

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 10th DECEMBER 2024

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[9:32]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

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

QUESTIONS

2. Written Questions

2.1 Deputy M.B. Andrews of St. Helier North of the Chair of the Comité des Connétables regarding the ten most common dog breeds (WQ.416/2024):

Question

Will the Chair provide a breakdown of the ten most common dog breeds licensed by each of the twelve Parishes for 2024?

Answer

Information about licensed dogs for 2024 was published on the Parishes' websites in April 2024. The information includes the ten most common breeds, with percentage, across all Parishes. It also shows the number of dogs registered at that date by Parish and the most common breed in each Parish. The ten most common dog breeds licensed by each of the twelve Parishes was not shown as, using the published percentage of a breed and the number of dogs in a Parish would risk breaching Data Protection (Jersey) Law 2018 (data protection principles). For example, 2.2% of the licences in the Parish of St Mary is fewer than 10 dogs of that breed.

St Brellade: Labrador Retriever, Cockapoo, Cocker Spaniel, Jack Russell Terrier, Dachshund, French Bulldog, Golden Retriever, Border Collie, Cavapoo, Pug.

St Clement: Cockapoo, Labrador Retriever, Cocker Spaniel, Dachshund, Jack Russell Terrier, Staff Bull Terrier, Lhasa Apso, Shih Tzu, Yorkshire Terrier, Chihuahua.

Grouville: Labrador Retriever, Cockapoo, Cocker Spaniel, Jack Russell Terrier, Dachshund, Border Collie, Lhasa Apso, Golden Retriever, French Bulldog, Miniature Schnauzer.

St Helier: Cockapoo, Jack Russell Terrier, Labrador Retriever, Cocker Spaniel, Dachshund, French Bulldog, Staff Bull terrier, Chihuahua, Lhasa Apso, Border Collie.

St John: Cocker Spaniel, Labrador Retriever, Jack Russell Terrier, Cockapoo, French Bulldog, Golden Retriever, Dachshund, German Shepherd, English Springer Spaniel, Cavapoo.

St Lawrence: Cocker Spaniel, Labrador Retriever, Cockapoo, Jack Russell Terrier, English Springer Spaniel, Lhasa Apso, Labradoodle, Golden Retriever, Shetland Sheepdog, Chihuahua.

St Martin: Labrador Retriever, Jack Russell Terrier, Cockapoo, Cocker Spaniel, Border Collie, Golden Retriever, Dachshund, French Bulldog, English Springer Spaniel, Shihtzu.

St Mary: Labrador Retriever, Jack Russell Terrier, Cocker Spaniel, Cockapoo, French Bulldog, German Shepherd Dog, Golden Retriever, Cavapoo, Chihuahua, Lhasa Apso.

St Ouen: Jack Russell Terrier, Labrador Retriever, Cocker Spaniel, Dachshund, Cockerpoo, English Springer Spaniel, Golden Retriever, Border Collie, French Bulldog, Chihuahua.

St Peter: Labrador Retriever, Cocker Spaniel, Cockapoo, Jack Russell Terrier, English Springer Spaniel, Border Collie, French Bulldog, Golden Retriever, Shihtzu, Dachshund.

St Saviour: Labrador Retriever, Cockapoo, Jack Russell Terrier, Cocker Spaniel, Border Collie, Lhasa Apso, French Bulldog, Dachshund, Staff Bull Terrier, Yorkshire Terrier.

Trinity: Labrador Retriever, Cockapoo, Cocker Spaniel, Border Collie, Jack Russell Terrier, Dachshund, Golden Retriever, Whippet, English Springer Spaniel, French Bulldog.

2.2 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding introducing a tax exemption for bonuses received by lower to middle income earners (WQ.417/2024):

Question

Will the Minister advise whether she has considered introducing a tax exemption for bonuses received by lower to middle income earners; and if not, why not?

Answer

The Minister has not considered introducing such an exemption nor does she have plans to do so. Such an exemption would be discriminatory as many employees are not remunerated through a bonus system; nor are the self-employed. Exempting bonuses in such a way would almost certainly lead to wholesale tax planning by employers to reduce tax; Long Term Care; and, potentially, social security contributions bills.

2.3 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding the UK's increase of stamp duty surcharge on additional dwellings to 5 per cent (WQ.418/2024):

Question

Will the Minister advise whether she is considering following the example of the UK Government by proposing the increase of stamp duty surcharge on additional dwellings to 5 per cent and if not, why not?

Answer

The Minister has no plans to follow the example of the UK Government and increase the level of the 3% higher rate of Stamp Duty on buy-to-let (etc) properties. It is clear that some members of the Assembly are concerned about the current 3% rate; the current levels of demand for dwellings; and the current state of the property-development industry and construction more generally.

The Budget 2025 debate includes two amendments (Amendment 25 and 28) which relate to a proposed stamp duty holiday for 2025. The Council of Ministers are opposing Amendment 25 but amending Amendment 28 to lower the surcharge for additional dwellings from 3% to 2%.

2.4 Deputy R.S. Kovacs of St. Saviour of the Minister for Sustainable Economic Development regarding building companies in Jersey becoming insolvent (WQ.419/2024):

Question

With regard to the recent report from Statistics Jersey, [Measuring Jersey's Economy](#), will the Minister advise what work has been undertaken to understand why several building companies in Jersey have gone bankrupt despite the reported 19% increase in Gross Operating Surplus and 5.2% increase in real-term productivity for the construction, mining and quarrying sector, and what he is

doing to provide support and stability for the Island's construction and related sectors that have contributed nearly £500 million to GVA in 2023?

Answer

As the question states, a number of Jersey building companies ceased trading during last year and this year. Work by Officials concluded that each business closure was due to firm-specific reasons. Whilst the whole sector was affected by rising prices of materials alongside and higher interest rates, there didn't appear to be a common or systemic issue affecting the sectors stability.

It has been observed that former employees of bankrupt construction businesses quickly found new employment and the information in the National Accounts points to a relatively healthy sector.

Officials continue to monitor the sector and regularly meet with representatives of the construction sector. The JCRA is undertaking a review of the construction sector. This report should be available next year.

2.5 Deputy L.M.C. Doublet of St. Saviour of the Minister for Sustainable Economic Development regarding the Cost-of-Living Ministerial Group (WQ.420/2024):

Question

Further to the Chief Minister's statements during oral questions without notice on [22nd October 2024](#) regarding the Cost-of-Living Ministerial Group and single parent households, will the Minister provide information on –

- (a) any discussions within the Ministerial Group on the issues facing –
 - (i) single parent households;
 - (ii) pensioner households; and
- (b) any work currently underway to understand, assess and address cost-of-living issues faced by –
 - (i) single parent households; and
 - (ii) pensioner households?

Answer

The Cost of Living Group investigates, understands and monitors the cost of living pressures faced by Islanders and the groups (or households) most adversely affected by cost of living pressures.

The cost of living – a broader measure than inflation – is high on Jersey, relative to say the UK. High housing costs and the additional costs of island living contribute to the higher cost of living on Jersey. These higher costs of living affect households differently and the Cost of Living Group has noted that lone parent households are the household group most negatively affected with ¾ of lone parent households reporting (Jersey Opinions and Lifestyle, 2022) finding it difficult to cope financially and just 7% reported finding it easy to cope financially. By contrast, 12% of pensioner households reported finding it difficult to cope financially and over half (56%) reported finding it easy to cope financially. Lone parent households are also more likely to report being in arrears and to receive financial help from a charity or voluntary group.

Work is underway to understand, assess and address the cost of living pressures faced by Islanders and those groups most affected by high costs of living. Working towards a living wage will help improve the incomes of the lowest paid, reforms to the housing market will help address the high cost of housing faced by Islanders, and the childcare pilots announced in the CSP will help working parents. The CSP included a commitment to develop minimum income standards for Jersey and the Cost of Living Group is developing proposals for this work and discussing which household groups

should be included in the initial phase of work. Lone parent and pensioner household groups are amongst those being considered.

2.6 Deputy T.A. Coles of St. Helier South of the Minister for Treasury and Resources regarding the new Waterfront project (WQ.421/2024):

Question

With regard to the new Waterfront project announced by SoJDC (the States of Jersey Development Company), will the Minister detail –

- (a) the total expenditure up to the point that the previous plans were refused planning permission;
- (b) the total expenditure incurred developing new plans after the previous plans were refused planning permission; and
- (c) a breakdown of these costs?

Answer

(a) Total expenditure £2,812,254

(b) Total expenditure up to 15 October 2024 £59,147

(c) With respect to question a)

Professional design costs - £2,316,987

Site and ground investigations - £155,927

Planning fee - £300,000

Public engagement - £39,340

Total - £2,812,254

Regarding design costs, the estimated total development cost for the previous Waterfront plan was £738 million. Typically, professional design costs (covering concept to completion) range from 8% to 10% of the total cost, depending on the project's size and complexity. In contrast, the professional design costs for the previous outline application was £2,316,987, equating to just 0.27% of the total development cost.

With respect to question b)

Professional design costs - £42,974

Site and ground investigations - £nil

Planning fee - £nil

Public engagement - £16,173

Total - £59,147

The material and design costs for the revised outline plans are significantly lower than the original, owing to the reuse and adaptation of materials from the initial application.

2.7 Deputy S.M. Ahier of St. Helier North of the Minister for Treasury and Resources regarding outstanding payments owed to Ports of Jersey by Condor Ferries (WQ.422/2024):

Question

Will the Minister advise what outstanding payments, if any, are owed to Ports of Jersey by Condor Ferries in relation to harbour fees, or any other contractual responsibilities, for each of the last five years; and will she confirm that, where there are any monies owing, the debt will be settled in full prior to a new contract being issued to the winning tender?

Answer

The Minister understands that all outstanding sums owed by Condor Ferries to Ports of Jersey relate to 2024 only and are within their normal agreed credit terms. The Minister does not think it is appropriate to disclose details of debts owed by individual creditors to States Owned Entities.

2.8 Deputy M. Tadier of St. Brelade of H.M. Attorney General regarding factors considered for manslaughter charges (WQ.423/2024):

Question

Will HM Attorney General explain what factors are taken into account when considering, in instances in which a company has been involved in suspected manslaughter, whether it is an individual or the company that is charged with manslaughter?

Answer

In Jersey, manslaughter is a customary law offence, meaning that the law for this offence is derived from previous judgments of the Royal Court, the Jersey Court of Appeal, and the Judicial Committee of the Privy Council. Manslaughter involves the accidental killing of a person due to a negligent or unlawful act and is divided into two offences: unlawful and dangerous act manslaughter and gross negligence manslaughter.

Unlike in England and Wales, Jersey does not have the offence of corporate manslaughter, so only an individual can be charged with the offence as opposed to a company or organisation. Other than the usual evidential and public interest tests set out in the Code on the Decision to Prosecute, no additional factors are considered in deciding whether a company or an individual is charged with the offence, simply because the option to prosecute a company is not available.

2.9 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding the size of the planned hospital facilities (WQ.424/2024):

Question

Will the Minister provide the latest estimates for the gross internal area and the number of beds to be provided within each of the planned hospital facilities –

- (a) Overdale;
- (b) Enid Quenault Health and Wellbeing Centre;
- (c) Kensington Place/Gloucester Street; and
- (d) St. Saviour Health Village?

Answer

The Feasibility Study issued in June 2023 set out the gross internal areas anticipated for the New Healthcare Facilities along with the services that were anticipated at each of the sites. Overdale, Kensington Place/Gloucester Street and St. Saviour Health Village.

2.10 Deputy M. Tadier of St. Brelade of the Minister for Justice and Home Affairs regarding anti-terrorism laws (WQ.425/2024):

Question

Will the Minister advise what mechanisms are in place to ensure anti-terrorism laws are not misused to hinder free speech?

Answer

The Human Rights (Jersey) Law 2000 (“HR(J)L”) gives effect to rights and freedoms guaranteed under the European Convention on Human Right (“ECHR”). This includes Article 10 of the ECHR which enshrines the right to freedom of expression. This includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers. As outlined in Article 12 HR(J)L, the island of Jersey both recognises and protects the right to freedom of expression.

Every individual on the island of Jersey has the right to freedom of expression as enshrined in the HR(J)L. It is not, however, an absolute right, and public authorities can impose restrictions or penalties when they are required by law and are necessary in a democratic society.

The Terrorism (Jersey) Law 2002 does not interfere with the right to freedom of expression save for in narrow and prescribed circumstances. To the extent that any such restrictions on freedom of expression have been deemed by law to be necessary and proportionate in order to prevent crime or disorder, or to protect national security, those restrictions are legitimate, lawful and fully justified.

2.11 Deputy D.J. Warr of St. Helier South of the Minister for Housing regarding the November House Price Index report (WQ.426/2024):

Question

Further to the November [House Price Index](#) report which cited a 2% drop in advertised private sector rental prices during the year ending Quarter 3 2024 compared with the year ending Quarter 3 2023, will the Minister advise –

- (a) whether social housing sector rents will lower in line with the private sector;
- (b) what, in his assessment, will the implications be for social housing tenants currently paying 80% market rent when private sector rental prices are falling;
- (c) the financial implications for Andium Homes of a falling rental market; and
- (d) the number of households in the social housing rental sector likely to benefit from a falling rental market?

Answer

The Deputy’s question is based on a false assumption that the House Price Index report on ‘*advertised rents*’ is synonymous with ‘*actual rents*’.

Statistics Jersey does not collect data on actual rents. The figure they have published in the House Price Index will not reflect what experience the many thousands of existing tenants have had with their rents. Many tenants will have rent increase clauses in their contracts (which are often based on RPI or another metric, which will often not include provision for rents to reduce), and others will renew their tenancy contracts at higher rents (which are not advertised).

Andium's system for calculating the equivalent market rate for their properties from which to derive the actual rent they may charge (capped at 80% of the market rate) is therefore not based on the data that the Deputy has assumed it is.

The answers to the Deputy's specific questions are therefore:

- (a) No.
- (b) N/A. The Deputy makes an assumption that "private sector rental prices are falling", citing evidence that does not say what he is claiming it says.
- (c) Andium's business plan has long term stability built into it, so that it can withstand changes in the market. Due to the rent freezes applied in 2021 and 2022 (when advertised rents increased significantly), most Andium tenants are charged rents which are well below the cap, and will take some time to catch up.
- (d) N/A.

As an aside, I intend to bring forward a new mechanism to collect data on actual rents in the new Residential Tenancy Law, which I hope to publish soon. This will provide a much more sound basis for understanding actual rent levels in the private rental sector.

2.12 Deputy M.B. Andrews of St. Helier North of the Minister for Justice and Home Affairs regarding changes in policies or procedures relating to paramedics (WQ.427/2024):

Question

Will the Minister advise whether she is considering any changes in policies or procedures in light of the recent verdict that found two Jersey paramedics guilty of not providing reasonable care; and if not, why not?

Answer

A review of any relevant Policies is being undertaken.

The Ambulance Service is commissioning an independent Serious Incident (SI) review in conjunction with Health and Community Services.

An SI is a process used to identify learning from such incidents through an open no blame process to ensure all learning opportunities are identified and action plans can be put in place. Any recommendations from this review will be acted upon, including any further reviews of policies and procedures if required.

There will be an Inquest, and the Ambulance Service will be providing the appointed Coroner with any information that is requested and will act on any findings.

2.13 Deputy M.R. Scott of St. Brelade of the Chair of the Privileges and Procedures Committee regarding attendance levels at all training sessions for States Members (WQ.428/2024):

Question

In relation to the Privileges and Procedure Committee's [Comments to P.75/2023](#), specifically the request that the States Greffe record and publish attendance levels at all training sessions for States Members, will the Chair –

- (a) state what response, if any, she received to her request;
- (b) advise where this information is published or, if it is not yet published, where and when it will be published; and

- (c) indicate the attendance levels at any training sessions delivered during the current term of office relating to ethical conduct, data protection, and cybersecurity?

Answer

I apologise to the Deputy, and to the Assembly as a whole, that the undertaking provided in the Comments to P.75/2023; as the States Greffe (on behalf of the Committee) has not to date published attendance levels at the training sessions offered to elected States Members in the way that was promised. In order to start to address that failure, I have taken the opportunity when responding to this Written Question to include information on attendance levels since October 2023.

To answer the Deputy's specific questions –

- (a) The States Greffe does not object to recording and publishing attendance levels and is prepared to undertake both, following the political direction and oversight provided by the Committee on this matter.
- (b) As I have stated in the introduction to this response, the information has not to date been published. The Greffier of the States has advised me that, in future, this information will be included in the States Assembly Annual Report when it is put before the Committee for approval and eventual publication on the States Assembly website.
- (c) The Deputy will see from the table below that training sessions have been offered on Data Protection and on Cyber-Security and the attendance levels are indicated. A further session on Cyber-Security has been arranged for 3rd December 2024, attendance levels for which will be provided in due course. There has been no specific training offered since October 2023 on Ethical Conduct. I have asked the States Greffe to make arrangements for training on this matter to be provided in 2025.

The table below indicates the training organised by the States Greffe since 10th October 2023 for elected States Members. The number of Members who attended each session is indicated; where this was not recorded, an asterisk (*) is shown. The table does not provide information on any training organised for elected States Members by bodies external to the States Greffe.

In addition to the sessions listed below, elected States Members have also had access during the last year to a custom-designed programme entitled 'Negotiating for Better Success in Politics', which was delivered through 10 2-hour tuition sessions (each available to Members at two different times and backed up with catch-up sessions). 25 Members completed all or part of the course.

Course title	Date provided	Attendees
Speech Writing, presenting and public speaking	8th November 2024	5
Cyber Security briefing	1st November 2024	4
What do you know about Law Drafting? (2)	18th October 2024	5
What do you know about Law Drafting? (1)	7th October 2024	7
Members Data Protection (2)	10th June 2024	5
Members Data Protection (1)	7th June 2024	5
Introduction to Neurodiversity	15th April 2024	8
States Members Data Protection Awareness Session	12th April 2024	*
Questions about Questions	25th March 2024	*
States Members Security Briefing - SoJP	26th February 2024	22

Report Writing - handy hints and techniques for effective report writing	5th February 2024	*
Completing a CRIA - How to go about it	1st February 2024	*
CRIAS - Q&A and Discussion	16th October 2023	*

Where sessions are marked (1) or (2) these are duplicates of the same session which was provided at multiple times

2.14 Deputy R.S. Kovacs of St. Saviour of the Chief Minister regarding the Chief Minister’s Pilot Project Fund (WQ.429/2024):

Question

Further to [Written Question 412/2024](#) regarding the Chief Minister’s Pilot Project Fund, and the allocation of £347,000 to Oceanslab (yacht sponsorship) in 2023, will the Chief Minister advise –

- (a) who applied for the funding;
- (b) what the application process entailed;
- (c) whether a cost benefit analysis was carried out and if so, what the results were; and
- (d) what benefits, if any, Jersey and the local community have gained, or are expected to gain from this project?

