to ensure that we can learn from the experience of a neighbouring jurisdiction. I believe it would be a missed opportunity if the Jersey approach were finalised before the result of the U.K. exercise are known. This Government has pledged to spend wisely and control costs wherever possible. That is what many of the public tell us they want. It is also vital that we fully consider the cost of new legislation on both local businesses and Government. Because be under no doubt, Government will be one of the biggest recipients of claims under whistleblowing legislation. It would be counterproductive to introduce a law that fails to provide the protection that employees need. That would be a waste of Government and States Assembly resources as with introducing extra cost to employers without any real benefit to employees or indeed without introducing any meaningful steps to facilitate whistleblowing. As the report accompanying the amendment makes clear, a commitment by this Assembly to lodge the draft law for debate by 31st January 2027 will not allow any meaningful review of the impact of the new law in terms of protection for whistleblowers. Bringing this law forward for debate in the timeframe envisaged by Deputy Alves's proposition without time for proper review would not be helpful. The worst outcome would be a law that is brought in quickly, that is ineffective to encourage

whistleblowing, does not give whistleblowers the protection they need and puts extra burden on employers for no purpose. I understand and support the need for whistleblowers to feel confident that they can speak up when they need to do so without risking their job or career. To achieve that we need to spend some time in 2027 making sure that any legislation that we can bring forward provides effective support to whistleblowers and is appropriate for Jersey. It is also important that we look closely at the mechanisms that exist to enable whistleblowing and to ensure that those are also sufficient. I think it is worth just spending a little time on what is happening in the U.K. On 12th October 2026 the U.K. Government published a consultation seeking views on whether the existing whistleblowing framework is operating effectively and how it should be reformed. The U.K. Government describes a consultation exercise as its most comprehensive assessment of whistleblowing since the Public Interest Disclosure Act 1998 first introduced a framework. The U.K. Government's aim is to have a whistleblowing framework that effectively supports the reporting of serious wrongdoing, while being simple for workers and employers to understand and use. The U.K. experience, I believe, is there have been very few successful claims for whistleblowing under that legislation. The consultation seeks views on potential reforms in several areas, including whether protection should extend to additional groups such as certain self-employed individuals, whether the public interest test is operating effectively and whether better guidance on the test is needed, whether the categories of wrongdoing in relation to which protected disclosure may be made should capture anticorruption matters and risks arising from the increasing use of A.I. (artificial intelligence), the possible removal of requirement for the worker to believe the information is substantially true when making a disclosure to a prescribed person set out in regulations, as well as adding new prescribed persons who may be the recipient of protected disclosures, such as trade union officials, whether to introduce a new statutory duty requiring employers to put in place whistleblowing policies and procedures and to follow up in disclosures on certified guidance and the potential establishment of a central whistleblowing body to receive disclosures and direct them to the relevant prescribed person and to carry out wider whistleblowing functions. Some or all of those may be relevant in Jersey. Some or all of them will be appropriate for Jersey. But I think it is important that we consider the outcome. The consultation closes on 8th January and the U.K. Government has said it will publish a formal response setting out next steps in 2027. As far as Jersey is concerned, there are 2 issues in particular that are likely to arise in further consultation. Jersey's draft whistleblowing law contains provisions relating to compensation for detriment.

[10:45]

The draft law borrows from the Discrimination Law the current maximum sum that may be awarded by the tribunal for financial loss and hurt and distress, which is £30,000 in total. Deputy Tadier himself mentioned a compensation that as it currently stands, earlier in the debate this week, as it benefits neither low, medium or high earners in times of the likely consequences of an act of whistleblowing. The Discrimination Law provisions and, by extension, the draft whistleblowing law provisions provide for a maximum of £30,000 or 52-weeks' salary, whichever is the lower. An employee on a minimum wage at 1st April 2027 would earn just over £29,000 per annum; that would be the maximum a minimum wage employee could be awarded. An employee earning above £30,000 would be limited to the maximum sum. The latest estimate of average median earnings as at December 2025 was about £44,000 per annum, well above the current maximum compensation level. That will not help people like senior clinicians or senior people in financial services or perhaps anyone in a managerial or senior managerial role in a Government position. I believe that the issue of maximum compensation awards will be a factor in further consultation on the introduction of a whistleblowing law in Jersey. The U.K. consultation does not reference a review of its current compensation award, which is an unlimited amount. The few cases that we have identified have involved compensation awards of £300,000, £800,000, almost £1 million; so vastly different. To give a Jersey whistleblowing law teeth and to encourage employees to report illegal or damaging acts that have substance, compensation would need to be significantly increased or made unlimited.

Unlimited awards need very careful consideration and review, particularly, as I say, because the people who have suffered most from those who have been subject to them have been N.H.S. (National Health Service) Trusts, and we can be in no doubt that Government will be a recipient and a respondent to claims. In the absence of a significant increase, I think it unlikely that employees would be persuaded to make protected disclosures, even those that have merit. Another factor in consultation is a likely scope of protection for whistleblowers in Jersey. In its report the Employment Forum is clear to view the development and protections in an incremental way, beginning with employees, workers and police officers. After a suitable period of time, protection might be considered for trustees and partners, among others. The Forum's report goes into greater detail and I suspect that this would also need review. While the current draft law is a start - and I do acknowledge the work that is being done - I do not believe it either encourages whistleblowing or protects those who do. Again, I must emphasise that I am not seeking the easy option. The easy option for me would be to accept Deputy Alves's proposition, to lodge the current draft law as a proposition and leave it in the hands of the States. Everybody can vote for that proposition and go home happy that they have done something for that whistleblowing. I am not looking for the easy option. I have got officers who probably thought they had completed their work and delivered something, and they have delivered something. But they now see a chasm of work opening in front of them because we need more work. I am not going to take the easy option. In my opinion, doing something for the sake of having a law is no better than doing nothing because this law is not enough. For those reasons, and with a heavy heart, and I do understand it will make me another political hate figure, I cannot support this draft. It does not do enough. I am committed to doing the work, to produce a more effective law that works, perhaps in conjunction with other measures, such as ensuring appropriate pathways exist in all places where they are relevant. I assure Members that I will continue to do that work next year. I do not believe I can deliver part (b) of Deputy Alves's proposition because that pre-empts a considerable amount of work that may be required. If Members support part (a) I will ask them not to support part (b). At its heart, whistleblowing is about doing the right thing, about going with your conscience and your own sense of integrity. My conscience does not allow me to support a law that is inadequate and not effective to address its proposed purpose. I ask Members to reject Deputy Alves's proposition and to give me the time to bring back work by the end of next year or by the start of January next year that does do the job we want it to do.

The Bailiff:

The Connétable of St. John, is it a question because I have got other Members who want to speak? Do you want to speak in due course, do you?

Deputy P.J. Romeril of St. John, St. Lawrence and Trinity:

Just this is because the tribunal has been referenced by previous speakers, I am just making a declaration of interest as chair of Family Nursing and Home Care. I do not intend to speak on the proposition as it stands.

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

I want to begin by thanking Deputy Alves for bringing this proposition, and I welcome the withdrawal of the Council of Ministers' amendment, even if the Minister is still not supporting the proposition. I think it is really important that Members understand why we are having this debate in the first place. Because, quite frankly, we should not have needed to be here debating this at this point in time. We are here because when the Minister appeared before the Health and Social Security Scrutiny Panel on 22nd September she made it clear that whistleblowing legislation would not be coming forward in the following year. She stated that: "It will not be a priority for next year." She also questioned the very need for the legislation and expressed concerns about the burden on employers. But then went on to acknowledge that she had not read the law. She had come to her own conclusion before

she had read the law, and I found that deeply concerning. I got straight on the phone to Deputy Alves. This was legislation that the Assembly had already requested, that had been through independent consultation and for which a draft law had been prepared. I would be the first person to say that that draft law was not perfect but it was the starting point that the Assembly needed. Yet despite all this the Minister was indicating that she did not intend to prioritise it, while expressing doubts on provisions within the law that she admitted she had not read. That is why Deputy Alves was right to bring this proposition. When I became Minister for Social Security I considered that I had a big responsibility to progress decisions already made by this Assembly. The Assembly, as Deputy Alves has said, had unanimously agreed in July 2023 that Jersey should introduce statutory whistleblowing protections. When I became Minister I was concerned that work had not progressed in a manner that would meet the requirements of the Assembly. It was not simply a policy idea that I had developed independently as a Minister. It was a clear decision of this Assembly and I believe that that decision should have been respected. I, therefore, ensured that this work was prioritised, and I asked the Employment Forum to undertake an independent review and consultation. The Forum consulted in 2024, considered the views of employers, employees and other interested parties and, as Deputy Renouf said, made unanimous recommendations in June 2025. Those recommendations supported in introducing whistleblowing protections through legislation. I accepted those recommendations and instructed officers to progress the necessary law drafting as soon as possible. By the time the law was presented to me the policy work had been undertaken and independent consultation completed. We have moved from discussing whether Jersey should introduce protection to considering how that protection should operate in law. Knowing that it is unusual for a first draft to be absolutely right and also knowing myself that I would prefer greater protections within the law, I knew that there was practical issues that needed to be resolved and provisions that needed clarification or improvements, suggested by those that would be affected and that is a normal part of drafting and developing legislation. But I was also conscious that we were approaching an election and I did not want the work to stall. I wanted to ensure that the work completed was a matter of public record, both for this incoming Assembly and the public. In March I published the draft law as a report to the Assembly, and that was a deliberate decision. It placed the legislation in the public domain and invited comments on its actual provisions. It also ensured that the incoming Minister would inherit a substantial body of completed work and a draft that could be developed further as soon as they took office. I did not publish it on the basis that every Article was perfect. I published it because I wanted people to examine it and to help improve it. My intended next steps were to consider the feedback received, had I continued to be Minister, address any necessary changes with the law drafters and then lodge the legislation as soon as possible. I also want to address the concerns that have been raised, that introducing whistleblowing protection would create an unreasonable burden for employers. The Employment Forum did consider the impact on employers during its consultation. In particular, it recommended that legislation should not require every employer to establish a formal whistleblowing policy; that recommendation was reflected in the draft. The legislation, as drafted, does not impose a general requirement on businesses to create new whistleblowing procedures simply because the law comes into force. Some people may see that as a weakness in the law but it certainly was put in place because it would not put additional burdens on employers and it does not create legal duties concerning protected disclosures and safeguards against retaliation, but at the time we saw those as proportionate protections intended to ensure that people can report wrongdoing in the public interest without putting their employment at risk. I have listened to the Minister's concerns about the draft and I do not suggest, and have never suggested, that every provision must remain exactly as published, but the appropriate response to concerns about the detailed operation of the draft law is to examine those provisions and make the necessary improvements. That brings me to something that I feel particularly strongly about. We have a legislative process designed to help us as an Assembly make better laws**,** and I do not think we always make full use of it. All too often we consider substantive legislation will complete every stage of the debate in a single sitting. We approve the principles, move directly to the Articles and then take the