Answer

- (a) A partnership agreement was entered into with PS Racing Limited, representing and managing OceansLab.
- (b) A business case was submitted and approved by the then Chief Minister, Deputy Kristina Moore, and relevant Accountable Officer. This included an explanation of project benefits, project costs, and project deliverables. Supporting materials were also provided to Government from OceansLab.
- (c) See (b) and (d)
- (d) The partnership agreement included an educational programme, hospitality rights and image rights. An evaluation of the outcomes against the partnership agreement will be undertaken.

2.15 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding Government funding provided to Arms-Length Organisations (“ALOs”) and States-Owned Entities (“SLOs”) during 2024 (WQ.430/2024):

Question

Will the Chief Minister advise the amount of Government funding provided to Arms-Length Organisations (“ALOs”) and States-Owned Entities (“SLOs”) during 2024, and whether any consideration has been given to the current structure of ALOs and SLOs, in particular with a view to streamlining through mergers or closure of certain entities, and if no such discussion has taken place, why not?

Answer

The budgeted funding for 2024 was as follows for the following ALOs specified in the Public Finance Manual:

- Digital Jersey - £2,093,000 (plus £160,000 Digital Economy Strategy funding)

- Visit Jersey Limited - £4,787,000
- Jersey Sport - £1,929,000
- Jersey Arts Trust - £1,187,000
- Jersey Arts Centre Association - £ 885,000
- Jersey Opera House - £800,000
- Jersey Heritage Trust - £5,865,000
- Jersey Finance Limited - £6,316,000
- Jersey Business Limited - £1,710,000
- Jersey Consumer Council - £137,000

The final figures will be provided in full for all ALOs and SOEs in the Annual Report and Accounts which will be published in May 2025 showing the actual funding allocated in 2024.

As for all Government departments, Ministers are assessing whether there are potential efficiency improvements across the ALOs, including removing any duplication, more joint working, better support of strategic priorities, and opportunities for shared facilities and back-office functions.

The Minister for Sustainable Economic Development has initiated discussions with Digital Jersey and Jersey Business to review how the organisations might be structured in future to ensure maximum effectiveness in attracting and supporting businesses, promoting innovation and identifying productivity improvements. These discussions are still under way and no conclusions have been reached regarding mergers or closure of any body.

As this work progresses, the relevant Scrutiny Panels and States Members will be updated on developments.

The following States-owned entities do not receive grant funding from the Government. They are commercial and financially self-sufficient.

- Andium Homes Limited
- Jersey Post International Limited
- JT Group Limited
- The States of Jersey Development Company Limited
- Ports of Jersey Limited
- The Jersey New Waterworks Company Limited
- Jersey Electricity Plc

2.16 Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding topics taught in secondary schools (WQ.431/2024):

Question

Will the Minister advise –

- which, if any, of the following topics are taught in secondary schools –
 - private debt management;
 - Jersey's tax system;
 - the States Assembly;
 - the structure of Government;

- (v) running a business;
 - (vi) Social Security; and
- (b) whether discussions have been held with the Heads of the Island's Secondary Schools and the Curriculum Council regarding the importance of children leaving school with an understanding of these subjects; and, if not, why not?

Answer(a)

The specific topics are embedded within the statutory curriculum for Personal, Social, Health and Economic (PSHE) and Citizenship. Although it is up to schools how they design and deliver their curriculum, based on the needs and interests of the pupils, the following relevant topics are required.

The statutory PSHE and Citizenship Curriculum at Key Stage 3 (KS3) and Key Stage 4 (KS4) requires schools to teach:

(i) private debt management

- the economic and business environment, how personal financial choices can affect oneself and others
- income and expenditure, credit and debt, insurance, savings and pensions, financial products and services,

(ii) Jersey's tax system

- how public money is raised and spent

(iii) the States Assembly

- the nature of rules and laws and the justice system, including the role of the police and the operation of courts and tribunals
- the legal system in Jersey, different sources of law and how the law helps society deal with complex problems
- the development of the political system of democratic government in Jersey and the United Kingdom, including the roles of citizens, the States Chamber, the Island's Relationship with the monarch
- the operation of the States Chamber, including voting and elections, and the role of politicians, including Deputies, Constables and non-elected States members
- the different electoral systems used in and beyond Jersey and actions citizens can take in democratic and electoral processes to influence decisions locally, nationally and beyond

(iv) the structure of Government

- the development of the political system of democratic government in Jersey and the United Kingdom, including the roles of citizens, the States Chamber, the Island's Relationship with the monarch
- the operation of the States Chamber, including voting and elections, and the role of politicians, including Deputies, Constables and non-elected States members
- the different electoral systems used in and beyond Jersey and actions citizens can take in democratic and electoral processes to influence decisions locally, nationally and beyond
- parliamentary democracy and the key elements of the constitution of the Island of Jersey, including the power of government, the role of citizens and the States in

holding those in power to account, and the different roles of the executive, legislature and judiciary and a free press

(v) running a business

- how to make informed choices and be enterprising and ambitious
- about the economic and business environment

(vi) social security

- income and expenditure, credit and debt, insurance, savings and pensions, financial products and services, and how public money is raised and spent.

The PSHE KS3 and KS4 non-statutory guidance document provides more support for schools in this area. The key theme of 'Living in the Wider World' includes the following relevant, recommended content:

- management, decision-making and creativity
- how to challenge stereotypes, and the importance of having high career aspirations
- an awareness of ethical and unethical business practices, including dishonest schemes such as phishing and fraud
- knowledge of good financial management habits, and the skills to manage personal saving, spending and budgeting challenges
- information about inflation, tax, and social security from a personal perspective
- an awareness of investment and consumerism
- basic information about different types of pensions and insurance and why these are important
- information about employment, self-employment, and voluntary work
- the development of democratic government in Jersey,
- the political system in Jersey, including the difference between the States Assembly and the Government
- the differences between independent members and the political parties in Jersey
- the political system in the United Kingdom, including Parliament and the political parties
- information about different forms of government across the world including dictatorship, monarchy, presidential system
- a knowledge of the roles of citizens in democratic government, including voting age, how to register to vote and why we should vote
- the operation of the States Chamber, including voting and elections, and the role of politicians, including, deputies, constables, and non-elected states members
- knowledge of the actions citizens can take to engage with and influence their democracy on a local, national, and international level.
- local, regional, and international governance and Jersey's relations with the rest of Europe, the
- Commonwealth, the United Nations, and the wider world

- the island's relationship with the monarch as Sovereign and Jersey's position as a Crown Dependency
- the key elements of the constitution of the Island, including the free press and the States of Jersey
- holding those in power to account, and the roles of the Lieutenant Governor, the Dean of Jersey, the Bailiff, and the Attorney General
- the nature of rules and laws and the justice system, including the role of the police and the operation of courts and tribunals
- the legal system in Jersey including the different courts and the requirement to participate in jury duty
- the functions and uses of money
- the importance and practice of budgeting
- information about financial products and services (for example bank accounts, contents insurance) and how to plan ahead
- how to make appropriate financial choices, including the costs of various methods of borrowing (for example, credit cards, arranged loans, overdrafts)
- how to manage risk-taking behaviour avoiding unmanageable debt

(b)

The curriculum for PSHE (including Citizenship) is a regular item for discussion on the agenda for Curriculum Council. The importance of this is reflected in the revised Jersey School Review Framework which places the evaluations of PSHE including Citizenship as a significant factor in the evaluation of curriculum provision:

“As part of making the judgement about the Curriculum, Teaching & Learning, reviewers will need to consider the extent to which schools are equipping pupils with the knowledge and cultural capital they need to succeed in life. Our understanding of ‘knowledge and cultural capital’ is derived from the following wording within the Jersey Curriculum for PSHE including Citizenship: “The Jersey curriculum of PSHE including Citizenship aims to ensure that all pupils:

- *acquire accurate and relevant knowledge enabling them to recognise, accept and shape their identities*
- *access opportunities to explore, clarify and if necessary challenge, their own and others’ values, attitudes, beliefs, rights and responsibilities*
- *acquire the skills, language and strategies they need in order to live healthy, safe, fulfilling, responsible and balanced lives within the community of Jersey.”*

Updated non-statutory guidance for the KS3 and KS4 PSHE curriculum has been approved and launched this year by the Curriculum Council following feedback received from the Jersey Youth Parliament.

2.17 Deputy M.B. Andrews of St. Helier North of the Minister for the Environment regarding Jersey's net zero carbon emissions target (WQ.432/2024):

Question

In relation to Jersey's net zero carbon emissions target, will the Minister advise –

- (a) the funding needed to achieve these targets;
- (b) whether additional borrowing will be required and, if so, the timeline for any borrowing; and

(c) whether the Government has undertaken any assessment in relation to the affordability of reaching these targets, and if so, what was the evaluation, and if not, why not?

Answer

A) Page 64 of the Carbon Neutral Roadmap agreed by the States Assembly in 2022 stated:

'The Carbon Neutral Strategy considered the direct cost to government of paying for emissions reduction policies, and recurrent costs arising from offsetting residual emissions. That analysis, which formed part of P.127/2020, as adopted by the States Assembly, suggested an indicative cost to government of up to £300M, based on a specific set of policy options, plus an estimated recurring cost of £2-5M per annum for offsets.'

B) The Carbon Neutral Roadmap included consideration of how the transition to carbon neutrality would be funded. This included a piece of work commissioned by London Economics 'Funding the transition to carbon neutrality' and published in November 2021. This report provides descriptions of the funding options available.

The Carbon Neutral Roadmap identified that a long-term financing strategy was needed to bridge the funding gap between the income currently ring-fenced into the Climate Emergency Fund and the total estimated required spend for decarbonisation out to 2050.

Strategic policy 3 of the Carbon Neutral Roadmap was therefore a Financing Strategy which proposed to identify this funding:

'Short-term: the Carbon Neutral Roadmap will fully allocate the resources currently available in the Climate Emergency Fund to support policies in the first stage (2022- 2026),

Medium-term: government will bring forward in 2022, in time for potential inclusion in the Government Plan 2023, proposals for new economic instruments that generate income ring-fenced to the Climate Emergency Fund

Longer-term: bring forward in 2023, in time for potential inclusion in the Government Plan 2024, a long-term financing strategy that considers all available options to continue to fund the decarbonisation of the economy at the pace required to achieve the emissions trajectory established in Carbon Neutral Roadmap.'

An update on progressing this work was provided in 'Proposed Budget (Government Plan) 2025-2028' (see page 87) as per the below:

'Carbon Neutral Roadmap Net Zero Financing Strategy

The net zero financing strategy (NZFS) – formerly long-term financing strategy for the Carbon Neutral Roadmap (CNR), will set out how the Government expects to raise the money it needs to successfully achieve Jersey's net zero transition.

In 2023 the States Assembly approved 12 principles which will inform the development of the NZFS. The first phase of the NZFS will address the projected expenditure profile for the second CNR delivery period.'

It goes on to consider expenditure:

'Climate Emergency Expenditure 2025-2028

The first Carbon Neutral Roadmap (CNR) delivery period will conclude at the end of 2025. Estimated Climate Emergency Fund (CEF) expenditure for 2025 reflects the delivery and resources plan within the CNR, which apportions funds for all the policies focused on reducing emissions from heating, transport, and other sources, together with enabling policies addressing the biodiversity crisis and protecting wildlife and habitats.

Estimates for expenditure from 2026 – 2028 are equal to the expected revenues from fuel duty and vehicle emissions duty transferred to the CEF in each of those years.

Proposals for the second CNR delivery period and accompanying net zero financing strategy are now under development and will be brought forward following the 2026 general election. These will include additional sources of revenue and details of the policies prioritised for delivery.’

C) One of the agreed key principles of the long-term financing strategy (LTFS) is intergenerational equity:

‘The LTFS should aim to minimise the burden to future generations and target financing to be fully paid in line with the CNR timeline to 2050. The timeline should ensure compliance with the CNR targets.’

Any discussion around the affordability of decarbonisation needs to be weighed against the global and local benefits that come from reducing carbon emissions. As well as the local co-benefits of the proposed policies set out in the Carbon Neutral Roadmap, the Carbon Neutral Strategy also considered the social cost of carbon, which is a proxy for the negative impacts of carbon emissions that would be avoided if mitigation measures are put in place.

If Jersey, along with the rest of the world, does not tackle greenhouse gas emissions then there will be an increasing cost to dealing with the changing climate that ensues, for example in dealing with the aftermath of severe storm events, such as storm Ciaran.

The social cost of carbon for Jersey was assessed to be as high as £600M if no steps were taken to reduce emissions in the areas of transport and heating.

2.18 The Connétable of St. Lawrence of the Minister for Health and Social Services regarding routine Computed Tomography Coronary Angiogram (CTCA) waiting times (WQ.433/2024):

Question

In relation to routine Computed Tomography Coronary Angiogram (CTCA) waiting times, will the Minister–

- (a) confirm that the maximum waiting time should be 6 weeks;
- (b) advise the current waiting time; and
- (c) if the current waiting time is longer than 6 weeks, provide an explanation for the delay and details of the measures being taken to reduce this?

Answer

- (a) HCS aims for 80% of patients to have their diagnostic tests within 6 weeks of referral but does not have a maximum waiting time as the department’s resources may not be sufficient to always meet the demand.
- (b) As at 3rd December 2024, the median waiting time for a CT Cardiac Angiogram Coronary investigation (publicly funded patients) was **22** weeks and the 90th percentile was **40** weeks.

Note: These figures are based on data provided by the Radiology team

Definitions:

Median Waiting Time: The median wait shows the typical length of time a patient has been waiting. The median wait is calculated by arranging each patient's waiting time in order, and then selecting the waiting time of the person at the mid-point of that order. It indicates that half of the patients waited less than the shown number of weeks and half of the patients waited longer.

90th Percentile: The 90th percentile is the maximum number of weeks waited by 90% of the patients. It indicates that 90% of the patients have been waiting less than the number of weeks shown in this column.

- (c) HCS has seen a steady rise in demand for CTCAs over the last years. Reasons may include an increasing ageing population and more people living with heart conditions. The waiting list has therefore grown as increasing demand has exceeded the available capacity; however, work is under way to review operational efficiencies. In addition, options for increasing capacity are considered, for example, additional equipment or working with external partners.

2.19 Deputy J. Renouf of St. Brelade of the Chair of the States Employment Board regarding long-term sickness (WQ.434/2024):

Question

For each of the last 5 years, will the Chair confirm how many Government employees have had periods of long-term sickness of –

- (a) more than 6 months but less than 12 months; and
- (b) 12 months and longer?

Answer

The data provided below is based on what we currently hold in our HR systems:

Year	6-12 Months	12+ Months
2020	4	0
2021	19	4
2022	13	8
2023	12	3
2024 (Year to date at 30 November)	27	0

This data summarises the number of days sick leave an employee has taken in each year. If an employee's absence spans across years, the days are split into each year. The data standardises each day based on 7.4 hours, that means each absence day is calculated by looking at the hours lost and dividing it by 7.4.

In 2020, during the pandemic, the Government focused on providing critical services and the reporting of sickness was not entered into the HR systems in the usual way. Sickness absences were underreported as a result. Since then, steps have been taken to ensure that line managers are logging sickness absence for their staff and new systems have been introduced that have improved the accuracy of reporting.

2.20 Deputy L.M.C. Doublet of St. Saviour of the Minister for Education and Lifelong Learning regarding funding allocated for nursery spaces for 2-3 year olds (WQ.436/2024):

Question

In relation to the funding allocated for nursery spaces for 2-3 year olds, will the Minister advise –

- (a) whether the funding approved in the Budget (Government Plan) 2025-2028 differs to the funding allocated within the growth bids in the last two years, and if so, by how much;

- (b) how many children were supported, or could have been supported, under the funding provided in each of the last two years; and
- (c) the number of children that will be able to be supported under the 2025 budget funding?

Answer

- (a) The funding approved in the Budget (Government Plan) 2025-2028 is in addition to any funding allocated within growth bids in the last two years. The increase in value is as approved in the Budget, see table below:

Revenue Expenditure Growth				2025	2026	2027	2028
£'000				Estimate	Estimate	Estimate	Estimate
Head of Expenditure	Reference	Description					
Education and Lifelong Learning	I-CYP-GP25-001	Extend Nursery and Childcare Provision - CSP		1,517	2,358	3,423	4,629

- (b) Up to 100 children are supported through various provisions including directly funded childcare, supported childcare (e.g. key worker support) and Best Start Together provisions.
- (c) The nature and cost of provisions vary, meaning a simple correlation between levels of funding and the number of children supported is not possible.

The number of new children supported will be reported through Common Strategic Policy (CSP) governance. For example, two new pilots launched in schools in 2024, will support up to 28 new places for children.

As a model for a universal approach to childcare for 2-3-years-olds is developed it will be possible to express a more specific number of children that can be supported by Budget 2025-2028 funding. Further details on how this funding may be invested is set out in [R168-2024](#).

2.21 Deputy J. Renouf of St. Brelade of the Minister for Infrastructure regarding Howard Davis Hall (WQ.437/2024):

Question

In relation to Howard Davis Hall, will the Minister advise whether the expressions of interest that will be sought for the running of the Hall will include conditions to ensure it is open to the public, and will he also advise whether items that have been removed from the space, such as a painting of Howard Davis, will be reinstated?

Answer

Howard Davis Hall has not yet been passed to Jersey Property Holdings (“JPH”). The transfer will occur on 1st January 2025. In anticipation, JPH is in the early stages of discussions with Jersey Heritage to explore possibilities for the future use of the hall. We remain committed to identifying and facilitating as many opportunities as possible for public enjoyment of the hall.

I understand that all items have been accounted for and there are several pieces of furniture, including bench seating and a selection of portraits (such as those of TB Davis, Howard Davis, and Mrs. Davis) along with war medals that have been restored and are in safekeeping. The large portrait of TB Davis, which originally hung in the hall, requires substantial restoration. The portrait is under the ownership of Jersey Heritage and, until the restoration can be arranged, the portrait remains safely stored in the island. We will look to include a story board at the hall explaining the progress of the restoration, when it is undertaken.

2.22 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding the investigation into the deaths of Rheumatology Department patients (WQ.438/2024):

Question

Will the Minister provide an update on the investigation into the deaths of Rheumatology Department patients, including the number of cases that have been referred to the Viscount and the number of cases that are still being investigated?

Answer

The investigation into the deaths of Rheumatology patients since 2019 is expected to be concluded in the first quarter of 2025, a progress report will be submitted to the Health & Care Services Advisory Board in January. The progress report will include the updated number of cases referred to the Viscount, and the number of cases still being investigated. In the meantime, given the sensitivity surrounding this matter, I would be pleased to arrange a briefing for the Health & Social Services Scrutiny Panel with the Medical Director and Responsible Officer for Primary care.

2.23 Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding funds to support the transition to a living wage (WQ.439/2024):

Question

Will the Minister detail how the £20m approved in the Budget (Government Plan) 2025-2028 to support the transition to a living wage will be targeted, and how he intends to measure the impact of the spend on the economy and levels of poverty?

Answer

The Better Business Support Package has been targeted to support those sectors most significantly impacted by the rise in the minimum wage and so includes the following per year in 2025 and 2026:

- £2.3m Productivity Grant - to help any employer invest in a product or process improvement
- £2m Skills Grant - to help any employer invest in apprentice and skills training
- £1.1m Rural and Marine Grant – top up funding to the existing rural and marine support schemes
- £1m Visitor Economy Development Grant – a productivity grant ring-fenced for visitor economy employers
- £2m Destination Marketing Grant – top up grant for Visit Jersey to increase tourism demand
- £1m Route Development Grant - a contract for Ports of Jersey to increase connectivity
- £0.3m Additional Employee Support – to support lower-income workers who have lived in Jersey less than five years

Further details on the eligibility criteria for each Grant Schemes are set out in the annex below.

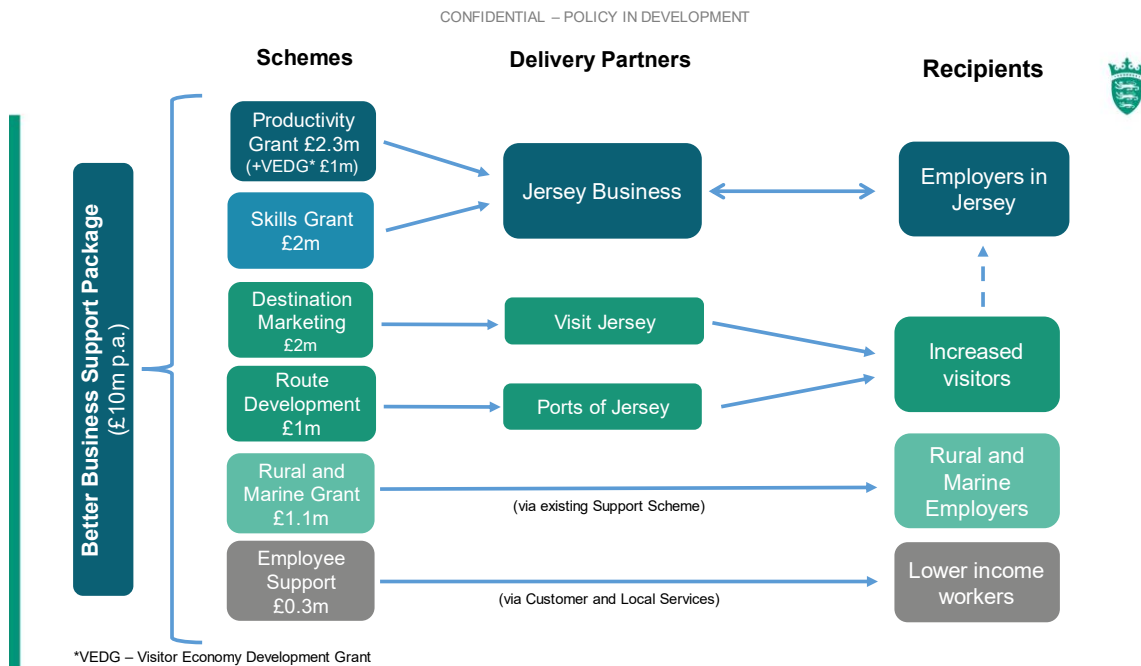
Monitoring and evaluation for each Grant Scheme and the overall impact of the Support Package have been a focus throughout the design phase. Now with States Assembly approval, these are being finalised over the coming weeks ahead of the launch in early 2025.

The £20m Better Business Support Package is focussed on supporting organisations to become more productive, resilient and competitive over the next two years and therefore will not measure levels of poverty.

Annex

Better Business Support Package - Further Details

The schemes within the package have been designed to support improvements in productivity for all employers in Jersey whilst helping those sectors impacted most by the increase to the minimum wage. The impact of each scheme will be reviewed at the end of 2025 for improvements to be made for 2026.



Productivity, Skills and Visitor Economy Development Grants

Primary eligibility criteria for all applications:

- Business must be registered in Jersey and hold a business licence (includes charities who employ paid staff)
- Business must employ at least 1 person (owner/s + 1) for at least 3 months who are paid a minimum of £128 per week
- Business must be up to date with tax contributions or on a repayment plan

Secondary eligibility criteria for grant applications:

Each grant package can be applied to for either:

- Major Grants - £5000 to £75,000 - Business must have been operating for 18+ months
- Minor Grants - £1000 to £5000 - Business must have been operating for 6+ months
- [Apprenticeship Grants – A £2,000 grant per apprentice, per year will be treated as part of the Skills Grant package but with a separate approval process]

Project eligibility:

- Businesses may apply for one grant, per calendar year, per grant scheme that they are eligible for
- Grants must be for different projects that cannot have started before grant approval
- Grant projects must show a measurable benefit to one or more factors of productivity: input costs; process efficiency; output and revenue
- Grants are up to 50% of the project costs, the business must cover a minimum of 50%

Visitor Economy Development Grant – this ring-fenced package will be available to businesses that can be defined as part of the Visitor Economy which will be assessed during the application process.

Example I

A construction business operating for over 6 months but less than 18 months in 2025, can apply for up to £160k in total:

- 1 x £5k Productivity Grant with Project A in 2025
- 1 x £5k Skills Grant OR Apprenticeship Grants in 2025
- 1 x £75k Productivity Grant with Project B in 2026
- 1 x £75k Skills Grant OR Apprenticeship Grants in 2026

Example II

A hotel operating in the visitor economy for over 18 months can apply for up to £450k in total:

- 1 x £75k Productivity Grant with Project C in 2025
- 1 x £75k Visitor Economy Development Grant with Project D in 2025
- 1 x £75k Skills Grant OR Apprenticeship Grants in 2025
- 1 x £75k Productivity Grant with Project F in 2026
- 1 x £75k Visitor Economy Development Grant with Project G in 2026
- 1 x £75k Skills Grant OR Apprenticeship Grants in 2026

Jersey Business will deliver the above grants through a new online portal to streamline the application process for employers, ensure the security of the process, and assess the impact of each grant. Further details on the application process will be announced by the end of the year.

Destination Marketing

- **Outline** – a top up grant for Visit Jersey to boost their promotional activity of Jersey and measurably increase tourism to the Island
- **Example** – increased media activity (e.g. digital media adverts) and develop collaborations with third-party brands and distribution partners

Route Development

- **Outline** – a contract for Ports of Jersey to increase air connectivity
- **Example** – negotiating a new regular flight connection to a major European city over a multi-year period

Rural and Marine Grant Development

- **Outline** – a top up to the usual credit-based Support Schemes, targeted to businesses impacted most by the minimum wage increase
- **Eligibility** – employers who are part of the Rural and Marine Support schemes

Additional Employee Support

Outline – support lower-income workers who have lived in Jersey less than five years

Eligibility

- be aged 18 or over
- have been be resident in Jersey for less than 5 years
- have Control of Housing and Work Law ‘Registered’ status
- not live in a household that meets the residency condition for the Income Support scheme
- have contribution earnings declared in every month for Quarter C of 2024 i.e. July, August and September
- be resident in Jersey and have a Jersey or other accepted UK bank account in their own name

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

Please can I raise the défaut on Deputy Scott?

The Bailiff:

Yes, the défaut is raised on Deputy Scott.

Deputy H.L. Jeune:

Before you move on to Oral Questions, my son is singing outside the Soup Kitchen between 1.30 and 12.00 and I hope to join - to watch, not to sing - but my question number 12 potentially, depending on time management, could fall within that timeframe, so I was wondering if it would be possible to, when we get towards 11.30, if question 12 has not been touched on yet, that we can move that up the ...?

The Bailiff:

That is a matter for the Assembly, the Order Paper having now been lodged. Can I suggest that perhaps we will see how we go and if you are concerned and you feel time coming on at pace, if you would like to suggest to the Assembly then it will be a matter for the Assembly as to whether we change the order of questions.

Deputy H.L. Jeune:

Absolutely. Thank you, Sir.

3. Oral Questions

3.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Justice and Home Affairs regarding the Youth Justice Strategy (OQ.246/2024):

Further to her response to Written Question 95/2024, and the anticipated launch of the Youth Justice Strategy during the summer of 2024, will the Minister advise why the strategy has not yet been published?”

Deputy M.R. Le Hagarat of St. Helier North (The Minister for Justice and Home Affairs):

I thank the Deputy for the question. The Youth Justice Strategy has taken a significant time to finalise for a number of reasons and there has been a significant amount of work undertaken this year. In redefining the strategy to align with the Building a Safer Community, as indicated we would, in

answer to the previous Deputy's written question, it became clear that a number of changes were needed. Ongoing discussions with stakeholders indicated that there were concerns that the strategy was too aspirational and not represented of the challenges in the existing youth justice system. While the strategy clearly and rightly sought to shift the focus towards prevention, it became apparent that the strategy needed to also focus on understanding current challenges and addressing these concerns. The strategy was redrafted in October/November of this year to address concerns and to ensure it was representative of the current system and aligned with the wider Government's priorities. I delegated responsibility for the strategy to my Assistant Minister last month as he has responsibility for children and also would be able to jointly do that, so it made sense. A private Scrutiny briefing has since been held and a few further amendments were suggested. I am pleased to say that I have the final draft in my hand, which we hope to publish in January.

3.1.1 Deputy H.L. Jeune:

I thank the Minister for her answer, but could the Minister outline exactly what has been changed to this strategy since December 2023; put another way, since the last Government had a strategy that was about to be published?

Deputy M.R. Le Hegarat:

I cannot give a finite appraisal of exactly what has been changed. However, as I stated, it was quite aspirational. There are limits within some of our criminal justice systems in order for us to be able to necessarily work through the strategy as it was. I appreciate that the Deputy says that it was ready to go in the previous Government. However, the Government changed at the end of January and the co-ordinator, who was employed at the beginning of the year for the Building a Safer Community, has needed to work, as the responsibility for the Youth Justice Strategy has moved to that individual. It was important that that individual had an ability to be able to work with the strategy and all the key stakeholders. That is why it has taken longer to facilitate having it ready to roll. As I said, I have the final draft, which landed with me on Sunday afternoon, and I have literally read over it once and I will be focusing on that, and it will be completed by myself this week.

[9:45]

3.1.2 Deputy I. Gardiner of St. Helier North:

The Minister mentioned in both answers what is aspirational. Would the Minister give examples what aspirational things were cut out from the draft of the strategy?

Deputy M.R. Le Hegarat:

As I stated, I could not tell you exactly what has and has not been removed. What I will say is that the youth justice system is going to be that all partnerships will work together and, from my perspective, we have to have a system whereby we feel that we are able to achieve those objectives of what that strategy says. If the strategy says that no children should end up in the criminal justice system it is therefore not possible to do that if we have not got all of the areas that we are able to do to prevent that from happening. We need to do a lot of work to be able to put preventative measures in so that the young people do not end up in the criminal justice system.

3.1.3 Deputy I. Gardiner:

It is very interesting that the Minister cannot give a specific example because when we are talking about aspirational, or ambitious at least, I would like to have some clarity. What does it mean in practice when we said it is too much?

Deputy M.R. Le Hegarat:

We can all be aspirational however we also have to be able to achieve what we want to achieve in a given period of time. It was clear that there were a number of elements that had been withdrawn from the system. For example, all of the work that was done within schools had been removed in not

the previous Government, but the previous Government to that, and so we did not have, for example, Prison! Me! No Way! Therefore we then reintroduced it under the previous Minister for Home Affairs, which I am very pleased occurred, because we need to be able to provide young people with education in relation to what is and is not right, and also we need to be able to balance that with achieving our aims, which is to keep young people away from the criminal justice system as much as we possibly can.

3.1.4 Deputy J. Renouf of St. Brelade:

In the Minister's initial answer she said that one of the things that needed to be achieved with the strategy was to align with wider Government priorities. Can she say in what way the previous strategy was not aligned with Government priorities?

Deputy M.R. Le Hegarat:

As I have stated, the priority is that young people are kept out of the criminal justice system and that young people, particularly children, are put first in the whole of the system. If we have a system whereby we have not got the resources and we have not got the elements in place to be able to achieve those aspirations then the system will fail. If the system fails then we are failing young people. From my point of view, it was identified through all of the stakeholders' inputs that some of those things may not be achievable. The stakeholders had further opportunities for feedback, and just as an example I will give you a timeline. As from the beginning of January ... from early 2024, the strategy was shared with stakeholders and a stakeholders' meeting was held in May to discuss strategy, and there was excellent engagement. They then were asked to prioritise their actions and revise what they thought was achievable and to rate that achievability, bearing in mind there is no extra funding. So the concerns were raised by some of the stakeholders that some of those things they would not be able to achieve. As I said, we have 18 months in which to achieve things and it is not appropriate, in my point of view, to put in things that we cannot achieve.

3.1.5 Deputy J. Renouf:

I thank the Minister for that answer, which is quite interesting. She seems to be saying that the strategy should only reflect what is achievable, for example, around youth justice,. Can she explain why it is not the other way around, that the strategy tells you what needs to be done and drives the change you need?

Deputy M.R. Le Hegarat:

I do not disagree with what the Deputy is saying, however as I said, to me if you are going to create a strategy you create a strategy in consultation with the stakeholders and what those stakeholders think is achievable. If you create a strategy which stakeholders say they do not believe that they are able to achieve, then surely that is of a negative impact.

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

Could the Minister be quite precise about what it was that stakeholders said they could not achieve?

Deputy M.R. Le Hegarat:

As I said, there were some concerns raised in some of the ability to deal with young people who ended up in the criminal justice system. Therefore, we needed to have things in place to be able to deal with those young people if we had to.

3.1.7 Deputy H.M. Miles:

I am not sure my question was answered. Could the Minister be precise about what it was that stakeholders said they could not achieve?

Deputy M.R. Le Hegarat:

As I said, there are elements of the strategy which deals with the young people and then they go into the criminal justice system. There are things within the criminal justice system in which they may not have been achievable had we remained with the strategy as it was.

The Bailiff:

I think the question was those things that were said by stakeholders that they could not achieve.

Deputy M.R. Le Hegarat:

This goes back to May, and I have not got that long a memory.

3.1.8 Deputy H.L. Jeune:

The Assistant Minister for Justice and Home Affairs at the last States sitting said that he could not say how many children have been held criminally responsible for their actions between the age of 10 and 14 in the last 3 years, and what have been the consequences. Would the Minister be able to answer this question?

Deputy M.R. Le Hegarat:

I would not be able to give figures in relation to this without prior notice because obviously this would be a matter I would need to get stats from the States of Jersey Police. Therefore, I cannot answer that question.

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

May I raise the défaut on Deputy Alves please?

The Bailiff:

Yes, Deputy, the défaut is raised.

3.2 Deputy M.B. Andrews of St Helier North of the Chief Minister regarding the Government's main achievements since he took office (OQ.235/2024):

Will the Chief Minister detail the Government's main achievements since he took office?"

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):

How long have we got?

The Bailiff:

One minute, 30 seconds.

Deputy L.J. Farnham:

I will do my best. The role of any Government is to deliver good governance, and I believe one of our achievements is working cohesively as a Government. Since its inception, the Government has worked together well and continues to work together well. We make decisions based on consensus following robust discussions and debate. We operate in an environment where it is okay to disagree, and in fact it is important to disagree because that delivers better debates. Decisions are made democratically without fear or favour in an environment where all Ministers and Assistant Ministers work together to ...

Deputy M.B. Andrews:

Sir, I must say this is not answering the question.

Deputy L.J. Farnham:

... to deliver the best outcomes for Islanders.

The Bailiff:

I am asked for a ruling. An answer which is protean in its form can be answered in a way which is equally protean, I am afraid. The reality of it is, is that you have asked for a very general statement and an achievement can be an achievement in internal processing as well as an achievement in external results. I am afraid a general question is inevitably going to give rise to a general answer, Deputy. Please carry on, Chief Minister.

Deputy L.J. Farnham:

I make the point about the way the Government is working well together because that is a vital component of achieving anything. Because if you have a Government that does not work well together, that delays a decision. To be more specific, we have delivered a Common Strategic Policy, which was published early in April and supported by the Assembly. In early August, we lodged the Budget after a lot of preparation, and that was approved by the Assembly. That facilitated a lot of action in relation to the Corporate Strategic Policy. The move to a living wage, the journey to a high-wage economy has started. Overdale has been demolished, planning application of the new hospital received. Teachers' pay award was agreed. Improvements to the planning service are underway. MONEYVAL assessment recognised and acted upon. We have launched the Island's First Sustainable Finance Action Plan, implementing all the recommendations of violence against women and girls. There are 23 items on the list I have here, but I will not say them all. But it was just to demonstrate that we are making good progress.

3.2.1 Deputy M.B. Andrews:

One of the things that the Minister has predicated is the importance of curbing growth in the public sector, and I would like to know what actions he has taken to curb growth and to ensure that any future Budget will potentially see reductions in overall public sector spend?

Deputy L.J. Farnham:

The actions we have taken as a Government is to put in place a policy in relation to the size of the public sector and charge the chief executive and senior management team with delivering that. That work is underway. We are in at the start of the early stages of reorganisation of the senior management levels across the public sector. We have also put a temporary break on the engagement of consultants, unless it is essential.

3.2.2 Deputy M. Tadier of St. Brelade:

Does the Chief Minister agree that one thing his Government could rightly be criticised of, and I have heard it from constituents, is that they do not often publicise the good news and the successes of Government? Would the Minister explain where he believes that the line lies in terms of Government between blowing its own trumpet and being accused of putting out positive spin and propaganda versus not necessarily engaging with the public sector?

The Bailiff:

I am afraid, Deputy, it is not apparent to me that that fits within the parameters of the Government's main achievements since he took office.

Deputy M. Tadier:

I think it is, because I think, as you said, a protean question can attract protean supplementation.
[Laughter]

The Bailiff:

No, I am not sure they can.

Deputy M. Tadier:

I will look up that word in a moment.

The Bailiff:

If it helps, I am looking it up now to make sure I have used it correctly. Any other question?

Deputy M. Tadier:

I think it is a genuine question. It relates to processes, and does he think it is important that Governments actually, in order to keep the public on board with what they are doing, also publicise that, and that needs to be considered as one of the list.

Deputy L.J. Farnham:

I am happy to answer that. I think we have always agreed collectively that actions speak louder than words. We do announce most of the key decisions, as I am aware, through the channels of the media. We are perhaps not very good at blowing our own trumpet, we would rather get things done and see the impacts on Islanders' lives, but the point is taken. We will try and improve our communication.

3.2.3 Deputy P.F.C. Ozouf of St. Saviour:

I wonder whether the Chief Minister, following his supplementary answer that he has got a cohesive Government, does he think one of the achievements has been an achievement to have a Government but have a States Assembly that sometimes ... and I do not want to be negative, but sometimes feels excluded. The Government gets its way, as was clear in the Budget in the majority of cases.

Deputy L.J. Farnham:

I do not generally agree with the statement of the Deputy. This Government seeks to work and make decisions as a Government and bring important propositions to the Assembly for debate. I think we have good debates, and I am pleased to say that the Government has managed to win the majority of the propositions because we have had good debates about it. As I say, when things get tough we should not raise our voices, we should raise our arguments.