Third Reading. There are occasions when that is appropriate but**,** when dealing with a significant new piece of legislation, we should be willing to use the opportunities for examination built already into our own procedures. My intention was to do precisely that. Had I lodged that legislation as Minister, my intention was that the Assembly would first consider its principles. That debate establishes whether Members agree with the purpose and overall approach of the proposed law. Agreeing the principles does not mean agreeing that every provision is correctly drafted. After that stage, if the Assembly feels that every provision has not been correctly drafted, Scrutiny has the opportunity to call in the legislation for further examination and that opportunity should be welcomed. I had intended, had I been Minister and had the opportunity to lodge the legislation, to support a pause in proceedings to allow that scrutiny to take place. I think that that is the proper place for some of those issues that the Minister wanted addressed to be addressed. If the panel can examine the practical implications, consider evidence from stakeholders and recommend amendments where necessary, that is Scrutiny's job.

[11:00]

The Assembly would then consider the individual Articles during the detailed stage of the Second Reading. That is where provisions can be challenged, clarified and amended. Finally, we know that the Third Reading gives the Assembly the opportunity to decide whether to adopt the legislation in its final form. For me, each stage serves a purpose and each stage should be respected. Lodging a draft law is not the same as passing it. Deputy Alves's proposition does not ask us to approve the draft I published in March. It asks that the work be progressed and the legislation brought before the Assembly for scrutiny to commence. There will then be opportunities for amendment and debate before Members take their final decision. I return to the reason why we are here today. The Assembly made its decision in 2023. The independent Employment Forum consulted and made its recommendations. I accepted those recommendations, progressing the drafting and publishing the resulting draft law for comments. There was a clear route forward but in September the new Minister indicated to Scrutiny that this work was no longer a priority. That left the Assembly's earlier decision at risk of being put aside. I welcome the fact that the Government has now withdrawn its amendment seeking a further year's delay, but that does not change the importance of Deputy Alves's proposition. It has brought this issue back before the Assembly and made clear that the work should continue, and I believe that is entirely appropriate. I do ask the Assembly to support Deputy Alves's proposition and give the Minister a clear indication that bringing whistleblowing legislation forward is important to us still.

5.1.4 Deputy K.M. Wilson of St. Clement:

Deputy Millar outlined a whole host of things that need to be done to make the draft law fit for purpose, and I recognise that legislation must be properly prepared, workable, proportionate and informed by the experiences of employers and employees. This proposition is not asking the Assembly to approve any finished legislation. It is asking the Minister to bring forward draft legislation and to explain any material changes and provide the timetable for that implementation. That gives us an opportunity to scrutinise the detail, challenge the provisions and also make improvements where necessary. There is an important distinction between allowing sufficient time to get legislation right and allowing the timetable for delivery to drift, and I think the mood of the Assembly this morning reflects that people are worried about the drift. The principle was supported unanimously by the Assembly in 2023, and the draft law was subsequently available in March 2026, so we now need to make sure that we are scrutinising this effectively. I urge the Minister to consider whether any outstanding work could be completed alongside the preparation of the legislation with the assistance of Scrutiny colleagues rather than requiring a longer time before it is brought to the Assembly. Ultimately people should not have to choose between doing the right thing and protecting a livelihood, and I think that is the principle that we should be examining today. From a Scrutiny perspective, we need to put some urgency, some pace in the game as to how we get this legislation

out as soon as we can. We can, from a Scrutiny perspective, assist the Minister through the scrutiny process and I am going to raise this with Scrutiny colleagues at the Scrutiny Liaison Committee as to whether we have got the right scrutiny arrangements in place as well. I do not think this legislation only finds a place, a home in the Health and Social Services Panel, with all due respect. I think this is a wider public service issue and affects all aspects of the public sector. We do need to consider what kind of scrutiny would assist and enable the Minister to bring this forward at the earliest opportunity. The reason for that is there are cultural, operational, financial and legal reasons for doing so, and I would just like to echo Deputy Renouf's comments, which were we do need to just get on with it.

5.1.5 Connétable A.N. Jehan of St. John:

I am delighted to follow the previous 2 speakers, and I could just use the words of the last speaker: let us just get on with it. Both the 2 previous speakers have given us a detailed run-through of the processes required and the safeguards available to ensure proper scrutiny and/or to allow any Member to bring amendments before the important legislation is fully introduced. I am somewhat surprised to hear the Minister say that this cannot be done in the timescales. Perhaps the Minister should take up the offer we heard earlier this morning and speak to her colleague in External Relations in terms of speeding things up. I remind Members that this is the same Minister who as a private Member was hellbent on ignoring international best practice and getting Elections Law changed within 12 months of an election because it suited her and people like her. We agreed in this Assembly that this law was necessary in 2023. That is 1,214 days ago, quite a considerable time. We do not need to wait for a U.K. review of their current system to take place before we introduce this. We can always amend and review once we have something in place. I believe that good employers have nothing to worry about. In fact, I suspect they already welcome open dialogue with their employees and encourage people to come forward when they see things are not working. Deputy Renouf gave us 2 examples where, if this were in place, things may not have happened. We will never know but it is an interesting question. What does the Minister want to happen before getting on with this much needed legislation? The Minister spoke about the risk to Government should this be introduced, but I think the Minister fails to recognise that Government, including our Health Department, already has this in place. Our staff have got the ability to speak up. To use the words of Deputy Renouf, the wind appears to be firmly in the sails, and I would suggest that the Minister is in serious danger of missing the boat. Speaking up should be a protected right not a personal risk, and I urge Members to support the proposition.

5.1.6 Deputy C.J. Rebindaine of St. Mary, St. Ouen and St. Peter:

After the fun and games of the recent C.S.P. debates, we now move to the serious matter of proposed legislation. I do not represent my former colleagues but I do wish to be a voice for law enforcement when I say that a properly implemented whistleblowing law is an essential tool for serious financial crime investigations. In the U.K. the National Crime Agency and Serious Fraud Office both can and do initiate criminal investigations on the back of whistleblower claims. Without it, allegations of corruption, bid rigging and flawed tender processes and the like may not be uncovered. The introduction of such a law here, combined with the enactment of the Criminal Justice (Deferred Prosecution Agreements) (Jersey) Law 2023, could give companies the proper carrot and stick incentive to report themselves to the Attorney General, which would expedite the exposure and resolution of serious criminal activity. As the Minister references, there is a review going on in the U.K. of the operation of its law for the last 25 years, and one key finding from the report that was published last year is that disclosure should be made in the public interest. The report notes that nowhere is that phrase defined, and that is causing confusion in tribunal rulings. In order to ensure a whistleblowing law is not used in vexatious way, we should learn from that report. My natural inclination is to avoid putting further rules on business but, in this instance, given it ought to be used in exceptional circumstances and we should ensure that it is drafted exactly that way, then as Deputy

Renouf states, it is a necessary piece of legislation. In terms of drafting, as a general observation I do recoil from the natural presumption to adopt U.K. wording as a first port of call as it immediately starts on the journey of big country legislation rather than fit for purpose. You will probably know better than I, but I gather New Zealand has a reputation for having the most pure common law legislation. As an island with a relatively small population, maybe this is a jurisdiction where we should look for some of our law drafting precedents. After a quick check, I note its recent legislation on whistleblowing directs a person to an ombudsman. Given I have a desire to see such a role introduced here, maybe the 2 can go hand in hand. To the Minister's point made recently, I concur that the current wording is not right and will need work. Whether that can be achieved by earlier next year, I seriously doubt. If it is presented as it is now, it will inevitably find resistance. If, however, as has been raised by some of my colleagues, someone can guarantee that the legislation will be called into Scrutiny, then that is reassuring. I believe Deputy Alves is correct with the principle, but I would ask her and Deputy Renouf to reflect that having the right wording in place is essential. Another general point is in some jurisdictions there is a cooling-off period, if I can call it as such, whereby a year or so after enactment a law is reviewed for unintended consequences. To ensure we act when we see the law of unintended consequences in action, I think this is a habit we should adopt and this could be one piece of legislation where we try this approach.

5.1.7 Connétable A. Howell of Trinity:

I thank Deputy Alves for bringing this proposition to the States and the Minister for agreeing to continue the work so that we will have a whistleblowing law that is right for Jersey as soon as possible. This subject was the main reason I stood for election. In Health, members of staff were not being treated as they should. The culture was rotten with good people terrified to speak up. They were fearful of repercussions, fearful of losing their jobs. People should be able to raise concerns about wrongdoing in the public interests without fear or retaliation. In Health, I think this is the biggest change since we came into office. In Health, speaking up is now encouraged. Everyone should feel empowered to do so. If something is not right, it is everyone's duty to speak up. The Assembly this week has voted for openness and transparency, and we do now have a new Chief Executive Officer. I listened and heard what Deputy Renouf said, but I think we are very quickly catching up with that boat, and I think the sails are being reset. Safeguarding of children and vulnerable adults is everyone's collective responsibility. If anyone has a concern, they need to be listened to and heard with no fear of reprisal. I want to live in an Island where all staff and employees are treated fairly, where good prevails. I think in 1867, the British philosopher John Stuart Mill, in an inaugural address at St. Andrews University, said: "Bad men need nothing more to encompass their ends, than that good men should look on and do nothing." In Jersey I believe it is the duty of everyone, men, women and children, to be able to raise concerns in the interests of the public good without fear of retaliation or reprisal. I ask Members to support this proposition, to support a new whistleblowing law that is right for Jersey.