3.2.4 Deputy P.F.C. Ozouf:

The question is whether or not the Government is succeeding with, effectively, a majority? Does the Chief Minister have any concerns about the fact that the Government achieves its will, which obviously Governments do, and they want to do that, and that is fair, but are they doing it by compromising on the rights of Members because there is a block majority of these coalition partners, if you like? And I say that in a positive way.

The Bailiff:

I appreciate that and I think that might be a question you could reserve for the Chief Minister when he answers questions without notice, if that is what you wish.

Deputy P.F.C. Ozouf:

Very good, Sir.

The Bailiff:

But I do not think it fits within these definitions.

[10:00]

For everyone's ... not everyone's but Deputy Tadier's and mine assistance, protean: "Tending to and able to change frequently or easily, 'It is difficult to comprehend the whole of this protean subject'. Alternatively, able to do many things, versatile. Protean thinkers who scan the horizons of work and society." If that assists. [Approbation] I am not sure that my iPhone deserves the applause. [Laughter]

3.3 Deputy C.D. Curtis of St. Helier Central of the Minister for Sustainable Economic Development regarding the purchase of goods online (OQ.236/2024):

In relation to Islanders buying goods online, will the Minister advise what work he is undertaking, if any, regarding online businesses and their policies for shipping to Jersey?

Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):

I thank the Deputy for her question. It is a decision for individual businesses as to whether they wish to supply to Jersey, and with this in mind my department does not work specifically to encourage any particular online retailers to sell to the Island. However, we are of course keen to ensure that Islanders have the opportunity to purchase from a wide range of online retailer. While some retailers will have restrictions and indeed do have restrictions on the regions to which they deliver, having a resilient, efficient and quick supply chain is an important part of ensuring retailers can integrate themselves easily.

3.3.1 Deputy C.D. Curtis:

But does the Minister agree that Jersey residents should deserve to be treated like other residents of the British Isles and be able to access the same retail websites?

Deputy K.F. Morel:

I thank the Deputy for her question. It is not for me to agree or disagree one or the other. Businesses, when they are seeking to supply smaller jurisdictions, sometimes choose not to because of the differences between the smaller jurisdictions and the larger jurisdiction to which they are a partner of. Indeed this can be seen with one of the major online platforms, which has a long list of small jurisdictions, which it does not supply devices to. I believe that is likely to be because of differences in taxation, such as value added tax; in our case, goods and services tax. I believe that is often the reason, it is administrative differences that these very large corporations - often large corporations - choose not to work within those administrative differences.

3.4 Deputy R.S. Kovacs of St. Saviour of the Minister for Health and Social Services regarding healthcare departments with waiting lists exceeding 6 months (OQ.248/2024):

Will the Minister advise which healthcare departments currently have waiting lists exceeding 6 months for outpatient appointments, and what work has been undertaken, or is being considered, to address these waiting times?

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

At the end of November, departments that had a median waiting time of greater than 6 months are clinical genetics, bariatric medicine, and gastroenterology. Clinical genetics, which is a screening service, is being addressed through the application of new software. All patients referred into the service who have waited over 52 weeks have now received a family history questionnaire to complete and return. Responses are then uploaded into new software which determines what level of risk the patient has of developing breast cancer. Those at moderate risk or high risk are offered further appointments, with those at low risk discharged from the service. It is expected that by the end of quarter 2 2025 there will be no patients waiting longer than 6 months for this screening service. The bariatric pathway, which is all pre-surgery, is also being reviewed to help reduce waiting lists. The gastroenterology service is being addressed through similar initiatives and additional staff. The waiting list initiatives have been provided throughout 2024 by an external provider who is also supporting endoscopy capacity. Additional output clinics have also been undertaken and a new I.B.D. (inflammatory bowel disease) nurse has been recruited.

3.4.1 Deputy R.S. Kovacs:

What steps is the Minister taking to ensure that the waiting times published on the website are consistently accurate and that patients are not informed of a longer wait only after they have already been waiting for a significant period?

Deputy T.J.A. Binet:

I think I have outlined some of the work that is going on. I was not aware of the second part of that question happening. Now that I am, I shall certainly inquire into it and deal with it as best I can.

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

Can the Minister advise what notice patients are given if their waiting time is going to exceed a certain period?

Deputy T.J.A. Binet:

I cannot provide that information.

3.4.3 Deputy T.A. Coles:

Does the Minister agree that if there are long waiting times it would be good for patients to receive acknowledgement that they have a pending appointment within the system rather than having to revert back to G.P.s (general practitioners) to ensure acknowledgement of their appointment with outpatients?

Deputy T.J.A. Binet:

These are all fairly fine points of detail. There is a great deal of work going on in a number of different departments that relate to all this sort of thing. It is very difficult for me to provide specific answers to very detailed questions of that nature.

3.4.4 Deputy R.S. Kovacs:

What additional resources or strategies is the Minister considering to reduce even further waiting times for both outpatient appointments and diagnostic tests and to ensure these measures are communicated effectively to the public?

Deputy T.J.A. Binet:

We are not applying any extra resources because we simply do not have any. The work we are doing is the work we are doing, and I have done the best I can to explain in overall terms. If the Deputy would want to meet with any specific clinician in relation to any specific department, I would be very happy to arrange for her to do so.

3.5 Deputy D.J. Warr of St. Helier South of the Minister for Treasury and Resources regarding the use of a UK recruitment agency for the Chief Executive of Andium Homes vacancy (OQ.234/2024):

Will the Minister advise the rationale and anticipated benefits of appointing a U.K. (United Kingdom) recruitment agency and advertising the chief executive of Andium Homes vacancy off-Island, and detail the associated costs?

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

In accordance with the Jersey Appointments Commission's policy on senior recruitment for independent bodies, the recruitment process for Andium Homes C.E.O. (chief executive officer) is being independently overseen by a designated appointments commissioner. The Jersey Appointments Commission has confirmed that the board has applied a fair and robust process in selecting a recruitment agency and received tenders from both local and U.K.-based firms, with a strong background in recruitment to senior roles, including in affordable housing providers, and having experience of working in Jersey. The appointed commissioner is satisfied that an appropriate

decision was made. Odgers, which was the successful recruitment agency, has been instructed by the board to conduct its extensive search both in Jersey and the U.K., and will ensure a fair process for all applicants. While the board is using a U.K.-based agency to support them in the recruitment of this critical role, they are fully committed and actively promoting the role on-Island. This is an important and unique role for the Island and it is essential that Andium are able to recruit from a broad, diverse and appropriately skilled talent pool to ensure they secure the very best candidate for the role. Andium are the Island's largest social housing provider with some 4,900 homes housing over 10,000 Islanders and a further 1,000 homes are being delivered in the next few years. Fees are a matter between Andium and the agency, however I would expect the fees to be standard for this type and level of recruitment.

3.5.1 Deputy D.J. Warr:

I thank the Minister for her answer. How would the Minister measure what is the economic loss to our economy of not using a local procurement agency in this instance?

Deputy M.E. Millar:

I think it is very difficult to measure economic loss. A fee will be paid to someone in the U.K. rather than being paid to someone in Jersey. However, it is important that we do get the right candidate and by using an agency that is not up to scratch, we may suffer a much greater economic loss by getting a poorer candidate, and that is why we have to make sure we have an agency who have the best contacts to get the very best candidate for the role. I am sorry, that question was not to demean any of our current agencies, but the point is that having a U.K.-based agency will have greater contacts in the U.K. to make sure we get the best role.

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

Given the local nature of Andium Homes and given that the current incumbent is about to retire after some 20 years, can the Minister explain what succession planning processes have been going on at Andium Homes?

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

Andium has a succession plan for all areas of business, which focuses on the development of its existing staff. Internal applications for the role will be positively welcomed, but any appointment will have to be made on merit alone.

Deputy I. Gardiner of St. Helier North:

First of all, Sir, can I raise the défont on Deputy Moore, please?

The Bailiff:

Yes, the défont is raised on Deputy Moore.

3.5.3 Deputy I. Gardiner:

I put my light on when I heard the expression that the local agencies are not up to scratch, and I was a bit concerned. Will the Minister explain why we are going first to outside of Jersey agencies before we explore possibilities of the succession plan, which should be in place, or local agencies before we are thinking that outside of Jersey we have much better candidates?

Deputy M.E. Millar:

Firstly, I did not intend to demean local agencies and I certainly did not say that they were not up to scratch. Andium took tenders from 2 local agencies and from 2 U.K. agencies and selected the one that they thought with the best contact to get the best candidate for the role. This is a very important role for the Island. There is succession planning but, as I have also said, there is a Jersey Appointments Commission process that says there must be an open and fair recruitment process. The Appointments Commission is supervising the entire process. There is a designated appointed

commissioner to ensure that there is a fair process, and the process must follow those rules. It would not be appropriate to simply select someone internally without going through a full process, but if anybody internally wishes to apply, their application will be considered in the same way as any other application that is received.

3.5.4 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:

When the Deputy describes the search for the best candidate, how will the weighting be directed in terms of the understanding of the local market and the local environment for the tenants and the business model of Andium Homes?

Deputy M.E. Millar:

As I say, there is a fair process. I do not think that there will necessarily be a weighting to say that a local person is necessarily better. What is important is ... as I say, Andium has almost 5,000 homes. They are the largest developer. They have issued a very detailed candidate brief. There will be other social housing providers all over the U.K. who may have people who are entirely up to the job in Jersey. It is important that we get the right person for the job. It may be that the right person for the job is already in Jersey, and we are speculating. But there must be a fair process to make sure that we do have someone who is best at the job.

3.5.5 Deputy K.L. Moore:

I would like to ask the Minister if she has read the former Corporate Services Scrutiny Panel review into recruitment and retention?

Deputy M.E. Millar:

No, I have not.

3.5.6 Deputy M. Tadier of St. Brelade:

My question is not so much about why we are not recruiting locally but why we are simply recruiting in the U.K.. If a broad and diverse pool of talent is sought, why are European agencies not used to try and attract multilingual and suitably qualified individuals from the likes of Poland, Portugal, Romania and France, just to name a few countries?

Deputy M.E. Millar:

I did not say that ... I think I was very clear in my original answer that the board are committed to making sure that this role is properly advertised and that there will be an extensive search in Jersey and in the U.K. I understand his question but I think the U.K. and the market in the U.K. is probably closer to Jersey than it is in Romania. I do not know what social housing is like in Portugal or Romania or Poland, and we have to ... I think it is still the case I imagine that the vast majority of tenants are English-speaking, as are most of the board. But I do not think that would stop someone from any of those jurisdictions applying if they were minded to do so.

3.5.7 Deputy M. Tadier:

If geographical distance is one of the reasons for not recruiting in Europe, then perhaps we could think about Normandy and Brittany, which I think are much closer geographically than the southernmost point of the U.K. Does she recognise that that individual, if anyone were recruited from there, there would be a presumption that they would speak English, so the idea that they would not be able to communicate on behalf of Andium is actually incorrect? Does she accept that?

Deputy M.E. Millar:

I think Government and government agencies get enough criticism by bringing in people from the U.K.

[10:15]

When we start bringing in people from all over Europe, I think that is an additional challenge. If somebody from another jurisdiction wishes to apply for a job in Jersey, they are very able and willing to do so. The vacancies will be advertised locally on gov.je, on Andium Home's own social media platforms and by the recruitment agency. Jobs in Jersey are very easy to identify and apply for, I believe.

3.5.8 Deputy D.J. Warr:

Does the Minister not agree that this process sends out a message that we do not have the calibre of individual on-Island, despite a significant succession plan already being in place?

Deputy M.E. Millar:

No, I do not agree with that. I think that if we want to simply recruit from within Andium, then we have to go and discuss that with the Jersey Appointments Commission. We have a process for senior appointments, and I am quite sure that if someone from Andium or from anywhere was given the job there would be criticism for not having a full and fair and open process. We are following the Jersey Appointments Commission process, which has been agreed, I believe, by this Assembly, and I do not think that we can do anything else than follow that process. If we start making exceptions for Andium, we will start make exceptions for all the other A.L.O.s (arm's length organisations) and States-owned entities and every other body where candidates are recruited following that process, and we should follow that process.

3.6 Deputy D.J. Warr of the Minister for Infrastructure regarding scaffolding on the western side of the Lido at Harve des Pas (OQ.241/2024):

In relation to the recently erected scaffolding on the western side of the Lido at Havre des Pas - I am quickly saying "western side", I am sure my geography is correct on that one - will the Minister advise the purpose of the scaffolding, whether a fixed or daily charge is being incurred, what that cost or daily rate is, and provide an anticipated date of commencement for the works?"

Connétable A.N. Jehan of St. John (The Minister for Infrastructure):

I thank the Deputy for his question. I think his geography is spot on this morning. The purpose of the scaffold is to allow safe access to the western wall to carry out remedial repairs in a safe manner while maintaining its integrity through varying weather conditions. Initially it was intended to employ rope access techniques but, given the work that is required, this was not considered appropriate in terms of safety and undertaking the work efficiently. A fixed charge of £14,996.50 is being incurred. The scaffold is due to be completed either today or tomorrow, weather permitting. This will allow works to commence shortly afterwards.

3.6.1 Deputy D.J. Warr:

Last weekend we saw Storm Darragh passing through this Island, does the Minister believe that constructing scaffolding in a highly exposed site in the depth of winter is a good use of taxpayers' money?

The Connétable of St. John:

I do not believe there were any issues with the scaffold during the storm last week. We have a challenge, we can either do the work in the mid-summer, which would be the best time, but unfortunately it would be most unpopular with the users of the site and the tenant of the site, I should imagine, so we have to do things out of season.

3.6.2 Deputy I. Gardiner of St. Helier North:

Would the Minister please clarify, as he mentioned it is £14,000-something as a fixed price for how long the scaffolding could be there for this price without paying extras?

The Connétable of St. John:

I do not have that date to hand but we expect the work to be completed early next year.

3.5.3 Deputy I. Gardiner:

So the Minister does not anticipate that we will need to pay extra for the scaffolding being in place for longer than expected?

The Connétable of St. John:

I do not anticipate paying extra but what we ... talking to the structural engineers and the main contractor, the cracked render on the elevation was believed to be more than initially anticipated and that is why we are using scaffold and not rope access.

3.7 Deputy I. Gardiner of St. Helier North of the Minister for Infrastructure regarding the Hall in Howard Davis park (OQ.243/2024):

Will the Minister advise whether there are any plans to enhance the public use of the hall in Howard Davis Park and if not, why not?

Connétable A.N. Jehan of St. John (The Minister for Infrastructure):

I thank the Deputy. In answer to the question, it is yes. We do hope to get more public access to the hall. We are currently exploring possibilities for the future use of the hall and committed to identifying and facilitating as many opportunities as possible for its public use. The hall will be transferred to Jersey Property Holdings on 1st January 2025, and I would welcome suggestions from Members and the community.

3.7.1 Deputy I. Gardiner:

The hall was under a 2-year contract with the private company and, as the Minister indicated in the answer to the written question, there might be another call for expressions of interest for our private companies to manage the public hall. Would it be very clear terms to put on to the private companies to open the hall for the public use?

The Connétable of St. John:

Initial discussions with bodies that are familiar with operating historical buildings; no discussions to my knowledge have taken place with any private operator.

3.8 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding a health overspend in 2025 (OQ.240/2024):

Further to the publication of the Finance Report M10, by the Health and Community Services Advisory Board, and the forecast deficit of £28 million for 2024, will the Minister detail what steps, if any, he plans to take in the next 6 months to prevent a health overspend in 2025?

Deputy T.J.A. Binet (The Minister for Health and Social Services):

I am happy to inform Deputy Renouf that every possible effort is being made to improve efficiency and to introduce stronger budgetary controls in 2025. As the Deputy will know from the M10 finance report, detailed budget planning for 2025 has been underway for some time and it should be signed off by the end of this month. Most importantly, H.C.S. (Health and Community Services) has now taking a more robust and evidence-based approach to budget planning, with work progressing on the development of a proper operating plan. On an individual basis, it includes the introduction of a new financial reporting system that will enable accountable budget owners to monitor and manage their budgets in a more accurate and timely way. The process, which covers all of the main specialities, is starting with the 2025 budget and it should be fully completed by the beginning of 2026. Overall, it will allow H.C.S. a much more accurate means of determining the level of service that fits in with

the available budget funding, which for 2025 amounts to £322 million. All of that said, it is well known that Health faces significant inflationary pressures that exceed the formula-driven budget funding provided by Government to cover non-pay inflation. Notwithstanding the £3.2 million savings made last year and the £8.1 million savings made this year under the financial recovery plan, or the additional £8 million planned for 2025 and £9 million for 2026, it should be expected that unless and until we address the business of raising more money for healthcare, something that we fully intend to do next year, these cost pressures will require the making of some very difficult decisions about the level of service that we provide in future.

3.8.1 Deputy J. Renouf:

The overspend was £20 million in 2023 and £28 million in 2024. In the Budget, savings under the financial recovery plan that the Minister mentioned were pushed back so that they are not as ambitious. Can he state with any confidence that he will not be coming back to his Ministerial colleagues for more money next year to bail out and overspend again?

Deputy T.J.A. Binet:

I think I will make a comment about the terminology, because it is very unhelpful and it continues. Overspend and deficit, it is easy to bandy those comments around, but when you start a year without sufficient funding to deliver the services you have to deliver, it stands to reason that you are going to end up with a deficit or an overspend. I think I am comfortable to say that every effort that can be made is being made and that we will make every effort not to overspend at all. But in terms of cast iron guarantees, that would be difficult. As I mentioned in the first response, we are going to be doing some work in the coming year about raising extra money by one means or another, yet to be determined. It may be that we can get some of that underway and in place before the end of the year, which would be very helpful

3.8.2 Deputy I. Gardiner of St. Helier North:

I think it is really unhelpful that the Minister for Health and Social Services does not take responsibility for overspending because in 2023 it was high overspend and following this overspend £50 million extra was allocated to the Health budget and was cut from other departments to ensure that the deficit would be covered and with this £28 million was spent. Would the Minister explain to the Assembly what steps from the financial recovery have taken place in 2024, what efforts, specific steps were taken in 2024 to ensure that we have financial recovery?

Deputy T.J.A. Binet:

I am being accused of not taking responsibility. I do not mind taking responsibility for it, that is fine. As I said in my second response, when you start a year without enough money you are going to finish up with an overspend. It is well known that health inflation runs well above standard inflation, and during the period of COVID and ongoing, I think if you check the figures, I am led to believe that we did not receive the full figure of inflation that was required. During that period health inflation has far exceeded other inflationary pressures. It is quite simple, we came towards last Christmas, we knew there was going to be a further overspend over and above the £24 million that I had mentioned and we had a choice, we could close wards and we could stop operations. That would have saved money. If the Assembly thinks that is a good idea I am afraid I do not agree with them.

3.8.3 Deputy I. Gardiner:

Interesting that the Minister did not answer what steps did he take at the financial recovery. There were several suggestions on a workforce transformation, manage supply and demand and managing supplies. I can continue to give options for the transformation that has been suggested. Would the Minister give at least a couple of examples of what has been done differently to save the money?