[11:15]

5.1.8 Deputy M. Tadier of St. Brelade:

It has been said before that there are a number of us in the Assembly, but not many, who were here during the setting up of the Jersey Care Inquiry and even for its report when it was published in 2017. I noted that Senator Millar said that she did not want to refer to the Care Inquiry because it pre-dates the whistleblowing framework. I do not think that is necessarily a valid way to look at it. I think that the relevance of this Jersey Independent Care Inquiry and its report remain as relevant today as it ever was, and it is that kind of complacency that leaves us vulnerable as an Island, and in the Civil Service as well, to taking our eye off the ball. I also find that history repeats itself because the Independent Care Inquiry found that Jersey had historically prioritised financial services and finance-related legislation over legislation concerning children's welfare and social care. It is almost like today has happened by design that we have literally just had a piece of financial services legislation,

which has been prioritised. My comments in the Third Reading of the last proposition were not accidental, and the Minister said he is happy to hear from any other Minister who wants to prioritise legislation so long as it is based on the economic success of Jersey. He did not say that he would be happy to have his door knocked down and give support to any Minister who wants to prioritise social or safeguarding legislation. I am hoping that is not because he does not want to. We do have an opportunity here to put some long overdue legislation through. I have to at this point commend my St. Brelade Deputy, Deputy Renouf, for what I thought was one of the most thoughtful and considered speeches he has given, even a brave speech. I do recognise that the Assembly, and indeed Government, is very lucky to have somebody like Deputy Renouf in it. The inquiry also highlighted that Jersey consistently found the resources and capacity to keep pace with developments, as I have said, in other areas such as international finance, but in contrast it says that legislation protecting children, particularly vulnerable children, had lagged behind, for decades, other developed jurisdictions and children's welfare had traditionally been low on the political and priority list for legislative change. What we are talking about here is whistleblowing and we need to get away from any attempts at obfuscation to suggest that this is too difficult, it needs to be done in a different way, focusing on the cost to Government, but let us focus on the purpose of why somebody wants to whistleblow. It is because things are not being done properly in the Civil Service. It is ultimately, in the most extreme cases, going to be around the safeguarding of vulnerable people, whatever those groups might be, but specifically here I am thinking of children, those who do not have a voice necessarily to whistleblow or to speak up for themselves. That is the whole purpose of it. We do not want those legitimate whistleblowers to be criminalised or to not come forward if they are doing it in the right way and in good faith, because they are just trying to help everybody in Jersey. That is perhaps the most serious part of my contribution, but I do want to divide it into 2 parts because I think we need to analyse to an extent what is going on here. It may be appropriate that I am standing in former Deputy Southern's spot because Deputy Southern told me something quite early on in politics. Basically he said never take no for an answer. He said: "If I am dealing with civil servants and negotiating a new proposition, I do not want to be told that I cannot do something. I do not want them to come and tell me you cannot do this, it is too difficult. You would say: 'Go away and give me 5 reasons how I can do this. Do not tell me why I cannot do it.'" I want to make what I think is a light-hearted but serious underlying point, if I can refer to something that jogged my memory when Senator Millar was speaking. It reminded me of an episode of "Yes, Minister" and the penny is starting to drop for the Minister that with Sir Humphrey, the civil servant, he cannot get anything done. Sitting down next to his colleague who is now in opposition, he said: "How are you getting on in office?" He said: "I just cannot seem to get anything done." He starts off by saying: "Has Humphrey got you under control?" and he starts to tell him about the stalling technique, explaining that it comes in 5 stages. He says: "First he will tell you that there are lots of things to be getting on with." "He told me that this morning." "Then if you persist he will saying something like, 'Yes, Minister, I quite appreciate the intention. Clearly something ought to be done but are you sure this is the right way to achieve it?' Now if you are still undeterred, he will shift round and he will shift from telling you how to do it to when you should do it. He will saying something like: 'Now, Minister, it is not the right time for this for all sorts of reasons.' Then if you still persist he will say that the policy has run into difficulties such as technical, political, legal." Senator Millar will like this: "Legal are the best ones. He can make those totally incomprehensible and with any luck this technique will have lasted for 3 or 4 years and then you will be at the final stage when he will say: 'We are getting very close to a general election. Are you sure you can get this policy through?'" Then the last bit he says: "How did you get on when you were trying to put this policy through?" He says: "Well, my dear fellow, we spent years on that. We had a White Paper and then they called an election but I had done all the work." He said: "What about the administrative problems?" He said: "Well, I solved them." He said: "Can I see any of the previous papers?" He said: "No, I am afraid that he wiped the slate clean." I am not saying that all of that is relevant to what we are hearing today, and I am not suggesting that this is a Civil Service obfuscation that is taking place, but a lot of

the comments that we heard from Senator Millar seemed to be excuses, seemed to be making this overly complicated, much more complicated than it needed to be. The essence of what we are trying to do here - I will bring it back to that serious point - is that we are trying to have an efficient and effective Government. That means making sure that people are doing their jobs properly. I know that still today when people are trying to put safeguarding children's welfare processes at the heart, sometimes they can be called out and staff can find that annoying and say: "Why are you picking at this?" It is because these safeguarding processes fundamentally are very important and without that underlying whistleblowing legislation to protect them, it is the most vulnerable in our community who are at risk and it means that we have not still learnt the lessons from the Care Inquiry, not even 10 years on. I hope that Members have taken something from that. There is a serious point to be made here that we do need this legislation. The work has already been done and it is up to the Minister to decide what kind of legislation and framework she brings back.

5.1.9 Senator L.J. Farnham:

I will be quick because there have been some outstanding speeches and contributions to this. This is about creating a culture where speaking up is encouraged not discouraged in any part of our Island. I just wanted to say that the Government are supportive and I believe the vast majority, if not all, Ministers. I say that just as a caveat in case any Ministers have a slightly different view. I think Senator Millar explained the position. Deputy Feltham, who did a lot of work in the last Government to get to this position, quite rightly stated that once we lodge legislation then the process can ensure that it can be amended and scrutinised appropriately. I am sure everybody in this Assembly wants to make sure what we have is right for the Island, and the Government are committed to delivering legislation, this legislation or the appropriate legislation. I just wanted to make that position clear.

5.1.10 Deputy S.J. Gleave of St. Helier South:

When I first came into this Assembly, and indeed when this proposition was brought forward, I started from the premise that we desperately needed whistleblowing legislation. Then we saw the headlines last week, and I feel even more strongly that we need it. Over the last 2 weeks I have been asking questions why this has been delayed, why could we not simply bring the legislation forward? The Minister is right. The legislation as currently drafted is simply not good enough and these are not just my concerns. Jersey employment lawyers themselves have identified serious weaknesses. It does not adequately detect genuine whistleblowers who could still struggle to get justice. It could be exploited by employees facing disciplinary action, making legitimate dismissals more difficult. It would place unreasonable burdens on small businesses, exposing them to costly investigations and disputes, and it does not provide sufficient safeguards against unfounded allegations, potentially causing serious reputational damage. Walkers, the law firm who responded to the consultation, highlighted many concerns with the draft and specifically mentioned A.I. Their words, which I would like to bring to the Assembly's attention, are: "This is particularly important given the scope for an individual to use A.I. to draft protected disclosures without necessarily giving the substantive issues much thought." We are already seeing the impact of G.D.P.R. (General Data Protection Regulation) on small businesses, with some reporting repeated requests and complaints vaguely are vexatious, and the rise of this is in part due to A.I. We must be careful not to create another system that can be misused. The U.K., which has had whistleblowing legislation for over 25 years, is itself reviewing its law because theirs is not working and ours is largely based on theirs. I concur with Deputy Rebindaine's thoughts about both using New Zealand as a role model, and I believe that they have a clause in their law that deals with vexatious claims, and the ombudsman. It is also really frustrating for the Minister that the consultation only had 8 responses. We need to get better at being rigorous in the first place and, when there is low engagement, we need to push officers to rethink their approach to it and actively engage to achieve more engagement. To Deputy Tadier's point, let us not be treated like they are in "Yes, Minister". I have considerable sympathy with the argument that our legislation needs further work. That is where my sympathy ends. I am deeply frustrated that this

was not stated as a priority, that resources have been stated as an issue, and that the further consultation that is needed has not started. This is simply not good enough. We cannot tell Islanders that the legislation is not ready and then fail to prioritise the work needed to fix it. If resources are the problem, the Council of Ministers must address this. If consultation is needed, it should begin urgently. We should not have to choose between flawed legislation now and good legislation in the future. I want to see proper protection for whistleblowers, legislation that is fair to employers, and a clear, urgent timetable for delivering it, including a timetable for the work that will result in the actual legislation we want to approve. That is what I would like the Council of Ministers to commit to today, and I believe that is what the proposition today asks for. It allows us to change what is in front of us and ensure we have the legislation we need. That is why I will be supporting Deputy Alves's proposition today.

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

I am listening to and riveted by this debate. I think it is one of the most important debates that we have had so far this term. I am really grateful to Deputy Alves for her tenacity on this issue because it is something that she has not let drop, and I think she is doing a really good job pressing this issue through. Previous speakers, Deputy Tadier in particular, I think, mentioned the culture change that we were hoping to see after the Care Inquiry. Despite some in positions of leadership who think that we should not be talking about the Care Inquiry any more, I will continue to talk about it because it is still relevant in Jersey. I was looking back at some of the recommendations of the original Care Inquiry, and we still have not completed them all. We have come very far in terms of our formal processes, and this is relevant to this debate because we are talking about a formal process in terms of formal legislation that is absent here. Yes, there are some internal processes around whistleblowing, but the reason why having those formal processes in place is so important is because we cannot have culture change without that foundation. Following the Care Inquiry, we have made many changes to legislation and formal processes and policies but we are still waiting on that culture change.