Deputy T.J.A. Binet:

I think the Deputy gave 3 examples herself. There is a financial recovery plan, it is a very detailed plan, and that has been put in place. We are very fortunate, we have got a very competent individual leading this process. We have spent £500,000 with KPMG in trying to get the finances right. It has to be said, and I think perhaps the former Minister for Health and Social Services might join me in agreeing with this, that the finances were not desperately well managed, certainly up to the point that I took office, and there is still work to be done. As far as quoting other individual instances, I would just ask the Deputy to refer to the financial recovery plan, and perhaps read the drivers of the deficit document as well which would give her a very good picture of why we are where we are.

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

Firstly, my light had been on and I thought you had seen it but, secondly, the Minister did not answer the question. He was asked to give examples and I think the Assembly should hear his examples.

The Bailiff:

My hearing was the Minister did give 2 examples; he was echoing what Deputy Gardiner had said but that is what he said. Do you have other examples that you wish to give?

Deputy T.J.A. Binet:

No, Sir. Health is a very complex affair. I am working in a whole number of different areas to try and improve it, I do not carry lists of particulars around with me.

Deputy K.L. Moore:

That is an inadequate answer. I would like you to take a ruling on that, please.

The Bailiff:

The questions were entirely properly put. It is a matter for the Minister how he answers it. He answers it by saying the matter is too complicated to give specific examples. That is my understanding of the answer. It is an answer which falls well politically or it does not fall politically but I am not sure that I can require him to give examples if he is not in a position to do so. Very well, but you had your light on and I did not see you, Deputy. I will add you to the list in that case. I will take a question from Deputy Jeune, Miles, and Deputy Moore, and then we will have to bring this particular one to an end.

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

Somebody who mainly follows what is happening in Health and trying to get answers from in the States Assembly because I am not in the Scrutiny Panel, so I do not hear particular briefings, I would like to understand from the Minister what cuts are being done to services. We are talking about a recovery plan, but recovery also means cuts. Could the Minister give an example of what cuts are being made for recovery, especially for £8 million in 2025 and £9 million in 2026?

Deputy T.J.A. Binet:

I cannot specify any cuts because I am not aware of any direct cuts. Every department is being asked to look at itself and to make as many clever decisions as they can to reduce their spending, and we are trying to look at reorganising the way things are done in a number of areas to improve efficiency.

[10:30]

It is not simply a case of cutting this or cutting that. Every department is looking internally to cut as much as it can. Once again, I do not carry a list of those individual things around with me.

3.8.5 Deputy H.L. Jeune:

Within this recovery plan, alongside it, has the Minister done an assessment of the need of the healthcare system now, but also the need of the healthcare system for the next 10 or 20 years? Does this sit alongside this recovery plan?

Deputy T.J.A. Binet:

No, I certainly have not done anything to assess the need of the healthcare system. I am working with a group of professional people who I think know what they need to be doing, and no, the simple answer is we have not done that. At this point in time, I do not intend to.

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

The Minister said in his initial answer that he intended to raise more funds for the health service. Does this mean that he is going to extend the privatisation of healthcare?

Deputy T.J.A. Binet:

This work begins formally in the early weeks of January, so we have not predetermined anything.

3.8.7 Deputy H.M. Miles:

Does the Minister intend tax rises?

Deputy T.J.A. Binet:

I will refer the Deputy to my earlier answer.

3.8.8 Deputy K.L. Moore:

The Minister referred to the future work that I believe is a similar question that Deputy Miles raised. Does this mean that the Minister has dropped the work that was underway under the former Government that was looking at the funding model for the health sector?

Deputy T.J.A. Binet:

I have to say I am not really aware of what the Deputy is referring to. Other than the ongoing work that has been done by the same individual that is carrying on with the work now.

The Bailiff:

So the answer is that you do not know what the model was and therefore cannot answer whether it is dropped or not?

Deputy T.J.A. Binet:

I cannot be certain as to what the Deputy is referring to.

3.8.9 Deputy K.L. Moore:

I would ask the Minister that he comes to the Assembly better prepared in future so that he can answer what are quite reasonable questions from the Members of this Assembly. That is his job and part of his responsibility. But I would also ask him to check, to go back and ask his officers to inform him of the work that was well underway and progressed because it might assist him in his future works.

Deputy T.J.A. Binet:

I am not sure if I am allowed to say this, but I think to say that I come here unprepared is laughable. The transformation that I am currently undertaking, I think, exceeds anything that has been done in a generation. We are doing major transformation work on digital, which I think is going to help no end in terms of making the whole of healthcare connected. We are making structural reforms to the entire health service to make it inclusive, and we are going to be giving a voice to third sector and primary care, which they have not had before. There are a number of other initiatives going on in relation to rationalising the whole of the health estate. If the former Chief Minister thinks that is unprepared, I would like to know what being prepared is.

The Bailiff:

The actual part of the question, Minister, was whether you would go back and ask officers to be briefed on what the previous work had been.

Deputy T.J.A. Binet:

I have no reason to doubt that all the work that was going on before was being continued and improved.

3.8.10 Deputy J. Renouf:

The Minister stated a couple of times, words to the effect that when you start a year without enough money you will end up with an overspend. I would like to ask what kind of Government deliberately underfunds its health service, which seems to be the implication? Is it not the Minister's responsibility to secure funding at the start of the year and can he say whether he has achieved enough funding for the current year so that he will not be back in a year's time saying: "We have deliberately not created enough money for the ... we have started the year without enough money"?

Deputy T.J.A. Binet:

I would like to remind the Deputy that I took office at the end of January last year. I had no hand at all in defining the budget, certainly not in the capacity as the Minister for Health and Social Services. I believe we have got, hopefully, enough money for this year, and we will be monitoring it very, very carefully. It strikes me that people's health is extremely important. The health industry itself actually improves the level of care that it provides every year. People take initiatives from here and actually increase our spending without any notice. We had somebody as recently as 2 weeks ago coming along and putting an extra £200,000 on the bill, and I have no doubt people will continue to do that in the year against a budget that is pre-set. All of those things are quite difficult to handle, and like I say, I make no apology for saying that my priority is to make sure that the Island is provided with a good health service, and if some problems arise as a result of that, I make no apology for it. Everybody that is involved in Health is doing everything they can to improve matters.

3.9 Deputy C.S. Alves of St. Helier Central of the Minister for Social Security regarding the introduction of whistleblowing legislation (OQ.242/2024):

Will the Minister provide an update on the introduction of whistleblowing legislation, following the unanimous approval of P.47/2023, as amended, which requested the Minister to bring forward the necessary legislation for approval by the Assembly prior to the end of December 2024?

Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

One of my priorities for 2024 was to deliver on Assembly decisions and part of that was to get this important piece of work on whistleblowing legislation underway. This legislation could be quite a complex piece of legislation so I directed the Employment Forum to undertake a review and consultation exercise, which was completed in November. The forum are currently considering and reporting and finalising their report and I am expecting that report in the coming weeks. That is an important report because it will inform how the legislation will be formed so that this legislation can be most effective. I would like to confirm, as the Chief Minister confirmed in his recent letter to Scrutiny Panel chairs, that the whistleblowing legislation does form part of the Government's 2025 legislative plan.

3.9.1 Deputy C.S. Alves:

When does the Minister envision that the legislation will be in place and ready to go in order to inform businesses?

Deputy L.V. Feltham:

I will be in a much better place to answer that question once I have received the report from the Employment Forum. I understand that there were a number of complexities and issues that were identified as part of that review. I will need to take time to consider the Employment Forum's recommendations so that we can see how complex law drafting instructions are likely to be. I will

endeavour to give the Deputy an improved timeframe early in the new year once I have sighted that report.

3.10 Deputy T.A. Coles of St. Helier Central of the Minister for the Environment regarding residential space standards (OQ.238/2024):

Further to the adoption of paragraph (a) of P.87/2023, and the response to Oral Question 84/2024, will the Minister advise what progress, if any, has been made with the review of residential space standards?

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

Can I start by apologising to the Deputy and to the Assembly. I was embarrassed when I looked back to find that the last time I answered a question on the subject was 30th April, so certainly a number of months have transpired since then and I have not made the progress I had intended. But I will, following today, instruct officers to go away and come back to me with work so I can give consideration to the space standards for one-bedroom, one-person units in response to the Assembly's support for Deputy Cole's part (a) of his proposition. There will be a number of things to consider before we make any potential changes, but I will work to conclude the review as quickly as I can and report back to the Assembly at that time.

Deputy T.A. Coles:

I thank the Deputy for his answer.

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

Will the Minister, in asking for work to be conducted, also consider work from officers to look at the desirability and interest in the different housing stock, noting the perceived perhaps glut of one and 2-bedroom apartments on the market and what is required for Jersey's long-term housing in that review?

Deputy S.G. Luce:

Yes, I would expect that to be part of the work. I think it is important to see what demand there is for certain types of tenured homes, one bedroom, 2-bedroom, maybe 3, and family homes in particular I know are in great demand and it is right that we look at that too.

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

I want to know the Minister's view on increasing minimum-sized standards of a one bedroom and how this may impact prices of one bedroom that are available on the market?

Deputy S.G. Luce:

I think my view is going to be informed by the work that is done, but I would say to the Assembly, to Members, that in recent times, the space, the required standards have increased by up to 25 per cent. So we have recently made some great strides in increasing these minimum space standards, but I would also want to consider - and I could take Deputy Coles's view on board - a one-person flat being the same size as a 2-person flat, but then how the 2 people feel about having a flat given to them that is exactly the same size as a single person. There is lots to consider there. It will form part of the work, certainly, as the Deputy raises the issue of cost. Every time we raise standards, we increase building costs, we increase the difficulty of young families being able to afford property; maybe single people, just a couple. We have to bear that in mind as well. Affordability is really important. If people cannot afford to buy property, it will stay empty.

3.10.3 Deputy M.B. Andrews:

In terms of how professional evaluators will evaluate the property that they are looking at, can the Minister confirm whether increasing the minimum size standards of one-bedroom properties will see increases in market prices of one bedrooms?

Deputy S.G. Luce:

I think that would be inevitable. If we increase the size of a property, it will cost more to build, and the developer will need to realise a return on his investment. I would think it inevitable that if we make the minimum standards larger, that would have to be reflected in the cost of building.

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

The Minister, in his quarterly hearing last week and in other moments when the panel and the Minister discussed the Budget, he talked very much about the need to streamline work because of limited resources within his department due to the cuts that had to be made ahead of the Budget for 2025. The Minister has now indicated that this work will be put on the agenda. I was wondering if he could say if there is anything that he would have to push down the list to then have this work completed in 2025.

Deputy S.G. Luce:

Officers have furnished me with a great long list of work which I have completed, work which I have in train at the moment and work still to do, but I think I will say to the Deputy that I did commit to doing this work in April. As I said at the outset, I am a bit embarrassed that I have not progressed that in any way, shape or form. One of the things I committed to doing was visiting these properties to see how they physically look to me and how the difference between one person living in a certain size property will differ to 2 people. Obviously in many areas you do not need more space but in others you do. If you have 2 people you have twice the number of need for clothes storage and stuff like that, bike storage. So there is lots to consider and I did commit to doing this work. I can at the very least go and see these properties, see what they mean, and give an initial report back to the Assembly in short order.

3.10.5 Deputy H.L. Jeune:

I am not sure the Minister answered my question, if there were anything on the other areas of his work that had to be deprioritised because of this work because we had not heard this being part of his work. I know he committed in April, but since then, in discussions, we have not heard from the Minister that this was on the list. If it is on the list, that is fine, but if not, what will be deprioritised?

Deputy S.G. Luce:

It may not have been on a list. I do not particularly think that it is a large piece of work. Certainly, my visiting property to see what they actually look like, does not involve any additional work for officers. I would hope that those initial assessments by me personally would inform a short report, which I can come back on. Certainly, if I get to the conclusion that I am not going to change the standards, I do not think that there is very much of a report required.

3.10.6 Deputy T.A. Coles:

This was raised with me by a member of the construction industry at a recent planning meeting. Can the Minister acknowledge that further delays on this is causing more uncertainty for our developers as well?

Deputy S.G. Luce:

I am not sure that it is, but I only say that because none of them have raised it with me. But I would go back to my original answer, I have committed and I will make sure officers put me out there and get these visits done and make these initial assessments, so that if there is any uncertainty, that can be taken care of as soon as possible.

[10:45]

3.11 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding planning permit time limits (OQ.245/2024):

In relation to the existing planning permits for developments that have not yet commenced, will the Minister advise whether he has any intention to use his powers under section 26 of the Planning and Building (Jersey) Law 2002 to withdraw planning permission after a specified time period, and if not, why not?

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

Article 26 of the law, "Termination of planning permission by reference to time limit", allows the chief officer or Planning Committee, but not me as Minister, to serve a notice stating that a planning permission shall cease to have effect upon expiry of a time period specified in the notice, with such a period not being less than 12 months from the date of serving the notice. The Article applies only in instances where a planning permission was granted subject to a condition that States development shall commence within a specified period, the standard period currently applied being 3 years, and where development has commenced but not completed within the time period specified in the condition. Article 26 of the law, therefore, does not apply to developments which have not yet commenced, and the Article does not confer any powers on me as Minister to terminate planning permissions.

3.11.1 Deputy J. Renouf:

The powers vested in the chief officer are, I am sure, related to the direction given by Ministers. Is the Minister aware that there are many circumstances where builders have begun developments in order to trigger planning permission and not then complete it, that would be very, very helpful in terms of the supply of property in the Island if those planning permissions were actually built out and the possibility of a withdrawal of planning permission might actually spur some of those developments to take place.

Deputy S.G. Luce:

Certainly I am aware of a number of developments where planning permission has been approved and work has commenced and then stopped, and of course that is part of development, if you like. Certainly, as I said, I know a number of these sites, it is not helpful to have development started and then not completed but in many cases it may be for many and various reasons, many of them very good. For example, interest rates, economic downturn, population demands on housing, the price of building. I would need to be very careful about interfering in the market and withdrawing a planning permission when a development has commenced but not been completed.

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

The Minister has highlighted that there are reasons that developments start and do not complete but, nonetheless, that leaves large amounts of properties extant on the books that are not being developed. He has highlighted his concern about the quantum of applications approved yet not commenced. Does he not think in some circumstances that the use of Article 26 by the chief officer or, as it may be, the Planning Committee is a valid tool and where developments were no longer viable perhaps withdrawal of that permission is considerate and applicants should apply for new permissions on those sites?

Deputy S.G. Luce:

As I stated in my original answer, Article 26 does not apply to properties or developments which have commenced. Article 27 is the one that we might use for that and that refers to revocation and modification of planning permission. But I would state that, unlike Article 26, Article 27 also has powers for giving money back where work has been incurred and expenditure is taken back. So there is certainly some compensation and possibilities that could happen in those circumstances and the numbers could be quite large. We would need to consider that.

3.11.3 Deputy A.F. Curtis:

I think the Minister has misunderstood me. I was suggesting that one should do as Article 26 allows, serve notice no less than 12 months under paragraph (3), and therefore should planning not be completed within a suitable timeframe given to a developer that such permission is then terminated. Article 26 gives no permission for compensation should the right terms be granted, as described under paragraph (8). Does the Minister not think that, ultimately, serving these notices with reasonable timeframes to deliver the development would at least ensure that developments are completed and, if not, that developers and landowners could bring schemes compliant with today's Island Plan, which he may then be able to have a greater say on?

Deputy S.G. Luce:

Lots of questions there. I think it will be clear to everybody in the Assembly that the subject is very complicated, very difficult and that what the Deputy suggests, while it might be possible, we could be asking people or forcing people to develop sites where they may find, or have found, that they have paid over the odds for the site, the price of materials may have gone up, planning permission may have certain conditions which imposes additional costs which the developer had not anticipated. As I said in the original answer, interfering in the market is something that we should do very, very carefully. I would want to tread with great caution before I started forcing people to do things with a potential threat of losing a planning approval, which they had gained in reasonable circumstances.

3.11.4 Deputy P.F.C. Ozouf of St. Saviour:

The Minister has partly answered my question but I will just reinforce it by saying: does the Minister agree with me that there is a real concern within the building industry about the viability of schemes? Does he need to perhaps share with Members some of the real challenges that builders are facing so that we can solve some of the issues to get Jersey building and get the houses that people want? Does he share my concern about the economic situation that some Members do not seem to be aware of?

Deputy S.G. Luce:

Yes, I do share the Deputy's concern. I am sure that we are all aware of a number of properties or sites around the Island where development has commenced in the form of demolition but we have seen no building happening. That may be for a number of different reasons but, certainly, if a site is purchased at a certain price with an anticipation of building at a particular rate and that changes, developers do have to have the opportunity to stop and take stock of where we are. Something just as simple but vital as the interest rate could be the reason for that happening. So, yes, I do share the Deputy's concerns. I am not quite sure how one solves the issue. Certainly, we have an Island Plan and we have building bylaws which convey to developers the quality, the standard, and the standards that they must build to. There is a cost to doing that. Materials increasing in price with inflation and all these things have to be borne in mind along with demand. When the price gets expensive, the demand drops off. I know we will all be only too aware of the difficulties that young families, young couples, young people face in purchasing property at the moment.

Deputy P.F.C. Ozouf:

The Minister answered very well. Thank you.

3.11.5 Deputy J. Renouf:

I thank the Minister for his answers. I want to focus on the particular circumstances which the Minister conceded do exist, namely where applications are started, not with the intention of completing the building but with the intention of triggering planning permission effectively in perpetuity and avoiding the 3-year rule on completion. Discretion is the point of Article 26. Can he not use that discretion to find those sites where the planning permission is being hoarded and make clear that this type of hoarding is not acceptable by instituting proceedings to cancel the permissions?

Deputy S.G. Luce:

Well, I am certainly happy to go away and look at the problem, but defining hoarding or land banking is difficult. As I said in previous answers, there may be any number of reasons why a development site may not be being built on at the moment and one would need to be very careful indeed in stepping into the marketplace with new rules and regulations. But I take what the Deputy says on board, I am certainly aware of sites where a very small amount of work has been done, enough work to officially be commenced, and in certain circumstances the development has not gone ahead when maybe it could have done. So, I will go away and consider that.

3.12 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Justice and Home Affairs regarding implications of the unanimous support for a vote of no confidence in senior management by ambulance staff who were members of Unite (OQ.247/2024):

Will the Minister explain the implications, if any, of the unanimous support for a vote of no confidence in senior management by ambulance staff who are members of Unite?

Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):

Unite, the union representatives, notified the chief people officer of the outcome of the vote of no confidence process in mid-July. It concerned 4 members of the ambulance senior leadership team. A series of meetings have been held since then to discuss the concerns and consequences of the process. The ambulance senior leadership team have acted to directly resolve some of the specific concerns raised and associated programmes of work remain underway. In agreement with union representatives, a restorative practice approach has been agreed to allow all individuals in the service to participate in a facilitated programme of discussions to discuss and agree the way forward. This work has started and all staff are being encouraged to participate in face-to-face meetings with the facilitator next week and then further group sessions in the new year. The staff of the ambulance service work hard every day to support us in times of need and I continue to give them my full support.

3.12.1 Deputy H.L. Jeune:

I thank the Minister for her answer. What measures have been put in place to ensure that there is actual implementation of a zero-tolerance approach to attacks on ambulance staff?