[11:30]

This whistleblowing legislation and having it soon - very soon - is the very least we can do. There is still going to be a very long journey, hopefully not too long, of culture change following any lodged and approved legislation being on our statute books. It is not going to end there. There is an urgency that I think has been very well demonstrated by previous speakers. I was listening intently to Deputy Renouf's speech and, of course, this is something that I think he is probably very well informed about, and I think the courage that his family member has shown is absolutely admirable. I know that there are many ... and I know this because others have spoken to me and have outlined similar issues that they have identified but because we have not got the legislation and the proper processes in place, they have been too scared to speak up. I think the courage of that person and of others is an impetus here for us to progress this legislation. I want to reference a point that some have made about the legislation not being perfectly ready and I am as keen as any Member to see our legislation be perfect and be as good as it can be, and I think that is something to be proud of, but going back to my previous point about culture change, legislation is important not just because of the literal effect of the legislation when it is enforced. It is important because of the culture change that happens around it. To go back to a point that was made in a previous debate this week about taking sand and rocks from beaches, one of the Ministers spoke about that law as if it was not worth having because it was not enforced. I would counter that because laws are worth having for the culture change they create because the public become aware of those laws and they become aware of what is culturally appropriate to do and not to do and it impacts people's behaviour. If we have a whistleblowing law, that will embolden those who have safeguarding concerns. It will give them courage and give them confidence that they can raise those concerns. We cannot make the culture change around safeguarding without these formal foundations in terms of a whistleblowing law. I completely echo

the point Deputy Renouf made; I think he was the first speaker and others have made the points. Deputy Feltham made an excellent speech about the scrutiny processes. Get this law lodged. It might not be perfect but we have the processes in place to tweak those laws. The second main point I have got, which again echoes others, is in timing it can be done. Some examples have been used in terms of, I think, changes around the electoral processes, which is a very good example. Another example, which the whole Assembly contributed to, was the assisted dying legislative process. That process has shown us what a Minister can do when working to a hard deadline and I think that deadline was self-imposed by that Minister, and I think that was admirable. Scrutiny worked very hard and made it a priority and we achieved good legislation through that Ministerial determination and prioritisation, which is what this proposition is asking us for today. It is asking us for some Ministerial tenacity and determination. The scrutiny process works really well in cases like this. We made many amendments that improved the legislation. It was a high quality debate and it has resulted in a high quality piece of legislation, which was approved by the Privy Council when other legislation from other jurisdictions was not approved in the same length of time. I believe that we can do this, and Members who are worried about voting for the deadline that Deputy Alves has set, which is January 2027, I would like them to have the confidence to give that deadline. I think having an extra 12 months on that timeframe, yes, we could probably be more confident that it would be issued by January 2028 but even if there is some slight slippage in the timeline, if the Minister is working at pace to deliver something as soon as possible in January 2027, we are sure to get it a lot sooner than we would if we are aiming for 2028. I know that this amendment has been withdrawn from the Minister but I understand that she is still proposing a lengthier timeline. I will do whatever I can within my power to help with any scrutiny of this, and I have already spoken to Deputy Porée, who of course is the chair of the relevant Scrutiny Panel and I think is very well placed to lead the scrutiny of this. I would be very willing to be co-opted to that work and ensure that it happens at pace with that panel. I think this is something that we can do. I really think that we should be ambitious as an Assembly, and I think we should read the room in terms of what Islanders are seeing in the media and the issues that are being raised. This is one of the most talked about issues at the moment and Islanders want to see action from this Assembly, so I really hope that this will be approved today and it can be approved with very high numbers, if not unanimously. One issue that has been raised with me, which I would like to see either in this legislation or similar legislation, is about the use of N.D.A.s (non-disclosure agreements). In terms of whistleblowing and culture change, I think a piece of work needs to be done about how many N.D.A.s are being used in Jersey and the impact on safeguarding when lessons learnt cannot be made public because of this prolific use of N.D.A.s. I raise that in this debate. I am unsure whether it is relevant totally to whistleblowing or whether it would be a separate piece of work, but I wanted to put that on the record. I will be emphatically supporting this proposition from Deputy Alves.

5.1.12 Deputy V. Li of St. Helier North:

I rise as the chair of the Children, Education and Home Affairs Scrutiny Panel to support this legislation. I want to emphasise why this matters to my panel's remit in particular. Our current policy for public servants asks the staff to raise concerns internally first and warns that going outside too early may cost their protection. That works when the problem sits in the middle management but what happens when the concern involves the most senior people in the system? We have a network of commissioners in this Island, each with an important remit, but under our current arrangements there is no route protected in law for a public servant whose concern involves the most senior officials. That is a safeguarding gap. The draft law would close it, allowing staff to go directly to bodies such as C. and A.G. (Comptroller and Auditor General), the Children's Commissioner or anywhere a senior statesman is. Every month in delay is another month where that route has not existed. I will not make any comments on any cases at this moment, but Members do not need to prejudge any individual case to see the structure to question advisers. Safeguarding depends on people being willing to speak up. If staff believe that speaking up is more dangerous than staying

silent, then children and vulnerable adults are less safe. This is ultimately about the culture. A law on its own will not change the culture immediately, but without one we are telling every public servant that silence is the safest choice. Legislation is how this Assembly says what kind of culture it expects. One of the lessons of the Care Inquiry was the concerns raised that too often went unheard and we told this Island that we had learned that lesson. The question for this Assembly is quite simple: who are we protecting? The consultation has been done, the draft exists, so I urge Members to support it.

5.1.13 Connétable R.D. Johnson of St. Mary:

Not for the first time, I find myself seeing the merits of both sides of the argument. On the one side a proposition was passed some time ago requiring this law. On the other side, there is evidence that there is consultation taking place in another jurisdiction, a jurisdiction which we follow and where we might get a better result if we awaited that. As I say, I see the merits of both sides, and perhaps other Members have shown there is a way of bridging that. In that connection, I think in particular the contribution made by Deputy Feltham. New Members I think will have seen propositions passed in First, Second and Third Reading all in the same sitting. That is not necessarily the case. In fact the Assembly is often criticised for not having a gap in between, and the First Reading often can deal with the principles, leaving the Second and Third Readings to be dealt with later. I think we need go back no further than towards the end of the last Assembly when I served on the Environment, Housing and Infrastructure Panel, where there was a proposition in relation to the Residential Tenancy (Jersey) Law. There were some people who wanted to block that straightaway. Scrutiny took forward and allowed to take forward that debate should happen only on the police force and, in doing so, we were aware and made crystal clear that that is all that Scrutiny wanted at that stage. If the principles were passed, we would immediately call it in and throughout the summer we did view that very closely and arrived at what I think was a compromised result but one approved by both sides and a better law as a result. On day one we were adopting principles in the full knowledge that we were not accepting what was in the draft law. If we are minded to go back to that state ... and I think the Chief Minister is not here now but if I interpreted correctly, he was supportive of the idea that I think Deputy Feltham's proposition has made. Again, if the mover of the proposition is agreeable to that, we could go forward with this proposition to show the public we are not casting it aside, we do take it seriously and it needs to be taken forward but, on the other hand, we are mindful of the Minister's argument that it is not the final result. If taking it forward, at that stage we called it in, it was called in for Second and Third Readings at whatever time might be agreed by the Assembly at that time, that seems to be a way forward and hopefully satisfies the demands on both sides. In that respect and subject to any further comment, I shall be supporting the proposition but on the basis that if it does go forward, we will be dealing only with the principles at that first sitting.

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

Reflecting on the Connétable of St. Mary's view that there are 2 sides; that is always correct. There are 2 sides to any argument, but I cannot help but think that in this case it is the case that the Government have run out of time and they really need to move on this issue. I reflect upon that because too often I think it is easy for us just to think that we in the Assembly are detached from Government, but of course we are not. Government is inferior to this Assembly. Government and Ministers serve at the pleasure of this Assembly, and the work they do is ultimately the work that is approved by this Assembly or disapproved of by this Assembly.

[11:45]

Deputy Rebindaine mentioned, quite correctly, that the U.K. has had legislation of this sort for over 20 years and Jersey sits here with none. He made me think as a small Island I think the need for whistleblowing legislation is far greater than that in a large jurisdiction, and the reasons for that are quite simply cultural, as Deputy Doublet was talking about. In a small Island if there is a threat to

your position in some way in a job that you are in, certain jobs that are held within Government - and I will focus mostly on Government rather than outside Government - if you were to lose your job, it can mean potentially having to leave the Island if you want to carry on in that career area. Naturally it would come to most people would then fight more strongly to maintain their job because they know that they are not just going to potentially lose their job, they are going to have to leave their home and move entirely out of the Island, which is not something I think anybody would wish to do in haste or under duress. I think for a small Island the arguments for whistleblowing legislation do stand much stronger. I think it is also very important - and this is something I have said throughout my time in the States and I will say it again - Ministers are not there to protect Government. Ministers are there to make sure Government work for the people of Jersey, and in this area I think Government have not been working for the people of Jersey. I was at a friend's 50th birthday earlier this year and one woman, who I did not know at all, pulled me aside and she talked about her new role outside of Government and how delighted she was because she talked about the horrific, toxic environment in which she felt she was working within Government. These sorts of stories open your eyes. There was another woman a few months later who was working in an area of Children's Services. I do not know which exact department. She talked about the incredibly long hours that she was having to work and how this was impacting on the protection of the people in her care. These are the sorts of stories that I know Deputies and Senators and Connétables hear regularly enough that can make them concerned about some of the practices within Government. As Deputy Tadier referred to when he spoke about Sir Humphrey on what should be everyone's favourite comedy programme in this Assembly, it is true that all institutions seek to protect themselves. There is a natural reflex in an institution and the larger the institution, the stronger that reflex to protect itself come what may. I think we see that and the fact that 20 years in we still have no whistleblowing legislation suggests to me that we, as States Members, the entire Assembly, have been failing to push this forward strongly enough and have been rebuffed by that protective reflex of such an institution. In Jersey, the largest institution by a long way is the Government of Jersey. It employs more people than any other institution. It has more control over the lives of Islanders than any other institution, and so it is natural that that organisation will seek to protect itself time and time again, even if that is to the detriment of the people that it is theoretically meant to be serving. It is our job in this Assembly to make sure and hold that organisation to account. Whether we are Ministers, Assistant Ministers or in Scrutiny, it does not matter. The first job of a Minister is scrutiny. The first job of a Minister is to work for the people of Jersey and that is the same for me as an Assistant Minister and it is the same for anybody who is in Scrutiny. Those are the roles we are here to undertake. Sometimes we do have to turn to the government as an organisation - not the Council of Ministers in this case, the government as an organisation - and say: "I am sorry, Government, I am hearing a few too many of the excuses that Deputy Tadier quoted from that comedy programme." I think that is where we have been for 2 decades, caught in those excuses, those constant kicking the can down the road situations. Now, there is a second side to this, the other side to this argument, which is the one that I have been concerned about the most and that is another principle that I have, which is that good law is more important than fast law. That is the argument that I think Deputy Millar was making, and she is right to make the argument, but unfortunately in this case 20 years is plenty of time to have created a good law. The fact that is now having to be done in something of a rush is just the fault of the organisation. It is not the fault of individual Ministers; it is the fault of the organisation that has sought to rebuff this law over many years. We know that the Care Inquiry showed us how important this is. Workers in this organisation that is Government need to be able to feel that they can raise concerns and be heard properly. It is simple things. Raising them to the line manager, who might be the very person who is the cause of the problem, is an issue. Raising them to the Chief Officer, who might be one of the reasons for the culture in your department that is not conducive to good work, is a problem. We need to know that the procedures for whistleblowing are as robust as any law that we bring in. Whistleblowing is incredibly difficult and there are ways to make sure that even a whistleblowing law is effectively bound by the process that sits underneath it. There is a whole job for all the 49 of

us in this Assembly to make sure that we get this law passed in good shape, and if that means it does go a bit behind the January deadline, I think that is just something we have to live with because I think it is important that it is a good law as well. I stand by - and no one will be surprised in this Assembly - Deputy Rebindaine pointing to New Zealand as opposed to the U.K. Absolutely. It is not an excuse that the U.K. is undertaking its own review of its own law. That is the U.K. So what? There are other laws that are probably better that we should be modelling. I will be pleased to say to Deputy Rebindaine that New Zealand is one of the jurisdictions that civil servants do look to, and I have seen in different areas that several of our laws are modelled on New Zealand laws. It is not the case that it was always done on the U.K. model, no matter what the law, but in this case we cannot use the U.K.'s review as an excuse. We have had more than 20 years. Islanders want this. Islanders want to feel that their Government serves them and does not serve itself. That too often is the feeling that Islanders have about Government. I want that feeling to end and I want States Members to feel that they can stand up with their constituents and with those Islanders who are pointing out the faults and the problems. Sometimes those faults and problems are relatively minor; sometimes they are so strong and so important that they can destroy lives if they are not dealt with. We in this small Island need to make sure that we stand behind a law that will work and protect all Islanders no matter their role in the society.

The Bailiff:

Does anyone else wish to speak on this proposition? If no one else wishes to speak, I call upon Deputy Alves to reply.

5.1.15 Deputy C.S. Alves:

I would like to thank all Members for their contributions. I think it has been a really good debate, and particularly those who spoke in favour because I think you have saved me a lot of work, so thank you. I am going to avoid repeating anything that has already been said in favour, but I will address just some of the arguments against this and provide a bit more detail around some of the areas of concern that were raised. One area of concern I think was around the Employment Forum consultation, and I think it is important that Members understand exactly what that consultation involved. The Forum circulated a survey and briefing notes to more than 1,000 subscribers on the Jersey Advisory and Conciliation Service database as well as 200 subscribers on its own database. It received responses to its online survey from employees, employers, an H.R. representative, a business organisation and a trade union. It also received written submissions, including from Unite, the Jersey Chamber of Commerce, the Jersey Financial Services Commission, the Care Commission, the Jersey Community Relations Trust and 4 law firms. In addition, it met the J.F.S.C. face to face and sought views from the speak-up champion in Health and Care Jersey, the Chief Internal Auditor and J.A.C.S. (Jersey Advisory and Conciliation Service). Obviously the overwhelming view of the respondents was that Jersey should legislate and that included the Chamber of Commerce, which told the Forum it broadly supported the legislation. The Forum's conclusions were unanimous and it found a strong and compelling case for the States to legislate. The Minister herself told the Scrutiny Panel that the consultation gave us acceptable data and that everybody was happy with that, although she did add that numbers were very small. However, the Minister's own officers told the panel that this is a very technical area, so only a small group of people will ever respond. As I stated in my initial speech, if there are genuine concerns about how legislation is drafted, my proposition does not ask the Minister to simply take the existing draft legislation and bring it to the Assembly exactly as it stands. The wording is very deliberate. It asks the Minister to finalise and bring forward for debate the draft law. The Minister informed the Assembly that she will not be able to do the work of part (b). However, this draft law was lodged as a report in March for feedback and comment. I do not believe that our civil servants have not been working hard in the background to collect any comments that may have been gathered over the last 8 months and how these can be incorporated into the draft law. I thank Deputy Feltham, in particular, for her comments around this process. Members should also

remember that we still have more than 2 months, almost 3, before the deadline of 31st January. Although this may not be enough time for the further consultation that the Minister wants to engage in, significant work in consultation has already happened. We have already had 14 months' worth of consultation and opportunity for comment. I worked particularly closely with law drafters during my time as Assistant Chief Minister, particularly when working on the Control of Housing and Work (Jersey) Law, and I cannot praise them enough for the fantastic work that they do. Based on that experience, I do not believe that this is an unrealistic timeframe in which to make some changes to the current draft law. At the risk of repeating a lot of what Deputy Morel has said, I will just touch on the U.K. argument. The U.K. Government have said that their response is expected some time in 2027 but there is no specific date that has been given. Any resulting changes would then need to go through their own legislative process before coming into force. What Members should bear in mind is that while the U.K. consults on how to improve its law, it has a whistleblowing law and it has had one since 1998. While the U.K. are consulting on how to make theirs better, the Employment Forum itself knew about the U.K. review and in its report in June 2025 records that the U.K. began the review of its framework in 2023 but it still recommended that Jersey legislate. Although the Minister is correct to say that the current law draws a lot on the U.K., the Employment Forum did not recommend lifting the U.K. directly, and I think that has been mentioned by a number of Members here. It recommended a standalone Jersey law and it also looks at Ireland, the Isle of Man, the E.U. (European Union) Directive and obviously we have had New Zealand mentioned as well. If the U.K. does improve its law we can follow as we amend any other law in the same way, so why should the people of Jersey have to wait for another jurisdiction to do something so that we have the protections that we deserve? We pride ourselves on having autonomy. and we often make the point of how important it is that we have it, and I know that I enjoy telling my Madeiran counterparts that although they call themselves an autonomous region I have much more autonomy here than them, yet here we are. We should wait for another jurisdiction to do something before we act. I want to address the Minister and Government's recent comments about their internal whistleblowing arrangements, and the Constable of Trinity also touched on this with her experiences about the Health Department. I thank the Constable for her support in this, and I think the first use of a prop in a speech this term. I welcome any steps taken to strengthen internal processes and encourage people working within Government to speak up when they have concerns, but internal policies and procedures are not a substitute for statutory protection, and I thank Deputy Li for reinforcing this point and the safeguarding issues that still exist even within these Government policies. Internal policies and procedures do not provide the same level of certainty, independence or legal protection, and importantly they do not address the wider need for protection across Jersey's workplace. It is not just about government employees. It is about anyone who may need to raise concerns in the public interest regardless of where they work. I would like to thank Deputy Morel for his comments regarding the need being more important in a small Island like us, and giving comments raised about culture by Deputy Doublet and Deputy Renouf. Part of my reason for initially bringing this up in the first place was following my own experience in a school environment. I have never spoken about this since being elected or in this Assembly because I struggled for a number of years to get over it.

[12:00]

I really struggled when I had concerns about my workplace. I was working in Government, and unfortunately my concerns were about senior management so I did not feel that I had a route to take because the route to take were the people that I had concerns about. I approached an independent advisory service, I will not say which one, who said to me that I had a case and that I would probably win but because I was a teacher and this Island only has one education service that they would probably advise against me pursuing that. They did give an example of a case where somebody else had pursued a case against the same person and had won, but that teacher was from the U.K. and what they did was simply returned to the U.K. I was told that because I probably would not be exploring that as an option that I was advised that that probably was not the best route to pursue even

if I did go centrally to Education to raise my concerns. So I very much felt silenced. I very much felt alone, and even now I am struggling to talk about it. But it really did knock my confidence and how I felt about my incompetency, to be honest, and it took me a year and a ½ after being elected before I approached the Education Department and had my exit interview and had that all written down, and even after that I asked the H.R. person to not release it to the Director because I still had concerns about that and I was going through a process. I had done an S.A.R. (Subject Access Request) and things like that, so that is the first time I have shared that publicly. I would like to thank the Jersey Community Relations Trust for its recent press release in support of this proposition, and I would just like to read a short extract from that: "In a modern society this legislation is required to give necessary legal protections to employees across both public and private sectors who whistleblow about concerns. Jersey is behind many other jurisdictions who have such legislation in place. This is critical not only for employees to feel safe from potential retaliation for raising genuine concerns but also for organisations and employers to demonstrate that they are transparent and receptive to making changes when issues are highlighted. Such legislation increases public trust, effects cultural change where needed and increases public safety." I think that is a very important point, and this is where I would like to remind Members of Deputy Renouf's contribution who reminded us of this. This legislation is not simply about protecting individual employees. It is also about encouraging a culture where concerns can be raised, wrongdoing can be addressed, and organisations can improve. I would like to particularly thank Deputy Renouf for his heartfelt contribution. I can see how difficult it was for him, and I do not think I could have put the points he raised better myself so I will not try to. Finally, when commenting on the events of this past week or so the Chief Minister and Senator Miles said and I quote: "All Islanders must feel able to raise concerns and speak up when they believe issues require attention", and I agree entirely. So, let us turn those words into action and into meaningful legal protections. I urge Members to support this proposition.

The Bailiff:

There was some suggestion, Deputy, that you might take (a) and (b) separately but it is your proposition.

Deputy C.S. Alves:

I am happy to do that if that suits Members.

The Bailiff:

All right. Thank you very much.

Senator L.J. Farnham:

Sir, Senator Guthrie has sent a message through that she has lost contact and would like to register a vote of pour. I do not think she can email either because of the outage. I am not sure if any communication has been received, Sir, but I just wondered if that would be allowed.