Deputy M.R. Le Hegarat:

I am not quite sure that this fits in with the question that is being asked by the Deputy.

The Bailiff:

Well, I think, Deputy, I must ask you to explain why that is relevant to the parameters of the original question, because it is not obviously so to me.

Deputy H.L. Jeune:

Yes, sorry. I believe that the vote of no confidence was also related to the concerns by the ambulance staff around an increase in violence and attacks that they have experienced. Asking my question originally about the implications and the changes, the restorative practice approach, the Minister has talked about, I am asking, along with the restorative practice approach, what measures have been taken specifically to put in place for implementing the zero-tolerance approach, which would be part of that restorative practice approach.

The Bailiff:

That is a relevant question, if that is what the vote of no confidence was about.

Deputy M.R. Le Hegarat:

Of course. Basically, the Deputy will be aware that in recent weeks we have done a lot of media in relation to attacks on ambulance staff and I would continue to encourage them to report any attacks

on them that occur and that they fully support the process. There is obviously ongoing work with the States of Jersey Police on how to appropriately deal with incidents of violence and aggression towards ambulance staff also.

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

Does the Minister agree that this process was simplified, more inclusive and broad, because the ambulance staff were members of a union and therefore their voices were able to be heard in one single point rather than multiple complaints over a period of time?

Deputy M.R. Le Hegarat:

I think that obviously there was a benefit that they had a union representative and that they could do it as a generic group but for those people who do not belong to a union, there is always a facility for people to be able to make a complaint and for that matter to be dealt with.

3.12.3 Deputy J. Renouf of St. Brelade:

Just in response to the Minister's reply to Deputy Jeune, could she outline what she thinks the issues are behind the dispute and, in particular, the relative weights? What are the most important issues that she feels have to be resolved?

Deputy M.R. Le Hegarat:

There are a number of issues and I am concerned that we are straying into matters which are dealt with by the People's team and S.E.B. (States Employment Board) as opposed to myself as a Minister. I am concerned that these are personnel matters, not a matter for myself, and I do not really want to stray into that.

3.12.4 Deputy J. Renouf:

I would have expected, I think, the Minister with responsibility for the ambulance staff to have some knowledge of what the issues are that staff have raised in a no confidence vote. I wonder if she could reflect on that and perhaps give us some sense of what she thinks the issues are that the staff under her responsibility have raised.

[11:00]

Deputy M.R. Le Hegarat:

There are a number of issues. One is the issue of radios, the matter of assaults on themselves, their support in relation to the police. There is obviously the additional response in relation to mental health matters. The list is endless.

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

Could the Minister explain what kind of support arrangements are in place for staff at this time, given that there are particular industrial relations issues? Does the Minister think that it would be helpful to bring some conciliation into the process to restore public confidence?

Deputy M.R. Le Hegarat:

There is support for staff under the well-being system and staff are being supported through this process. Obviously, as I have explained, the union representatives are involved in this process and there are face-to-face meetings. Those are being facilitated this week and will be ongoing into the new year. Once that has been complete, there will be a clear steer as to which way we go forward.

3.12.6 Deputy K.M. Wilson:

We are just about to enter a period of festivities where perhaps the rates of incidents in terms of violence and aggression could potentially increase. Can the Minister give some assurance that the concerns of staff and the resources needed to support staff over this period is in place?

Deputy M.R. Le Hegarat:

I would like to reassure staff that there will be the support that is necessary during the Christmas period and fully accept that they will be a lot busier. I would also like to ask for the public's support on this because obviously they are a front-line service, and I think that the public as a whole should all support them. Anywhere where people can actually assist them, I would ask them to do so.

3.12.7 Deputy M. Tadier of St. Brelade:

Is there a wider issue that the Minister has considered here about which laws are being used to prosecute staff when something goes wrong and somebody dies, effectively a third party member of the public, and whether that formed part of the grievance process that the staff ultimately had.

The Bailiff:

I do not think that can fall within this, Deputy, and the reason for saying that is the question was the implications of the vote of no confidence in the senior management. I think straying into the area of how things are brought to book in a different area is simply too far outside the parameters.

Deputy M. Tadier:

I will probably ask that in questions without notice.

The Bailiff:

That is an entirely different question.

3.12.8 Deputy H.L. Jeune:

There was an independent review on Jersey's Ambulance Service that was published in 2022. Could the Minister advise if the findings of that review would still stand today given that, as she mentioned in her answer to Deputy Renouf, the list is endless on the concerns of why ambulance members brought the vote of no confidence? What priority areas for improvement have advanced since 2022?

Deputy M.R. Le Hegarat:

Maybe the word I used as endless was probably not the best one. What I meant was that there were a number of issues and maybe that makes it sound like it is too numerous, and I apologise to the ambulance if that was the way that it was reflected. But what I wanted to highlight was that there were a number of different things. I think the ambulance have had a review and they have looked at all of their various opportunities. I have forgotten the name of the actual review but they have reviewed the ambulance as a whole and extra facilities and resourcing has been given to them. Obviously, that needs to be an ongoing thing, as the ambulance continue to have a high workload, they are getting more and more calls, and so I think that is an ongoing process.

3.13 Deputy C.D. Curtis of St. Helier Central of the Minister for Infrastructure regarding designs of playgrounds (OQ.237/2024):

Will the Minister advise whether plans for the design of playgrounds are shared with the Minister for Children and Families and other interested parties, such as community groups, to allow for consultation and, if not, why not?

Connétable A.N. Jehan of St. John (The Minister for Infrastructure):

I thank the Deputy for her question. An underlying principle of my position is always to engage with colleagues and consult the community wherever possible. In respect of playgrounds, we currently have plans to replace the existing playgrounds at Millennium Town Park and the Springfield Stadium. Public and stakeholder consultation has been undertaken for both. The current design for the Millennium Town Park playground replacement has been shared with both the Minister and Assistant Minister for Children and Families. I understand both are due to attend the School councils Network

meeting on 15th January next year where final input from all in attendance will be sought before the design is finalised. The Springfield playground replacement design has in fact been delayed following consultation and will be progressed further next year.

3.13.1 Deputy C.D. Curtis:

I thank the Minister for that answer, but would the Minister agree that the consultation process would be undermined if major changes are made to plans post consultation?

The Connétable of St. John:

I would expect any major changes, if they were major, to go back out for further consultation. For example, in Springfield, the suggestion has been to relocate the playground, and I would expect that to go out to further consultation before a decision was made.

3.14 Deputy T.A. Coles of St. Helier South of the Minister for the Environment regarding independent regulation of further services (OQ.239/2024):

Will the Minister advise what plans, if any, he has to introduce independent regulation of further services, once the regulation for the hospital and ambulance services has been implemented?

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

As the Deputy notes in his question, my primary focus in this area since taking office has been on ensuring that effective legislation is introduced to the Assembly to regulate hospital and ambulance services as soon as possible. I am pleased to report that that work is on course and I would hope to lodge it in the very near future. There are a wide range of health and social care services that are still not regulated in Jersey. They include G.P.s, dentists, clinics, cosmetic procedures and adult social care. However, my next priority is to work with the Minister for Health and Social Services and the Care Commission to develop proposals for regulating cannabis prescribing, because I am concerned about the current practice in this area.

3.14.1 Deputy T.A. Coles:

I thank the Minister. We had received a briefing on the ambulance and hospital regulation and I think it is work that is very well done and is going to be very important. Has the Minister given any consideration to private sector mental health support, i.e. things like counselling? With the rise in mental health issues within the Island, it is imperative that we ensure that people who are offering services are qualified for what they advertise.

Deputy S.G. Luce:

I do not currently have plans to regulate private counselling services. Mental health services are provided by the Department of Health and Community Services and those are included in my proposals for hospital regulation. Outpatients' children's mental health services are already regulated as they are provided by a registered healthcare professional. But I take the Deputy's question on board, there are a large number of other services we could look at and I just need to be mindful every time that I do not overload both inspectors and the services which are being inspected.

3.14.2 Deputy I. Gardiner of St. Helier North:

I am grateful to the Minister that he stated that we have G.P., dental, cosmetics and other services, private services, that are not regulated. Would the Minister indicate from these areas which ones he has more concerns than others and which one could be prioritised?

Deputy S.G. Luce:

As I said, the prioritisation after the hospital and ambulance will be on the cannabis clinics because the report, the review, which was commissioned by the previous Government and published in March, certainly highlighted to me that there are some issues with certain cannabis users getting

prescriptions from multiple different outlets. That is a great concern because they may well be using more of this drug than the doctors expect them to be doing. But there are a number of other areas, as the Deputy has asked the question, that we could look at. My main priorities at the moment are to conclude the hospital and the ambulance and then look at cannabis prescribing before deciding where to go next.

3.14.3 Deputy I. Gardiner:

I am grateful for the answer. I think that between the areas that I have mentioned in my previous questions ... I know that we have an ongoing connection with the G.P. From previous experience personally as a Deputy, I have received more concerns and complaints around the dentist regulations, services and the provision. Is it anything the Minister would consider at the meantime because the dentist's practices are required to get close attention?

Deputy S.G. Luce:

Yes, I will consider that and I have considered it already. G.P.s, as many will know, are regulated by the G.M.C. (General Medical Council) in the U.K.. so they are registered. That is helpful but we need to always bear in mind of course that if we do not have our own regulation here it may be that those institutions in the United Kingdom may look to us and say: "Oh well, it is fine registering these doctors but they are not working in an environment which is regulated." I think that is a very important thing to bear in mind because the relationship between doctors and their registered G.M.C. and our relationship with the U.K. is really important and we would not at any point wish to put that in jeopardy. But I take the Deputy's views on board about dentists as well.

3.14.4 Deputy J. Renouf of St. Brelade:

I am grateful to the Minister for clarifying that he will be bringing this forward in the new year. Is he able to provide any indication as to the further timetable that he is following to bring the inspection of the hospital and ambulance services into place? In other words, beyond lodging hopefully early in the new year, can he give any clarity about what the timetable is beyond that?

Deputy S.G. Luce:

I cannot give exact clarity, but I know the drafting is all completed. We are just going through the final meetings to make sure we are all happy with it. I intended, I certainly still hope, that I may be able to lodge that before Christmas, which will mean a debate early in the new year. Following that, I have certainly already held meetings with the Commission about how we start the regulation of the hospital and ambulance service and that work is in train, although I can certainly provide the Deputy with the detail of the timetable. But things will be happening next year for certain.

3.14.5 Deputy J. Renouf:

Is the Minister aware of anything that might blow him off course on this or is he confident that he can get this through in the timetable he is hoping to pursue?

Deputy S.G. Luce:

Not specifically, although of course there will always be challenges to change and it may well be that there are some concerns about the cost of regulation, but this has already been agreed and the money needed to start the regulation of the hospital and ambulance services has been approved by the Assembly moving forward. There will always be some that will be concerned about the cost implications of the regulation itself. I am absolutely committed to bringing this matter forward. Any money that is spent upfront is money that is well spent and money that can save us a great deal in the future.

3.14.6 Deputy T.A. Coles:

Does the Minister consider good regulation a pathway to excellence or just a hindrance to business?

Deputy S.G. Luce:

I would certainly look upon it as a direction of travel heading towards excellence. There may well be work that needs to be done in certain parts of the hospital and ambulance service yet to be identified. I am also certain we will find that certain parts of it are in excellent order and operating very, very well, but that work is to be done. I certainly do not regard it as a hindrance, and I think it is a very positive thing to do that can only benefit the public of the Island for an even better health service than the one we currently have.

3.15 Deputy I. Gardiner of St. Helier North of the Minister for Treasury and Resources regarding an independent review of the States of Jersey Development Company (OQ.244/2024):

Will the Minister advise what plans are in place, if any, to conduct an independent review of the States of Jersey Development Company and if there are no plans, why not?

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

I believe this was the recommendation - as I suspect the Deputy also is aware - from the Comptroller and Auditor General's review of S.o.J.D.C. (States of Jersey Development Company) from June 2020. The appropriate political forum to scope and undertake such a review is the Regeneration Steering Group, which has a political oversight over the activities of S.o.J.D.C. Successive iterations of the R.S.G. (Regeneration Steering Group) and its evolution in the last Government to the Future Places Group have not resolved to consider and pursue the matter, despite an original intention to consider it in 2021, as reported in the response to R.56.

[11:15]

This Government's intention is to concentrate our term on output-focused delivery that brings more immediate and direct benefit to Islanders, for example, creating a plan for town. It seems, therefore, unlikely that a strategic review will be prioritised over other workstreams during this term of Government. That is not to say that S.o.J.D.C. lacks any kind of ongoing review since it reports quarterly on its activities and developments to the R.S.G. and, as shareholder representative, I also meet with the board quarterly. Our focus, and that of the S.o.J.D.C., is on advancing the plans for the South Hill and Waterfront developments and the S.o.J.D.C.'s preparatory work for Fort Regent.

3.15.1 Deputy I. Gardiner:

First of all, I would raise that the Government has accepted it and the body that should conduct this review is actually not the Regeneration Steering Group, because I am looking at the Executive response, it is the new States-owned entity, the Arm's-Length Bodies Oversight Board. I am not sure how this responsibility was passed from the oversight board to the Regeneration Steering Group in the Minister's answer. Second, would the Minister agree that before we continue to give projects to S.o.J.D.C. that was established for specific purposes, we need to review if it has met the objectives it was established for? What else can be done?

Deputy M.E. Millar:

Well, I think there were 3 questions there. I probably cannot remember 3 in my head at one time. The first question was, I believe that whatever was said in 2020 - because I have not read that response - the Regeneration Steering Group is now the body that has political oversight for S.o.J.D.C. Since 2020, that group has not, in its various forms, agreed, my understanding is, to conduct a review. Secondly, it has not done that. We have to reflect that S.o.J.D.C. has delivered some quite significant successes. It was set up to be the Government's commercial developer, with an emphasis on regeneration. In financial terms, it has grown the company assets by 152 per cent to the end of last year, which is an annualised return of 12.6 per cent. The College Gardens development provided 187 new homes, 40 of which were for assisted purchase and 40 for those over 55. The Horizon

development delivered 280 new homes, many of which were secured by first-time buyers using the S.o.J.D.C. deposit scheme. The quality of the developments, such as College Gardens as well as the I.F.C. (International Financial Centre) buildings, have each delivered significant public realm and infrastructure improvements. S.o.J.D.C. is working hard to make further developments and further regeneration in St. Helier. As I said, the decision is with the Regeneration Steering Group and not with me.

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

I note that in the first answer to the first question, the Minister mentioned a strategic review. Of course, the question is about any independent review. But as the Minister is not actively pursuing an independent review of the S.o.J.D.C., is she satisfied that the S.o.J.D.C. operates efficiently, with all the necessary permissions and with robust governance over its operations?

Deputy M.E. Millar:

I believe that S.o.J.D.C. does have robust governance. I would be surprised if it did something without planning permission deliberately. If there was anything that it did not do, it would be oversight. It appears to me, having meeting them regularly, that they have very clear and sound corporate governance.

3.15.3 Deputy A.F. Curtis:

Obviously, minor mistakes are acceptable, but if the S.o.J.D.C. are found to not be competent at core development activities, such as by breaching planning law or by developing plans that do not comply with building regulations, would those be grounds for a review?

Deputy M.E. Millar:

I am not sure whether that is a hypothetical question or whether the Deputy has something in his mind. Clearly, if the S.o.J.D.C. were completely ignoring building regulations or planning, that would have to be looked at, whether it needed a full independent review or whether it could be something that looked specifically at their failures in those specific areas would be a question of fact at the specific time.

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

The Comptroller and Auditor General recommended that the M.O.U.s (memoranda of understanding) concerning all States-owned bodies be reviewed every 3 years. I think it is right to say that the review for the development company will come up for such a review in May next year. Will the Minister confirm that that exercise will be carried out? At the same time, when carrying it out, will she take particular note of the fact that the States Development Company is to take the lead in the development of Fort Regent? Will that necessitate the amendment in any major way?

Deputy M.E. Millar:

I have confirmed several times now, both here and in Scrutiny, that the M.O.U.s are already under review. We are working on the reviews now. The S.o.J.D.C. will meet its 3-year term in, I believe, May next year, and that is something that we will consider. I am not sure whether the M.O.U. currently sets out specific requirements regarding specific developments, but that is certainly something that we could consider. But, in terms of policy, the Regeneration Steering Group reviews the proposals that the S.o.J.D.C. brings forward, and those are considered carefully by that group.

3.15.5 Deputy I. Gardiner:

As the Minister mentioned that oversight of the States of Jersey Development Company is now under the Regeneration Steering Group, I would question what role the Arm's-Length Bodies Oversight Board is playing to oversee our arm's-length organisations in general and S.o.J.D.C. specifically?

Deputy M.E. Millar:

Sorry, can I ask the Deputy to repeat the second part of the question?

Deputy I. Gardiner:

We all know that we have a board for oversight of arm's-length organisations and States-owned entities and the Minister as a shareholder. Now we have learned that the oversight of States of Jersey Development Company moved to the Regeneration Steering Group, so what role is the Arm's-Length Organisation and States owned Bodies Oversight Board playing for managing and oversight of the S.o.J.D.C. and all other organisations?

Deputy M.E. Millar:

I think that is extending the question quite significantly. The Regeneration Steering Group have political oversight of the S.o.J.D.C., I meet them as shareholder representative. The other A.L.O.s and States-owned entities report through other Ministers, depending on the policy framework. I am not sure if that answers the question but maybe I did not understand the question.

The Bailiff:

Very well. Well, that brings the question period to an end and we move now to questions without notice to Ministers. The first period of questions is to the Minister for Justice and Home Affairs.

4. Questions to Ministers without notice - The Minister for Justice and Home Affairs

4.1 Deputy J. Renouf of St. Brelade:

Returning to the Youth Justice Strategy, the Minister said that she was not prepared to go ahead with the previous strategy because it was not achievable. Is it not the case that the real problem with the previous strategy was that the Government realised they were not prepared to fund or execute the strategy, even though it was necessary, so the strategy had to be changed to meet their downgraded plans for delivery?

Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):

No, that is not the case. The case is that having had stakeholder ... the responsibility for the Youth Justice Strategy now falls under the remit of Building a Safer Community. Once that person was in role and a stakeholder review was done in May, it was quite clear that a number of elements of the strategy were not achievable. It was nothing to do with, at that stage of course, the fact of any budget, because obviously we were working within the budget that had been provided by the previous Government. So that is not the case.

4.1.1 Deputy J. Renouf:

If the strategy was not achievable with the existing resource, why was the decision not taken to achieve the resource in order to deliver the strategy on the basis that this is what was needed?

Deputy M.R. Le Hegarat:

I never actually said "resource", I said it was not achievable. I said the person had taken responsibility and further work had been done with stakeholders. If you are going to put forward a strategy there has to be a system in place, whether that is in the youth service or in the honorary police system or in the criminal justice system. If you are going to put a strategy in place in relation to youth justice, you have to have all your ducks in a row in order to achieve it.

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

Would the Minister be able to give an update on what has been delivered under Building a Safer Community? I believe it has been nearly a year now so I would like to get an update.