The Bailiff:

She will need to vote online. You cannot vote as her proxy. She will need to vote online or make her vote known in some way or other in the chat or even orally when the vote is open. So I invite the Greffier to open the voting for us on part (a) of the proposition. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. I can announce that the part (a) has been adopted:

POUR: 42		**CONTRE: 0**		**ABSTAINED: 2**
Senator L.J. Farnham				Senator M.E. Millar
Senator I.J. Gorst				Deputy P. J. Romeril
Senator A. Maclean				

Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator S. Kersten				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy B.B. de S.V.M. Porée				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				

Deputy G. Raimondo				
Deputy C. Rebindaine				

The Bailiff:

I will move to part (b) of the proposition and I ask the Greffier to again open the voting. If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting and part (b) has been adopted, the same voting:

POUR: 42		**CONTRE: 0**		**ABSTAINED: 2**
Senator L.J. Farnham				Senator M.E. Millar
Senator I.J. Gorst				Deputy P. J. Romeril
Senator A. Maclean				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator S. Kersten				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				

Deputy H.L. Jeune				
Deputy B.B. de S.V.M. Porée				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				

6. Draft Income Support (Jersey) Amendment Regulations 202- (P.74/2026)

The Bailiff:

We now move on to the Draft Income Support (Jersey) Amendment Regulations lodged by the Minister for Social Security. The main respondent is the chair of the Health and Social Security Panel, and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The Draft Income Support (Jersey) Amendment Regulations 202-. The States make these Regulations under Articles 5 and 18 of the Income Support (Jersey) Law 2007.

6.1 Senator M.E. Millar (The Minister for Social Security):

I am pleased to bring these amendments to the Assembly today. Income support regulations like the ones we are considering today are brought at this time most years. I do not think Members will be at all surprised by the proposals, and I look forward to your support. As a Minister for Social Security I have responsibility for reviewing income support benefit rates each year. Income support is Jersey's benefit that gives ongoing support for living costs of low income households, which can include people who are working as well as those who are not working for various reasons. The Minister must bring forward any proposals to change the income support component rates to the States Assembly. I am today proposing an increase that reflects the retail price index for low income households as of June 2026. If accepted today this increase will take effect from 1st January 2027. This means that I am proposing an increase of 3.6 per cent to most income support components. This ensures that income support will continue to reflect the needs of low income households in Jersey. There is one exception to this proposed increase, although it is an exception that has been applied to previous income support changes. I have not proposed an increase to the clinical cost component. This component was originally designed to help meet the cost of G.P. (general practitioner) fees for individuals with additional health needs. Surgery G.P. consultations have for a number of years been free for children and full-time students and adults receiving income support are automatically included in the Health Access Scheme. This sets a patient fee of £10 for a G.P. surgery consultation for an adult. This means that the need for extra support through the clinical cost component is significantly reduced, and so the component has not been increased in recent years. I am proposing that the component is maintained at its current level for 2027. In addition to these increases, I will

be making an order to increase the level at which earnings, pension income and maintenance income are disregarded as part of the income support calculation. The rate will increase from 26 per cent to 27.5 per cent. This will mean that working people who receive income support or those who receive old-age pensions or maintenance will be able to keep more of that money. The funding allocated for 2027 of £3.8 million allows for an overall increase of 3.6 per cent across most components from the current level. The rates will be increased, as I say, from 1st January 2027. As income support is paid in advance most households will see some of the increase in their last December payment with the full increase showing in their first January payment. There are no staff or other resource implications to this proposal. I maintain the principles.

The Bailiff:

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

6.1.1 Deputy B.B. de S.V.M. Porée of St. Helier South:

I only rise to say as the chair of the Health and Social Security Scrutiny Panel that we are accepting this amendment and we have no further comments to make at this point.

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

I just want to be very brief because of course I support this proposition, however I just wanted to acknowledge the difficulty it is to make decisions about whether the benefit rates are the correct benefit rates with the lack of data that we currently have both in terms of household expenditure data but also in terms of the fact that we are still waiting on the report regarding minimum income standards. So I acknowledge that these are difficult decisions for a Minister for Social Security to make about whether indeed the benefits are correct. I just wanted to ask the Minister in her summing up to confirm that she will indeed be pursuing that level of detail and statistics and encouraging the Minister for Economic Development to publish the minimum income standards piece of work as soon as possible.

The Bailiff:

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

6.1.3 Senator M.E. Millar:

Firstly, I thank the chair of the Scrutiny Panel for her support. It is much appreciated. Deputy Feltham, the increase is based as it has been, I believe, for a very consistent period on the R.P.I. (retail price index) for low income, so it does not look at the general R.P.I. figure. It looks at R.P.I. as it impacts directly people on low income. The work on minimum income standards I think we have discussed already this week has been delayed. That is through no fault of Government. I believe getting the work that the researchers need to do has taken very much longer in a small jurisdiction than they had originally anticipated, and it is a matter for the Minister for Economic Development as to what he publishes. The Deputy will remember that I was always somewhat sceptical about the work on minimum income standards, but I will be open minded when they arrive to see how far we can and should take them into account. I think it is a very difficult thing to calculate benefits on the basis of expenditure because so many people make discretionary choices in terms of how they spend their money, and we cannot tell people how to spend their money. We simply provide them with funding to help them meet general living costs. That was the whole model of income support, but we will consider the minimum income standard work when it arrives, which I believe will be later this year and we are waiting for the researchers to continue that work. I maintain the principles.

The Bailiff:

Those in favour, kindly show. The principles are adopted. Deputy Porée, can you formally confirm that your panel are not calling this matter in for scrutiny?

Deputy B.B. de S.V.M. Porée (Chair, Health and Social Security Scrutiny Panel):

Not at this present time. Thank you.

The Bailiff:

Thank you very much. It is a question I have to ask under Standing Orders. It is a bit strange but I have to ask it every time. Minister, how do you propose the regulations in Second Reading?

6.2 Senator M.E. Millar:

En bloc, please, Sir.

The Bailiff:

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on the regulations in Second Reading? You are moving around, Deputy Curtis. Those in favour, kindly show. The appel has been called for by Deputy Doublet so Members are invited to return to their seats and I will ask the Greffier to open the voting.

[12:15]

If all Members have had the opportunity of casting their votes I ask the Greffier to close the voting. I announce that the regulations have been adopted unanimously in Second Reading:

POUR: 43		**CONTRE: 0**		**ABSTAINED: 0**
Senator L.J. Farnham				
Senator I.J. Gorst				
Senator A. Maclean				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator M.E. Millar				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				

Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy B.B. de S.V.M. Porée				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				
Deputy P. J. Romeril				

The Bailiff:

Minister, do you propose the matter in Third Reading?

6.3 Senator M.E. Millar:

Yes, please, Sir.

The Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles as adopted in Second Reading in Third Reading? Is the appel called for? The appel has been called for. 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 regulations have been adopted in Third Reading:

POUR: 43		**CONTRE: 0**		**ABSTAINED: 0**
Senator L.J. Farnham				
Senator I.J. Gorst				
Senator A. Maclean				
Senator M.R. Le Hegarat				

Senator T.J.A. Binet				
Senator H.M. Miles				
Senator M.E. Millar				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy B.B. de S.V.M. Porée				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				

Deputy C. Rebindaine				
Deputy P. J. Romeril				

7. Draft Agriculture and Fisheries (Loans) (Jersey) Regulations 202- (prinP.78/2026)

The Bailiff:

The next item is the Draft Agriculture and Fisheries (Loans) (Jersey) Regulations lodged by the Minister for the Environment, Agriculture and Fisheries. 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 Agriculture and Fisheries (Loans) (Jersey) Regulations 202-. The States make these Regulations under Article 7 of the Agriculture and Fisheries (Loans) (Jersey) Law 2026.

7.1 Senator M.R. Le Hegarat (The Minister for the Environment, Agriculture and Fisheries):

I am pleased to present the Draft Agriculture and Fisheries (Loans) (Jersey) Regulations 202-. Members may recall that the Agriculture and Fisheries (Loans) (Jersey) Law 2026 was adopted by the Assembly in March this year. The purpose of these regulations is straightforward. They provide the operational framework needed to implement the law and to put into practice the modernised loan scheme. Before turning to the detail I would like to thank the Environment, Housing and Infrastructure Scrutiny Panel for its supportive comments, particularly given the shortened timeframe available to consider the regulations. The broader objective of the loan scheme is to support investment in 2 sectors that remain strategically important to Jersey. Agriculture and fisheries businesses face significant challenges including rising costs, market pressures, environmental change and the need to continually modernise. Access to affordable finance is often one of the biggest barriers to making those investments. I want to be clear that these regulations do not create a new policy. The Assembly has already debated and approved the policy framework through the law, nor do they remove the checks and balances around lending decisions. Independent assessment, scrutiny by the Agriculture and Fisheries Loans Board and Ministerial decision-making remain central features of the scheme. What these regulations do is modernise how the scheme operates. They create a clearer application process, formalise the role of the Agriculture and Fisheries Loans Board, modernise lending and scrutiny arrangements and introduce greater flexibility around repayments and interest provisions where necessary. Importantly, they also provide the delivery framework to extend the scheme to the fisheries sector, delivering one of the key objectives approved by Ministers in March. The existing regulations date from 1974. While they have served the Island well they were developed for a different era. Agriculture and fisheries businesses today require a framework that reflects modern-day business structures, modern financing arrangements and modern governance expectations. The practical benefits of these changes are significant. Whether businesses wish to invest in improved dairy infrastructure, modern farm equipment, energy efficiency measures, new fishing vessels, aquaculture facilities or other productivity improvements access to capital is often the deciding factor in whether investments proceed. The evidence from both sectors is clear. Investment supports productivity, resilience and long-term competitiveness. These regulations will help ensure that the loan scheme remains capable of supporting worthwhile projects while maintaining appropriate governance and protection of public funds. Members may reasonably ask how this will work in practice. Applications will continue to undergo detailed assessment. The Agriculture and Fisheries Loans Board will provide independent scrutiny and recommendations. The scheme will continue to be supported by professional financial assessment, ensuring that lending decisions are informed, proportionate and robust. There are no additional staffing requirements arising from these regulations, and administration of the scheme will continue to be funded through the existing loans fund. At its heart, this proposition is about enabling investment. It is about helping

agriculture and fisheries businesses modernise, adapt and grow. It is about ensuring that a legislative framework first introduced 50 years ago remains fit for purpose today. Members have already endorsed the principle of a modernised loan scheme through the law adopted in March. These regulations provide the practical framework needed to make that scheme work. I therefore recommend the Draft Agriculture and Fisheries (Loans) (Jersey) Law to the Assembly and ask Members for their support.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Senator Jeune. Sorry, Deputy Jeune.

Deputy H.L. Jeune:

Next time, maybe, Sir. **[Laughter]**

The Bailiff:

You never know.

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

Speaking as the chair of the Scrutiny Panel we submitted comments and support these regulations. We especially welcome one change. For the first time fishing businesses can apply for this support, not just farmers. Our fishing fleet faces real pressures, and this is a sensible step. The lodging period was shortened so the panel could not consider this in detail, so we asked the department for some questions to help develop our comments. I thank the officers for their quick reply but 3 points stood out. First, the interest rates. The Minister sets the rate. We have been told it will stay at 3 per cent, as set out in P.41/2024. Any review will be done with Treasury, and the same rate will apply to every applicant. Second, guarantees. The regulations widen the range of security that can be accepted, including personal and third party guarantees. These can carry serious obligations sometimes for family members and they ask the Minister to make sure that every applicant and guarantor clearly understands what they are signing up to. Third, Ministerial discretion. The Minister has the final say and can approve a smaller loan than the board recommends, for example. That is reasonable but, where this happens, it should be recorded and explained so the scheme stays transparent. These regulations strike the right balance. They support investment in one of our primary industries while protecting public money. I therefore urge Members to support them.

7.1.2 Deputy K.M. Wilson of St. Clement:

It was really to support the Minister with this but, just for a point of clarification, if we might. Under section 11 of the report it talks about: "If an order is made under paragraph 1 despite the *la loi sur la location* the former owner must leave the property in respect of which the loan was made not later than the first Christmas Day after the order was made." I just wonder if she could explain why that has been particularly singled out, as I seem to recall there was a similar debate around the Lido and is there a particular condition applied to the loan agreement on that basis?

7.1.3 Deputy M. Tadier of St. Brelade:

This is something that could be raised either in the Second Reading or the First but given the fact that the chair of the Scrutiny Panel has talked about interest rates, which is something that without any pun it does interest me, part 5 talks about the fact that in determining the rate of interest on a loan the Minister must have regard to the current Bank of England base rates. It says she "must" have regard to that, not "she can" or "may". I note that currently the Bank of England base rate stands at 4 per cent and that the proposed rate is 3 per cent. The current rate is 3 per cent, which is already below the Bank of England base rate. If a commitment has been given to Scrutiny that the rate will stay or be at 3 per cent presumably for some time, because I presume the purpose of this loan scheme is to give security to the industry to know that their costs are not going to spike any time soon what is the

purpose of that part of having regard to the bank rate and what would happen in a scenario whereby the Bank of England rate was to spike significantly? What would the interplay be? I accept that the Minister might want to address that as a point of the Article, but I think it does interact so fundamentally with the principles of these regulations, which I would like to support, that she may like to address that at this point in the summing up.

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

I just wanted to commend the Minister on bringing forward these regulations, which provide greater certainty about the Agriculture and Fisheries (Loans) (Jersey) Law compared to its previous incarnation and also greater flexibility, which is really important. The reason we need the Agriculture and Fisheries (Loans) (Jersey) Law back and operating again is because of the difficulty of accessing capital. We know that this is one of the key things that the Minister for Economic Development is looking at for the economy as a whole, and is something that when I was in that role I was also looking at, the Agriculture and Fisheries (Loans) (Jersey) Law. We had a law in place already and while it needed to be revised and new regulations brought in, of which this is the culmination of it, it was easier to do precisely because the law already existed, but that law was overly prescriptive and it gave very little flexibility about the interest rates that are to be charged. It was also very difficult in terms of the security that was required for the agricultural loans, and so these are among the things that have changed with these regulations. To Deputy Tadier's question, one of the things we are trying to do is make sure that capital is available and affordable to these industries, and the Minister may have a different answer but, in my understanding of it, one of the reasons we say "must" have regard to the Bank of England base rate is precisely because whether the Minister wishes to put an interest rate above or below that base rate it is very important that the Minister knows where that base rate is. So in that sense having a rate that is lower is providing a capital discount to the marine and agricultural industries in order to make it cheaper. Different Ministers or this Minister may choose to change that in the future but we now have the flexibility to do that, whereas with the previous law my understanding was there was no flexibility at all. So I hope that goes some way to helping Deputy Tadier understand that while having regard to does not mean matching or putting it above, it just means the Minister must be aware of that and must think about the Bank of England base rate when making that decision.

The Bailiff:

Does any other Member else wish to speak on the principles of the regulations? Accordingly, I call upon the Minister to reply.

7.1.5 Senator M.R. Le Hegarat:

I think my colleague has probably answered some of the questions for me. In relation to the interest rates, as we have rightly said, it is 3 per cent, as this has been the case for loans issued since the loan was started again in 2024. The regulations provide flexibility to the amendment of the rate in future if circumstances require. Of course, that would be, as rightly said, that if potentially the base rates did increase significantly that this may need to be considered and it would obviously be tracked on what the base rates are. Also any sort of changes would be made in consultation with my colleagues in the Treasury Department. It is important that the intention is not to apply different rates to different people but basically to be able to have a scheme which is or can be flexible depending on the rates as they change. In relation to the Scrutiny Panel's comments, yes, of course, as I said it will be my intention that any decisions that I make as the Minister for the Environment, Agriculture and Fisheries in relation to these loans will be properly recorded and the decisions made, but particularly those in relation to obviously if the rates would be different or if the amounts of those loans would be different as well, because that would be exceptionally important for any Minister to be able to fully justify the decisions they make and why they did that. In relation to the point that Deputy Wilson made, I am a little uncertain as to her exact question. However, what I would like to say is that if people wonder

why there are specific dates, it has always been the case that in relation to agricultural properties in terms of leases and purchases of properties, our quarter days, but particularly Christmas Day, has always been the date as to which your lease or rental would actually expire.

[12:30]

I can remember, as a young child, that Christmas Day was the day you moved and you moved into a new location. So that is why it is actually in those laws that those are the dates that are relevant to these pieces of legislation. I propose the proposition.

The Bailiff:

Is the appel called for? The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting on the principles. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I announce the principles have been adopted unanimously:

POUR: 43		**CONTRE: 0**		**ABSTAINED: 0**
Senator L.J. Farnham				
Senator I.J. Gorst				
Senator A. Maclean				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator M.E. Millar				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Helier				
Connétable of St. John				
Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				

Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy B.B. de S.V.M. Porée				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				
Deputy P. J. Romeril				

The Bailiff:

Deputy Jeune, can you confirm that your panel will not be calling this in?

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

Yes, we will not be calling it in.

The Bailiff:

Minister, how do you propose the matter in Second Reading.

7.2 Senator M.R. Le Hegarat:

En bloc, please.

The Bailiff:

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

7.2.1 Deputy M. Tadier of St. Brelade:

I was not entirely satisfied with the answer I was given about the base rate because the way I look at it, is that I accept that it is within the gift of any future Minister to decide what regard they wish to have to the Bank of England base rate, but the regulation does say that they must have regard to it. Therefore, the formula, if you like, remains unclear. So it seems to me that depending at the particular quarter or month in … I think the Minister said 2024, was that when it was based on? Could I ask for clarification?

The Bailiff:

That is what she said, yes.

Deputy M. Tadier:

Yes, 2024. So the Bank of England base rate was basically somewhere between 5.25 and the lower end of 5, so between 5 … let us call it 5 per cent in 2024. So it seems to what we have got here is an interest rate which, in reality, is pegged at 2 per cent below the Bank of England base rate. I do not see that rate effectively changing. I would have hoped that the point of the agricultural loan scheme is to provide certainty and, therefore, there seems to be a tension here between having regard for the Bank of England base rate, which could go up or down, and wanting to provide security and certainty for farmers or fishers. It would seem to me that if the rate were to go up to 8 per cent, does that mean the Minister in reality would be seeking to peg the rate of the loan to 6 per cent? Or, similarly, if the Bank of England rate were to go down to 2 per cent, would she then make the loan scheme a zero per cent scheme, because of course the fund itself also has to be viable? So we want to make sure that that money is being repaid, and it is not eroding away. There is a second part of Article 5, which is 5.2. It says that the amount of the principal of the loan must not exceed 90 per cent of the estimated cost, but there is an exception unless the carrying out of the activity is likely to contribute to a saving of energy resources. The Minister did touch on this in her opening remarks but could I ask, is the wording sufficiently clear in her mind to say what the saving of energy resources means? Of course you could be employing renewable energy, it could be that somebody wants to apply for a more efficient unit, which is going to use less electricity, therefore they could argue that it is going to use less energy so it could apply to, for example, a new tractor. It is going to use less energy therefore they can apply for a 100 per cent loan. I also presume that 100 per cent loan is the maximum, it does not specify that, but could somebody theoretically apply for a loan which is more than a 100 per cent of the value of the activity that they wanted to apply for in this case? It does not say that in the law, but I presume that will be dealt with in the application process. If they, for example, wanted to apply for an extra loan for maintenance and for running costs, would that also be permissible as the Minister understands it in Article 5?

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

Before I speak, I was wondering if I could ask the Solicitor General a question that was just, hopefully, to help Members and obviously Deputy Tadier understand. In her understanding, in the regulations where it asks or says that the Minister must have regard to the Bank of England base rate, would the Solicitor General be able to explain what that means in layman's terms?

Ms. V. Bell, H.M. Solicitor General:

Thank you, very happy to. Normally, due regard would be interpreted as appropriately weighing, or considering, or taking into account specific factors, risks or obligations before taking any specific decision. I hope that is helpful.

Deputy K.F. Morel:

I thank the Solicitor General. If I may speak now?

The Bailiff:

Yes, of course.

Deputy M. Tadier:

Sir, could I ask a question at this point of the Solicitor General of course. If there were a judicial review into a decision that had been made by the Minister regarding the interest rate, either to keep it where it was or to in fact adjust it up or down, and there was a challenge from a farmer who had currently had a loan, what would the likely outcome be or success of that judicial review if they were trying to prove that the Minister had not had due regard to the Bank of England interest rate when she made her decision and whether that decision was reasonable in all circumstances?

The Solicitor General:

I think my answer to that would be that the case would have to take its course. It would depend on a number of factors, of course, which should have to go into account when the judicial review is underway. It would be very difficult to presuppose an answer where obviously we would not know the facts at present.