Deputy M.R. Le Hegarat:

Building a Safer Community has done a number of ... work within schools. As a result of that, a number of schools have come forward and requested inputs in relation to the works done by Building a Safer Community and that will start in September ... sorry, that will be ongoing in 2025.

4.2.1 Deputy H.L. Jeune:

I believe that Building a Safer Community is much bigger than just focusing on schools. It is about prevention and about building a safer community. Would the Minister be able to expand on the delivery framework, what has actually been happening and what activities have happened in the last ... since it was launched nearly a year ago, beyond schools?

Deputy M.R. Le Hegarat:

Yes. The co-ordinator for Building a Safer Community has been doing work within the prison and obviously has been doing a lot of work in relation to the youth justice. The co-ordinator also delivered an anti-social behaviour presentation with the community of St. Brelade to which all the Deputies attended.

4.3 Deputy S.M. Ahier of St. Helier North:

Will the Minister advise what challenges the ambulance service are facing in regard to the siting of the hospital at Overdale and what engagement has she had with the ambulance service staff?

Deputy M.R. Le Hegarat:

As we all know, there will or potentially could be challenges in relation to the location of the hospital at Overdale. I have had regular meetings both with the Minister for Health and Social Services and also with the ambulance service in relation to these matters. At this stage, the ambulance are comfortable with the position and it will be ongoing as to see how that develops. Obviously there will be less journeys to Overdale as it will be for acute only. It will be a different remit to what it was originally.

4.3.1 Deputy S.M. Ahier:

Has the Minister received the views of the patient transport service in determining if they have any concerns in regard to the same?

Deputy M.R. Le Hegarat:

Not explicitly in relation to the patient transport service. Obviously the issues with the road to go to Overdale is about probably more of an emergency facility as opposed to one that is with a slow-moving vehicle, as for example if the bus was going up there. So the issues raised previously by the ambulance service in relation to Overdale were about emergency responses.

4.4 Deputy M. Tadier of St. Brelade:

I know that the Minister is not responsible for the courts, but she is the Minister for Justice and Home Affairs. When it comes to some tragic incidents that might or have occurred in Jersey, does she share concerns about whether the right people are being prosecuted for the said offences and whether the right laws are being used to prosecute those individuals?

Deputy M.R. Le Hegarat:

I think the Deputy refers to the fact that we do not currently have a corporate manslaughter law and obviously the Minister for Social Security will be potentially looking at the legislation in relation to health and safety. I fully see where the Deputy is coming from. The only thing is at this current time, due to the legislative programme that I have, it is not one that I have a facility to look at.

4.4.1 Deputy M. Tadier:

So while there is no statutory corporate manslaughter law, there is legal opinion that it would be possible to prosecute for corporate manslaughter even under common law in Jersey. But, more

specifically, could I ask the question about ... in this whole area to make sure that there are not potential miscarriages of justice?

[11:30]

When it comes to, for example, a boat which hits some third party and kills a third party, how do we know that the right individuals are being prosecuted when it comes to a big company which ultimately has a captain of that vessel? Can she assure us that the right bodies, whether it is an individual or indeed a corporation, can be held accountable for that kind of incident under Jersey law?

Deputy M.R. Le Hegarat:

I think that is probably in the bounds ... although I have a responsibility for justice, and I fully see where the Deputy is coming from in relation to this question, I would make an assumption that the L.O.D. (Legal Officers' Department) would obviously look at what the legislation availability was for particular circumstances and, therefore, look at the possibilities and how that could be prosecuted in those circumstances. I think it is certainly necessary for us to probably have a look at exactly what legislation we have got and whether there are any reforms that we could make in relation to it.

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

In regards to the Youth Justice Strategy, could the Minister tell us how the Child First principles have been incorporated?

Deputy M.R. Le Hegarat:

In relation to the Child First matter, it is always important to put the child first in any process and it is about looking after children and ensuring that they are given every opportunity in life to fully develop. This is why it is important that when we develop a strategy that we look at all of the opportunities and we make sure that if any children come within our care or are in the care of their own parents that they are given all of the opportunities of full education. So, from that aspect, I think we need to make sure that we look at all of the options in relation to how we develop children, how they are being supported in the community and how they are being helped to prevent them ending up in the criminal justice system.

4.5.1 Deputy H.M. Miles:

Given those answers, what are the Minister's views on increasing the age of criminal responsibility?

Deputy M.R. Le Hegarat:

I am fully aware that under the United Nations in relation to children, that that is what they would all like us to do. I think it is important that we look at that particular area and whether we are able to increase the age of responsibility. When we are doing that, I think we need to ensure that we have all the necessary support and backup to be able to achieve that aim in a realistic manner. We have had a briefing from the Children's Commissioner in the last week, and I fully support her in her visions. I would support increasing the age of responsibility if we have the right policies and procedures in place to be able to support children moving forward.

4.6 Deputy I. Gardiner:

I looked at the dates and I would like to have clarification from the Minister. The Minister stated that the Youth Justice Strategy has been changed following the Building a Safer Community framework. From my recollection these 2 pieces of work were developed in parallel at the same time. Building a Safer Community was launched in March, actually 21st March. What happened between March and May that actually the strategy changed? What new evidence came to the Minister's attention after launching the established framework, Building a Safer Community?

Deputy M.R. Le Hegarat:

I cannot actually find my timeline at the present time, however, my answer to the Deputy's question would be this. I was asked questions about why we had not straight away developed or implemented the strategy that had been completed by the previous Government. I took over on 30th January. The Building a Safer Community co-ordinator started to look at the work in relation to it and there is a timeline starting in 2019 - but I do not want to waste the Assembly's time in looking for that timeline - and it goes all the way through, and the previous Government said that it was ready to go. As I said, the co-ordinator was brought in in January and the work then commenced in relation to putting in the strategy for Building a Safer Community and a lot of work was done in relation to that. There was then the review in relation to the Youth Justice Strategy and further inputs from stakeholders during May, thereafter again in July, and then the rewriting of the strategy in October and November.

4.6.1 Deputy I. Gardiner:

It sounds a bit complicated, even though that now I understand that Building a Safer Community was finalised by March. Now, would the Minister confirm or deny that actually decreasing the age of the criminal justice was the change in the strategy that she is bringing forward?

Deputy M.R. Le Hegarat:

No, Sir.

4.7 Deputy P.F.C. Ozouf of St. Saviour:

I should just, first of all, caveat this question by saying that in a previous declaration of interest I was involved in a matter which I am going to refer to but I am no longer involved in. It was a charitable donation, so there is no financial and pecuniary interest. Is the Minister aware of the Migration Advisory Committee and its recommendations that the U.K. food industry - that is, all bits of it, retail, hospitality, farming and so on - should adopt the employer-pays principle, which would require employers to bear recruitment costs and relocation costs, including expenses such as flights and visas, to prevent migrant workers from "falling into debt bondage"? That is a direct quote. Is the Minister aware of that? I imagine that she might be but will she please take account of that when she is reviewing the very difficult issues of work permits in Jersey?

Deputy M.R. Le Hegarat:

I am not exactly aware of what he is saying, but I will say to the Deputy is that we are in the process of or have reissued the work permit policy and the work will continue to be ongoing because it is something that will need to be continually updated. I have full intention in January to travel to the U.K. in order to facilitate meetings with various individuals, and I have also had some input from a local charity. I will be doing some further work in relation to the work permit policy and the issues that may arise in relation to what the Deputy talks about.

The Bailiff:

That brings the period of questions available to this Minister to an end. The next period of questions is for the Minister for Social Security.

5. Questions to Ministers without notice - The Minister for Social Security

5.1 Deputy J. Renouf of St. Brelade:

I thought I had delayed long enough for somebody else. Social security funds have been diverted to pay for the living wage transition and have been vested in a new building as a result of the Budget. Can the Minister state whether there are other plans to use the social security funds in any other way to pursue wider Government objectives, whether that is by borrowing against them or using the funds directly, for example, but not limited to funding infrastructure or health?

Deputy L.V. Feltham of St. Helier Central (The Minister for Social Security):

First, the purchase of the new Government building, as was stated in the actual debate on that, was an investment made by the Social Security Reserve Fund. It is entirely normal practice for the Social Security Reserve Fund to make such investments and it was seen as a prudent and just investment by all of the investment specialists and advisers that advise on that. It was not a misdirection or a redirection of social security funds. In relation to the money and the change that we made to the legislation, to change just for 2 years the States grant that will go into the Social Security Fund, again that is not money that was in the Social Security Fund, it is not funding from the Social Security Fund, it is taxpayers' funding that was redirected from the Consolidated Fund.

Deputy J. Renouf:

That does not remotely answer my question. I did actually say it had been invested in a new building. The Minister has given a long explanation for why it had been invested. I actually said that it had been invested. I asked whether there are any plans in the future to divert further funds or invest further funds?

The Bailiff:

That was the thrust of the question, Minister, so I will take that as the first question.

Deputy L.V. Feltham:

It is the purpose of the Social Security Fund to make investments so, of course, the Social Security Reserve Fund will continue to make investments in order to continue to grow the fund and pay out pensions and working age benefits into the future. I have been quite clear that the change to the legislation in relation to the States grant is a 2-year change and it will come to the end in 2 years. There are no current plans to change the formula for the States grant in any future years.

5.1.1 Deputy J. Renouf:

I still would like clarification on whether the funds could be used in the future to invest in other assets which might be part of the wider objectives of the Government, for example, as I said in my original question, funding infrastructure or health?

Deputy L.V. Feltham:

All investments are made in line with the investment strategy, which is under the remit of the Minister for Treasury and Resources in agreement with the Minister for Social Security. It is important that all investments are made in line with an agreed investment strategy that is laid before the States Assembly. That particular investment was in line with the investment strategy and any future investments will continue to be.

Deputy J. Renouf:

Sir, could I just ask for clarification: are there any plans? She has stated policies but she has not stated whether there are any plans.

The Bailiff:

Well, I was assuming from that answer that there are no current plans but that there might be in the future. But if I am wrong about that, Minister, will you please correct that?

Deputy L.V. Feltham:

Sir, you are correct. All investments will be made at the time and they will be the right investments to make for the fund at that time.

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

Could the Minister advise in the midst of the cost-of-living crisis and all of the support that has been provided to Islanders to help them cope with the crisis, whether she has seen any increase in benefit fraud as a consequence of the additional payments being made available?

Deputy L.V. Feltham:

I have not been made aware of any increased instance of benefit fraud as a result of funding being made available. If the Deputy has concerns about benefit fraud then I would encourage her to come and speak with me and my department.

5.2.1 Deputy K.M. Wilson:

Could the Minister tell us what data she holds on any instance of fraud and whether or not this information is public and the information is available for us to review? What metrics does the Minister use to measure the effectiveness of the fraud detection and prevention strategies in place?

Deputy L.V. Feltham:

Of course, cases of benefit fraud do go through the courts, so reporting is public on those cases. I am informed on a case-to-case basis when cases are going to court. I have no specific metrics that are reported to me on a regular basis because these cases are very infrequent and a very, very small proportion of people that claim benefits are claiming them fraudulently. If the Deputy can suggest any metrics that she thinks that we should be collecting, I would be happy to hear that. Of course, I will be taking interest in the recommendations that have been made recently by the Comptroller and Auditor General in her *Handling Fraud and Error* report that was recently published.

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

Please could the Minister give an update on the free period product scheme and specifically the reusable eco-friendly products that were being offered?

[11:45]

Deputy L.V. Feltham:

Since the scheme was launched over 85,000 packs of free period products have been distributed. I am pleased to say that we are now offering reusable products from 4 locations and my understanding is that the uptake of those reusable products has been incredibly positive. I am pleased to see that. Not only is it more environmentally friendly, it is also good value for money as products can be reused. We are in the process of transitioning from a project to a business as usual and rolling out the continuation. I am pleased to say that the free products are available now in more public supermarkets as well and we have resolved a number of the issues in the public toilets. So I am pleased that we now have a successful project on our hands and we will continue to deliver it in future years.

5.3.1 Deputy L.M.C. Doublet:

Would the Minister consider continuing to expand the scheme, for example, offering the reusable products in all schools or perhaps through a voucher service whereby Islanders could access them at any shop not just those 4 locations?

Deputy L.V. Feltham:

I would be open to expanding the types and locations of reusable period products. This was a new offering that we put forward in the last few months, and part of what we are doing as we are rolling that out is we have asked those locations to collect data and information from people that are receiving those products so that we can improve that process into the future.

5.4 Deputy P.F.C. Ozouf of St. Saviour:

Given the earlier questions and the recent debates about the use of the Social Security Fund for purposes beyond its original mandate - and while I accept, of course, the vote of the Assembly - there is an absence in the legislation of a prohibition in the Social Security (Jersey) Law 1974 against any uses which are not fundamental to the purposes of pensions and allowances. Would you consider introducing legal specific safeguards and would you also take notice and perhaps implement in Jersey

equivalents like the Canada Investment Fund, the Norwegian Pension Fund which demonstrates really best practice in terms of independent governance that does not allow politicians to use funds from time to time if they wish? We could have an opportunity to do that. Does the Minister agree?

Deputy L.V. Feltham:

I think we do have adequate safeguards in place and I am not minded to look at adding any additional ones at the moment but just to reiterate, the funds that we used for the living wage package were not funds from the Social Security Fund.

5.4.1 Deputy P.F.C. Ozouf:

I will take that offline because one is dealing with one fund. I am not going to confuse the Assembly and I am well aware of this that I think it is the spirit of the thing. Is the Minister saying that she does not believe that there is any need and there is any concern among the public about the use of the Social Security Fund and that would it not be better to put in place a specific prohibition and to put further strengthening in place to protect the pensions and benefits for the future? Does she not agree at all there is a case to be made for that rather than dismissing it?

Deputy L.V. Feltham:

No, I do not agree, and I do think that if members of the public are concerned, they are probably concerned about the misinformation that is being spread around funds being taken from the fund. That is simply not true.

5.5 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:

Does the Minister consider that it is reasonable or within policy for a person who has recently received a terminal cancer diagnosis to wait 7 weeks prior to receiving any benefits?

Deputy L.V. Feltham:

I am always concerned about the length of time our processes take, and I am always concerned if people are having to wait to receive their benefits. If the Deputy is aware of a case that she is particularly concerned about, I would like to hear about that case so that I can see how any matters can be resolved.

5.5.1 Deputy K.L. Moore:

I will indeed. I am grateful to the Deputy for her answer, and I will indeed share the information that I have. However, this information that I have come about via Facebook appears from the comments to not be an uncommon situation sadly and therefore would the Minister consider reviewing any policy around the time limits for supporting members of our community in such circumstances?

Deputy L.V. Feltham:

I am in the middle of a review of income support guidelines. I am meeting with the relevant staff on a fortnightly basis. My takes since being Minister is to our staff in the department that if something feels morally wrong, I want to know about it. I want things to be resolved. I have also been very, very clear to my department that if people are asking questions on Facebook rather than coming to the department, we have a problem that we need to resolve. I want people to be coming to the department or coming to me with their issues so that we can resolve them in a very timely and efficient manner.

5.6 Deputy J. Renouf:

I do beg your pardon. Responsibility for the H.I.F. (Health Insurance Fund) is due to go to the Minister for Health and Social Services. Can she clarify whether given the extra demands on the H.I.F. as a result of recent decisions and the impending shortfall in funding by the 2030s whether she plans to bring forward a reassessment of the H.I.F. funding or will she be leaving that to the Minister for Health and Social Services?

Deputy L.V. Feltham:

I have no current plans to do a reassessment of the H.I.F. funding. H.I.F. funding is safeguarded for primary care and things like funding our G.P. consultations and prescriptions and things like that. What is most important about the work being undertaken by this Government in relation to health is that we end up with the most fit-for-purpose health service on the Island and if that then leads to a change in the Ministerial responsibilities and that is the right thing to do, then I am fully supportive of that.

5.6.1 Deputy J. Renouf:

That was not what I was asking. I was trying to get at the point that the H.I.F. as described, for example, by the Fiscal Policy Panel said by the early 2030s it would be running out of money, so the question is about the funding of the H.I.F. Who is going to look at ensuring that there is enough money in the H.I.F. going forward?

Deputy L.V. Feltham:

The H.I.F. is part of our very vital health funding infrastructure. The plans going forward are to take a look as a whole at what we need as an Island across our health environment and I think it is important that any future changes or any future policy around the H.I.F. is done within that context, within that whole of government look at what we require from health services across the Island.

The Bailiff:

Are you able to say is there a specific Minister - you or another Minister - who will have primary responsibility for that? Because I think that was the question and I think that is how the question was directed, Minister.

Deputy L.V. Feltham:

I think ultimately that will be the decision of the Assembly when any future propositions and proposals are brought forward by the Government, but at the moment there are no plans by myself within my Ministerial plan or departmental plan to look at H.I.F. funding specifically.

The Bailiff:

There might be a possibility for a very quick question, Deputy Moore.

5.7 Deputy K.L. Moore:

Since assuming office, has the Minister attended any meetings or received any briefings with regard to the sustainable healthcare funding model?

Deputy L.V. Feltham:

I meet regularly with the Minister for Health and Social Services and his team and we work together in partnership acknowledging the fact that some of my responsibilities are very much aligned to what the Minister for Health and Social Services needs to deliver. So, yes, I have received briefings on sustainable healthcare funding models.

The Bailiff:

That brings an end the time available for questions to this Minister. The next period is for the Chief Minister.

6. Questions to Ministers without notice - The Chief Minister

6.1 Deputy J. Renouf of St. Brelade:

Recently the Chief Minister announced a 3-year funding package of at least £4.5 million from the Jersey Reclaim Fund relating to dormant bank accounts. Given the law specifically requires that a

funding decision must be made each year for that year only, does the Chief Minister accept that his press release was effectively *ultra vires*?

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):

That is not the advice we received or should I say we did not receive any advice to the contrary. The decision was made ultimately by ... Deputy Gorst was responsible for that area. The decision was made to give the Jersey Community Foundation and the organisations they support some certainty into the future. It is very difficult for charities and those providing valuable services to the community to plan when they do not have any confirmation of slightly longer-term funding, so I am sure we can look into the *vires* of that but I thought I would provide an explanation as to why that was done.

6.1.1 Deputy J. Renouf:

Article 2 of the Dormant Bank Accounts (Distribution of Fund Money) (Jersey) Order 2020 says: "The Minister must decide each year whether a distribution should be made from the fund." Then it goes on to clarify why that would be the case. How does the Minister intend to ensure he delivers on his promise both legally and politically to charitable and voluntary organisations since it seems to be that he has acted beyond the scope of the law?

Deputy L.J. Farnham:

I would counter that to say it was not such an announcement that money had been done and transferred or was going to be transferred. It was an announcement - and the Deputy can correct me if I am wrong - that the intention was to provide that funding over the next 3-year period to provide some certainty. In practice, I think that will be a decision each year adding up to the £4.5 million that was agreed, so happy to make sure we do that in line with the legislation.

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

Can the Chief Minister tell us what process was followed to determine that the role of chief executive officer was worthy of a £26,000 - i.e. a 10 per cent - pay rise?