Deputy M. Tadier:

I suppose the supplementary question is, is the wording sufficiently robust where the Minister has already put an explanation on record that she wants to set the loan rate at 3 per cent with the wording of Article 5?

The Bailiff:

What is your question, Deputy? I am not quite sure.

Deputy M. Tadier:

Does that provide any tension that the Minister has already given an intention, on the one hand I think to keep the interest rate at 3 per cent but there is a similar obligation here that she must have regard to the base rate and what that does? Therefore I presume if the base rate were to spike and it goes to 8 per cent, the Minister must also have a … or it is actually more likely to work the other way around, is it not, if the Bank of England's base rate went down to 2 per cent and the Minister had not reduced that to 3 per cent, are we setting ourselves up for potential liability?

The Bailiff:

Are you asking the Solicitor to confirm that the Minister must take into account increases or reductions in the base rate? Is that what you are asking?

Deputy M. Tadier:

I am asking that, and also asking whether that the current wording in the absence of any specific direction makes it more likely for a judicial review to (a) take place and (b) be more successful in the absence of any more specific wording?

The Solicitor General:

I think I would need further time to consider that, if that is all right.

The Bailiff:

You might not get very much time, though. Well, it depends on how many questions Deputy Tadier has got for you. I do not think you will have very much more time.

7.2.2 Deputy K.F. Morel:

I stand again as I am only also trying to help answer Deputy Tadier's questions. It is the only reason I stand. Following the Solicitor General's confirmation about the meaning of having due regard to the Bank of England base rate, I think, to my mind, Deputy Tadier is actually answering a lot of his own questions. The Minister must look at that base rate, and I have no doubt the Minister for Treasury and Resources and the Treasurer will also bring to the Minister's attention the base rate when it changes. It is then the Minister's decision as to whether she thinks that the interest rate in these regulations should be raised or should be lowered accordingly. I am not the Minister, but in the event where the base rate went to one per cent, let us say, I doubt that any Minister, whether it is this Minister or any other Minister, would be seeking to charge a minus one per cent interest rate. So I think it is likely that in those sorts of situations, that is where you will most clearly see the Minister acting with regard to the base rate to adjust the interest rate. The base rate has gone down to one per cent, the Minister may adjust the interest rate here to be one per cent. Maybe it will be above 1.5 per cent, something like this. Should the Minister, having spoken to the Minister for Treasury and

Resources, feel that this 2 per cent discount, which is effectively where we are today, should change, then I have no doubt that in communications with farmers and in consultation with the marine industry, *et cetera*, she would be pointing out that it is because of the level of the existing Bank of England base rate that she is seeking to change the interest rate in these regulations. I think it is highly unlikely that any Minister would be in a situation where they are changing the interest rate without being able to clearly show due regard to the Bank of England base rate. I believe the Minister for Treasury and Resources and the Treasurer would be the very first people to make sure that the Minister for the Environment, Agriculture and Fisheries is taking due regard to that base rate. If you do not mind, Sir, I did have an answer for the second part of Deputy Tadier's question, but I cannot quite remember on my feet what the second question was. I had formulated an answer in my head, so I was wondering if he might be able to remind me of his second question.

Deputy M. Tadier:

It may help, actually, if the Minister would clarify. If we are talking about a fixed rate, then probably a lot of these hypothetical disputes would fall away, as long as the farmer knows - I am using the farmer - if it is a fixed rate for the term of the loan and no interest rate is imposed retrospectively, I suppose that is what I am getting at. Then I think that may be able to answer some of the questions.

The Bailiff:

Yes, Deputy Morel, anything you want to add?

Deputy K.F. Morel:

I believe the rate is fixed at the beginning of the term of the loan but I believe it can be changed depending … I believe it can be changed but obviously in consultation and only in consultation. There was another part to the question which was not about the interest rate, though.

The Bailiff:

Why do you not just focus on what you want to tell the Members.

Deputy K.F. Morel:

I will sit down. Thank you very much. I feel hungry for lunch.

Deputy M. Tadier:

With that said, I am probably happy to withdraw any questions at this point for the Solicitor General.

The Bailiff:

Thank you, Deputy. Does anyone else wish to speak in Second Reading? I call upon the Minister to reply, Minister.

7.2.3 Senator M.R. Le Hegarat:

It is very helpful to have the Assembly answer my questions, but it is probably even more helpful to confuse me more than when I started. Anyhow, as far as I am concerned, and maybe it is a misinterpretation on my part, but if we were giving somebody a loan at 3 per cent, this is all about stability of our agriculture and fisheries industries because of the challenges that some of those industries can have when they are trying to get loans. It is very difficult to get a loan for large pieces of equipment, so it can be quite challenging in relation to that. From history, I actually did work in the Department of Agriculture and Fisheries in the late 1980s, and this was part of my job. I was an Assistant Finance Officer and worked on agricultural loans. I did not give any out and did not actually have any myself. However, as I said, it is also about ensuring that the industry has the confidence to invest in itself. As we have seen over many years, families where in particular the children of those families have not necessarily wanted to go into these industries, those potential industries have then gone, those family farms and fisheries will have diminished. So it was considered important in 2024

to start looking at this again, and obviously the law was brought forward again just before this term of office. That is what is important, it is about giving stability to industries that are critical to the Island. I appreciate fully that there are a number of industries that are critical but of course when we are talking about environment and looking after the countryside and our wellbeing, *et cetera*, these 2 industries are fundamental to that, whether it is keeping our seas in good order or our land. In relation to what Deputy Tadier ... sorry it has been a long week. In relation to what Deputy Tadier was saying, in my view you could not have more than 100 per cent. Your loan is for 90 per cent because you could not be given more money than the product is going to buy because it would be like asking a bank to give you £1 million when your house only costs you £500; that is not going to happen. I see absolutely no way that this would happen in these circumstances. That 90 per cent would be the maximum because that business would also be expected to be showing that they were going to be investing in it as well. As I have already said, in relation to the interest part of it, it was my view that it was given as whatever percentage it was given at, that at the moment is 3 per cent but any changes would be made in consultation with the Treasury.

[12:45]

I think that is the right approach because this is public money, and if the rates were to spike as the Deputy suggested earlier, then you would, or potentially have to, refocus and actually see whether you were going to have to increase those loans. But that would be for loans moving forward because, of course, as an Island, this is public money. We need to ensure that that money is used wisely and efficiently. Of course, we have to provide the funds, so we need to ensure that we are getting some money back for it. We would have to potentially reinvest and I bring forward that proposal.

The Bailiff:

Is the appel called for?

Senator M.R. Le Hegarat:

Yes, please.

The Bailiff:

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting on the regulations in Second Reading. If all Members have the opportunity of casting their votes, I ask the Greffier to close the voting. I announce that the regulations have been adopted unanimously in Second Reading:

POUR: 43		**CONTRE: 0**		**ABSTAINED: 0**
Senator L.J. Farnham				
Senator I.J. Gorst				
Senator A. Maclean				
Senator M.R. Le Hegarat				
Senator T.J.A. Binet				
Senator H.M. Miles				
Senator M.E. Millar				
Connétable of St. Mary				
Connétable of St. Martin				
Connétable of St. Helier				
Connétable of St. John				

Connétable of St. Clement				
Connétable of St. Ouen				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy C.S. Alves				
Deputy K.F. Morel				
Deputy G. Voisin				
Deputy M.B. Andrews				
Deputy R.E. Binet				
Deputy T.A. Coles				
Deputy A.F. Curtis				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy M.R. Ferey				
Deputy H.L. Jeune				
Deputy B.B. de S.V.M. Porée				
Deputy J. Renouf				
Deputy L.K.F. Stephenson				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L. Carpenter				
Deputy S. Gleave				
Deputy C. Leck				
Deputy V. Li				
Deputy R. Parker				
Deputy G. Raimondo				
Deputy C. Rebindaine				
Deputy P. J. Romeril				

The Bailiff:

Minister, do you propose the matter in Third Reading?

7.3 Senator M.R. Le Hegarat:

Yes, please, Sir.

The Bailiff:

Is the matter seconded? **[Seconded]** Does any Member wish to speak on the regulations as adopted in Second Reading in Third Reading? Those in favour of adopting the regulations, kindly show. The regulations are adopted in Third Reading. That concludes Public Business for this meeting.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

I ask the chair of P.P.C. to propose the Arrangement of Public Business for Future Meetings.

8. Deputy C.S. Alves of St. Helier Central (Chair, Privileges and Procedures Committee):

Currently, there is, I think, only one amendment to the Budget that has been published on the Consolidated Order Paper. There has been one addition with Deputy Jeune's proposition around the change to the Common Strategic Policy. Members will be aware that the deadline for Budget amendments is 24th November. The Budget debate week is normally quite a long one, so please do not make any commitments during that week, and there will probably be the potential that we also sit late on one of those days. But hopefully we will be able to make a better prediction closer to the time. I would just like to take this opportunity to also remind Members that we have a number of P.P.C. Sub-Committees as well, if Members are available to join. They can be joined at any point. I know some of the numbers are a bit low on a couple of those committees, so please do consider them, if not this year, maybe in the new year. Also, there was an email sent round about the Christmas meal options, so please register your interest on that. With that, I propose the Arrangement of Public Business.

8.1 Senator I.J. Gorst:

I just wanted to forewarn Members that I will be seeking to lodge the Oman D.T.A. (Double Taxation Agreement) for debate and approval at that December sitting as well. I will explain in detail why that is, but I just wanted to forewarn them.

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

When we have had a particularly heavy agenda in the past, we have always given consideration to starting on the Monday afternoon. I wonder, perhaps, if the chair of P.P.C., depending on how many amendments come into the Budget, she might give consideration to taking that course of action?

The Bailiff:

Does any other Member wish to speak before I revert to the chair of P.P.C.?

8.2.1 Deputy C.S. Alves:

I have just had a Member ask whether the Minister could just clarify whether he would be seeking to reduce the lodging period.

Senator I.J. Gorst:

Indeed I would, that is why I raised it this afternoon.

Deputy C.S. Alves:

Thank you. Absolutely, I will consider starting on a Monday and depending on how the order of business is looking closer to the time, and I will communicate with Members via email. With that, I propose the Arrangement of Public Business.

The Bailiff:

Are Members content now to adjourn? We adjourn until Tuesday, 8th December at 9.30 a.m.

ADJOURNMENT

[12:49]