Deputy L.J. Farnham:

The salary of the chief executive officer had been set at £250,000 per annum since 2018. There has been no increase in the chief executive's salary since then, so it was deemed reasonable and appropriate to review that and reset it at the higher level of £276,000. That is not quite cost of living over that period of time, but it was a negotiation of the incumbent.

Deputy K.M. Wilson:

I did ask the Chief Minister what process was followed.

Deputy L.J. Farnham:

I am not quite sure I understand the question. So the process in deciding what the new wage would be, that was down to a review of the salary and a negotiation with the incumbent. I am not sure outside what other process the Deputy could be referring to.

6.2.1 Deputy K.M. Wilson:

I will rephrase the question. Who made the final decision to grant the pay rise?

Deputy L.J. Farnham:

That would ultimately be the States Employment Board.

6.3 Deputy I. Gardiner of St. Helier North:

Would the Chief Minister agree with me that the answers to the question today, especially from the Minister for Health and Social Services, were lacking details and deep knowledge?

Deputy L.J. Farnham:

I was not in the Assembly when the Minister answered the questions so I cannot comment. My experience of questions answered by Ministers is generally good. Ministers respond with the information they have to hand and if they do not, they often offer to provide further detail at a later date.

6.3.1 Deputy I. Gardiner:

Would the Chief Minister encourage Ministers to read the report in preparation to answer a submitted oral question?

Deputy L.J. Farnham:

I do not think I need to encourage Ministers. I know Ministers do work as they can to prepare for oral questions and written questions but there is always room for improvement with all of us. Often, I find myself not able to answer a question at this table and if that happens, I am sure all Ministers will endeavour to come back to Members as quickly as possible with the appropriate answer.

6.4 Deputy J. Renouf:

In relation to freedom of information legislation, can the Chief Minister state whether he gives full support to that legislation and, in particular, is he prepared to urge Ministers to answer freedom of information requests in a quick, timely and fulsome manner as intended by the legislation?

Deputy L.J. Farnham:

Ministers do not answer freedom of information requests. That goes through the Freedom of Information team, so Ministers are not involved in that process.

[12:00]

6.4.1 Deputy J. Renouf:

Ministers do have to sign off responses given under the freedom of information, at least certainly I was shown redactions and so on that had to be made and they were clarified with me. It is in that regard that I am asking the question.

Deputy L.J. Farnham:

That is not the case. Ministers are often copied into freedom of information replies that involve themselves and that is the extent of the involvement.

6.5 Deputy I. Gardiner:

Would the Chief Minister explain to the Assembly what plans, if any, for the use of the Grève de Lecq that was purchased by the States and passed to Jersey Heritage, what benefits the public can see in the coming year?

Deputy L.J. Farnham:

That is work being undertaken by the National Trust. We have already seen some basic work, opening of the car park and some catering facilities - temporary basis - which have meant Islanders have been able to enjoy those facilities throughout this year. I am expecting an update from the National Trust early in 2025 and I will share that with Members, although I am sure the National Trust will be making that very public, given the amount of public consultation that has taken part.

6.5.1 Deputy I. Gardiner:

Thank you, Chief Minister, for your answer. I think that spending more than £3 million on the car park would be very expensive so I would like to see what directions were given from the Government to the National Trust what the public of Jersey would like to see and why we spent the public money to purchase the site.

Deputy L.J. Farnham:

That was in the proposition that the Assembly approved earlier this year. The property and land were bought by the taxpayer and gifted to the National Trust with conditions that it is utilised for public use and that is what they are doing. I have not had an update from the National Trust. I understand one is, as you said, a lot of public consultation has taken place. They want to ensure what they do with the premises is aligned with public thought and support, so I will chase up the National Trust and ask for an update.

6.6 Deputy D.J. Warr of St. Helier South:

Will the Chief Minister be supporting the Constable of St. Helier in his request for a meanwhile use of Gas Place?

Deputy L.J. Farnham:

I am not sure of the detail of the request. I have no problem with utilising any space as best we can while there is a transition going on. I fully support the ultimate use of the place, and that is for a new school, but if there is an opportunity to utilise a place while the plan for that is taking place then I do not have an objection, but again, I need to understand what the request is.

The Bailiff:

Are there any other questions for the Chief Minister? There are no other questions, then I close questions, and we now move on to the next item of business. Members will see there has been a slight revision to the Order Paper and the next item is a statement to be made by the chair of the Health and Social Security Scrutiny Panel and I call upon the chair to make that statement.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Chair of the Health and Social Security Scrutiny Panel will make a statement regarding the panel's review of the prescription of medication for A.D.H.D.

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

I hope Members will bear with me because I am on the verge of losing my voice so I shall do my best. I wish to make a statement about the publication of my panel's review into the prescription of medication for A.D.H.D., which is attention deficit hyperactivity disorder. When the panel initially became aware of issues around A.D.H.D. prescriptions via a series of investigative reports in the *Bailiwick Express* and also approaches from constituents in the early months of this year, the panel monitored this area. Questioning at a quarterly hearing revealed that due to Jersey's prescribing regulations and the way that medicines are funded, the prescribing of A.D.H.D. medication can only be carried out by a specialist consultant psychiatrist. The panel noted that this was contrary to other jurisdictions where initial assessments and treatment are initiated by a specialist and following that, G.P.s can prescribe routine treatment. During that hearing, the panel was advised by the director of Mental Health and Adult Social Care that Jersey's hospital had only one specialist in this area with a caseload at that time of 220 adults. The panel formally launched its review into the prescription of medication for A.D.H.D. on 9th July 2024. We learnt that a global shortage of A.D.H.D. medication meant that Health and Community Services had to limit medication, resulting in patients being given only one month's supply of medication at a time as opposed to the usual 3 months. Some patients were reporting that they were constantly worried that the community or hospital pharmacy would run out of their designated medication, and they would be left without. The impact of these global shortages combined with the prescribing regulations meant that our on-Island psychiatrist was spending an extraordinary amount of time just issuing repeat prescriptions. My panel questioned the Minister for Health and Social Services to find out if additional staff could be recruited to alleviate the pressure on the current service. We were informed that recruitment for specialists in these areas had been pursued, however, it was extremely difficult to recruit in these areas both in Jersey and the

United Kingdom. My panel was made aware that a nurse had been seconded to undertake some work on the waiting list, which was hoped could alleviate some pressure. The waiting list from referral to diagnosis is currently 3½ years and at the time of drafting this report, there were 736 adults in Jersey on the list waiting for an A.D.H.D. assessment. The panel received a number of written submissions from members of the public with the long waiting list being the area most commented on as well as the lack of communication and support from Health and Community Services once on the assessment waiting list. The wait for an assessment was having a significant negative impact with a number of people stating they felt they had little choice other than to seek private treatment at their own expense. The panel was informed that the financial impact of having to seek private medical assistance is considerable. The consultation to be assessed privately could be as much as £2,000 and some Islanders told us that with repeat prescriptions and follow-up appointments, this could cost around £5,000 a year. The panel also learned that medication for A.D.H.D. was not subsidised by the Health Insurance Fund - the H.I.F. - as the medication did not form part of the approved prescribed list of medication and should it be included it would cost an additional £800,000 per year which would need to be made available from the H.I.F. My panel understands that a shared care pathway is under discussion with both the Minister for Health and Social Services and also the Minister for Social Security. The shared care pathway would allow these initial assessments to be carried out in the hospital and then once a plan had been established, a patient would see their G.P. for a maintenance of this treatment, including the repeat prescriptions. The panel understands that these discussions are ongoing, and we will continue to monitor this during our work in 2025. There are 3 key recommendations I would like to draw Members attention to, and they are numbers 1, 3 and 6 and my panel strongly urges the Ministers to consider these alongside our other recommendations. The key recommendations concern the implementation of a support hub for A.D.H.D. patients with specially-trained staff in place to offer advice. Secondly, providing a clear communication plan for those on the waiting list and the urgent continuation of discussions, finally, with primary care providers regarding the development of an alternative prescribing pathway that will help alleviate the pressure on the current crisis being faced. Before I take questions from Members, I would like to thank my panel members and officers for their hard work on this review and also to the Ministers and their teams for engaging with us and to the organisations in our Island and all of the individuals who took the time to either write into us or call into the offices and some who came in to speak to the panel in person gave some very moving testimonies. I will now take questions on the report from Members.

The Bailiff:

Members will know that there is a period of 15 minutes that is available for posing questions. Does anyone wish to ask a question?

7.1.1 Deputy P.F.C. Ozouf of St. Saviour:

I do not have a feeling of the room, but can I just offer my thanks to the panel for their recommendations. I have not said this in the States before, but I am one of those people; I have not engaged with the panel. Does the Scrutiny chair ... does Deputy Doublet agree that there is an issue with A.D.H.D. in her findings in that it can be regarded as a negative? There can be discrimination against people with A.D.H.D. but there are also some massive positives, and does she agree that her report can be used to really celebrate not only the solutions to the difficulties that people have with A.D.H.D., of which I have had, but also to celebrate the remarkable things that people with A.D.H.D. can do and A.D.H.D. is not a life-sentence.

Deputy L.M.C. Doublet:

I thank the Member for his questions and indeed one of the organisations that engaged with us and came in to speak to the panel was A.D.H.D. Jersey and they described to us how A.D.H.D. is not a mental illness; it is a neurotype and a different way of thinking. They explained how many of the members of their organisation have been misdiagnosed in the past and it had been viewed as a negative thing. But in my foreword I did draw out some of the positive aspects and the amazing

benefits that those with A.D.H.D. brains can bring to schools, homes and workplaces because, as the Member noted in his question, there are many benefits to thinking differently. For example, the ability to hyperfocus for hours, exceptional problem-solving skills, a creative approach, the ability to see the big picture, a source of unique ideas and something that really struck me from the submissions of the Islanders that wrote into us and came to see us was the resilience of those who are part of this community. Indeed, it is a large community. The waiting list and those who have already been diagnosed is well over 1,000 individuals on our Island and those numbers will rise as we understand more about this condition and about other neurodiversities. One of the recommendations that the panel has made is that the Minister should raise awareness of this condition and I believe A.D.H.D. Awareness Month is in the autumn, so I am hoping that the Minister will also accept that recommendation and that we would see a programme of awareness raising and education which should include celebrating this condition.

Deputy P.F.C. Ozouf:

I will leave the floor for other Members to ask. I have some other questions, but I will leave the questions to others.

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

Can I ask a question on this? I think I can. Recommendation 1 is about the training programme for nurses to provide authorisation to issue repeat prescriptions for A.D.H.D. medication. Can I ask the chair of the panel whether there are any concerns over the continuation of repeat prescriptions because I know that is an issue for some ... I am thinking of other types of drugs perhaps, particularly if ... because diagnosis of any spectral disorder ... not disorder, that is completely the wrong word, spectral condition - I was going to say "experience" which is probably a better word - if not treated well at the beginning could impact long-term on the effectiveness of any medication?

Deputy L.M.C. Doublet:

Can I just ask the Deputy to clarify. I am not sure ...

Deputy R.J. Ward:

Sorry, does the panel see any problems that can be compounded - is the word I was searching for in the back of my head - by having the repeat prescriptions that were not originally diagnosed be prescribed being repeated by nurses and those training simply to prescribe medicines?

Deputy L.M.C. Doublet:

I think I understand the question and this would be something that the Minister should address with any shared care pathway or any alternative prescribing procedures and the drugs that are often used to treat A.D.H.D.; it does require the patient to be reviewed intermittently. My understanding of it is that in a shared care pathway, if the G.P. or the nurse had any concerns around that medication being appropriate for that patient, they would then refer back to the psychiatrist.

7.1.3 Deputy R.J. Ward:

Subsequently, there are not just drug treatments for any experience of life but could this simplify and increase ... we have had so many situations in society where drugs have become so prevalent in treating conditions that we recognise. Is there not a risk that the more that we can prescribe could make the problem compounded in the long term if that is the only response to a condition?

[12:15]

Deputy L.M.C. Doublet:

Yes, and what the panel learnt from the organisations that spoke to us was that not every individual who is diagnosed with A.D.H.D. is treatable with medication or wants to be treated with medication, and we have an appendix in the report which looks at social prescribing. It was not strictly within the terms of reference which is why it is in the appendix and Members will have noted that - not as

the panel chair but as a Back-Bencher - I amended the Government Plan to fund the Connect Me projects and it is my personal hope, and I think shared by the panel, that that social prescribing will continue to provide alternative treatments to individuals who are diagnosed with A.D.H.D., that medication is not always the solution. But what I have also learnt from doing this review is that there are individuals who have been diagnosed with this condition and are being prescribed medication and for them has been absolutely life changing and they require that medication to function. Some of the contrasts that were explained to us through the submissions and the meetings that we had between what their lives were like before when they were not medicated and it was almost for some an overnight improvement. So, I think that the impact of medication for some cannot be underestimated but, yes, it is not magic for everybody. There is not one solution for every individual.

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

I think my question has mostly been answered but I will just double check anyway. As has been mentioned that then medication is not suitable for everybody, and especially with some of the side effects that come with certain A.D.H.D. medication and its effect on organs like the heart, for example, means that there is a scope of people who might never be able to be medicated. Did the panel investigate further over more therapeutic stuff like counselling services and whether they formed any opinion about the necessary qualifications that counsellors should have treating people?

Deputy L.M.C. Doublet:

That is a really interesting question and we did not look at qualification of counsellors but I do believe that is something that we could follow up on, and we will be keeping this report live and following up on it. One of the things that is really needed by this community and was raised quite a lot is somewhere that people can go to where there might be counsellors and health professionals available, like an A.D.H.D. hub, and indeed that is one of our key recommendations that there should be a hub or a clinic of that sort and that would be the ideal place for health practitioners and that, as the Deputy mentioned, to be based. But I will take that point and include that in our follow up questions.

7.1.5 Deputy T.A. Coles:

I think it is a good time to obviously mention that A.D.H.D. Jersey does exist and they are a charity that does very well with people with A.D.H.D. But it is something that has become more apparent to me in recent weeks that there are a lot of people on the Island offering services similar to counselling but are not qualified and there is an area where more defined experience and training to ensure that you are managing people appropriately is important. So, I would just like it, if that panel is going to stay active, that at a future review those kinds of therapies are included within their scope.

Deputy L.M.C. Doublet:

I note the point the Deputy is making about qualifications, and I agree that qualifications are important. Something that I did note during the course of the review was also that peer support is something that could be very powerful in this area and, indeed, even some of the submissions and the visits that we had, there were individuals who were perhaps a bit older and had been living with the condition for a long time and had found ways to live with it, whether that be medication or workplace accommodations, et cetera, and then we saw younger individuals who had perhaps very similar traits. Something that I really would have liked to do is link those 2 people up and we were not able to do that as a Scrutiny Panel, but I believe that is something that A.D.H.D. Jersey ... there is also AllMatters Neurodiverse, another excellent organisation, and there are others and they do want to do this work in providing peer support. I urge the Ministers to support those organisations wherever they can because there is so much potential for the community to support itself here and not just medication but peer support, community building, therapies and courses as well offered by those groups.

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

I am pleased just to pick up on that final point. Of course, diagnosis and getting the waiting list down and freeing people to understand the condition that they have got and medication were the headlines, and rightly so, but I would be grateful to understand whether in keeping this panel going, the chair will also think more widely about the community education because neurodiversity is something that I think, as Deputy Ozouf said, we can value. Individuals who are neurodiverse can bring great skills to our community but equally they can be terribly misunderstood and feel terribly alienated and therefore, in keeping it open, I hope that she can commit to looking at that education and education right across our community because I think that would be of great value to this community of individuals.

Deputy L.M.C. Doublet:

I thank the Member for the question, and I completely agree with him. I will refer back to one of our recommendations which was about awareness raising and education and also the Minister for Education and Lifelong Learning, I know, is continuing with the work on inclusion that was started many years ago, and that is critical because our society is a diverse society. When we talk about diversity, it is not just gender/race that we are talking about but also different neurotypes. I think with the awareness that is beginning to be increased in the Island that we will see more and more of that and we will be able to understand each other and understand our communities more and that will require change on various different levels. It will require change and understanding and acceptance and it will require us to change the way we interact with people and to make accommodations for people, whether that be in the workplace or in our wider society. I see all of those changes as being positive, not just for people who have a diagnosis of A.D.H.D. or indeed autism or other neurodiversities, but for every human being on our Island to be accepted and to be understood and celebrated for their individuality and the things that they can offer to our Island.

7.1.7 Deputy M.R. Scott of St. Brelade:

I just wanted to ask the chair in terms of the investigations of the panel whether they came to a view about whether medication should be a last resort and to the extent that when we think of some things, some conditions, where perhaps there can be almost a response in terms of medication. You hear about the people who might be reliant on things like antidepressants when, as Deputy Coles has pointed out, there are alternative therapies, whether the situation that we have in terms of people seeking and having a problem in terms of getting these prescriptions has arrived at the failure of certain therapies or because medication is almost being treated as the first resort?

Deputy L.M.C. Doublet:

I understand what the Deputy is asking. First of all, I think that is something that is for each individual to decide themselves between them and their healthcare practitioner but generally, I understand I think, the point that the Deputy is making that sometimes we resort to medication first because it is probably cheaper, right? It probably costs less to offer medication than it does to offer, say, a course in life skills or to arrange peer support sessions. I suppose my view would be that each patient who is diagnosed with any condition should have all treatments options that the N.I.C.E. (National Institute for Health and Care Excellence) guidelines would state are available. There should be any and all treatment options available, not just medication.

The Bailiff:

There are only 6 seconds left, Deputy so I think that brings the period of 15 minutes therefore to an end and closes questions more generally. We move on now to Public Business.

PUBLIC BUSINESS

8. Reduction of lodging periods

The Bailiff:

Before we start, a decision needs to be made about whether the minimum lodging periods should be reduced for 3 matters currently listed on the Order Paper. The Minister for International Development, do you wish to make a proposition under Standing Order 26(7), that the lodging period be reduced to allow your proposition, P.81 Jersey Overseas Aid: Appointment of a Non-States Commissioner to be debated at this sitting?

8.1 Deputy C.F. Labey of Grouville and St. Martin (The Minister for International Development):

I do indeed, Sir. I can offer an explanation. It is down to diaries and the interview process that we underwent, and it transpires that we are a couple of days short. I ask the Assembly's indulgence to have this matter debated at this session.

The Bailiff:

You propose that. Is that proposition seconded? **[Seconded]** Does any Member wish to speak?

8.1.1 Deputy M. Tadier of St. Brelade:

Just to ensure due scrutiny of the decision to reduce the lodging period, could the Minister clarify what would happen if it was debated at the next sitting. Would that propose an insurmountable problem for the Government and for her and also emphasise why this is in the public interest to reduce the lodging period?

The Bailiff:

Does any other Member wish to speak? No other Member wishes to speak. I call upon the Minister to respond.

8.1.2 Deputy C.F. Labey:

Yes, indeed, I can ... it is not completely insurmountable. We have one commissioner who has been with us for 9 years who retires from office on 31st December and the new commissioner would not take office until the next States Assembly if this States Assembly approve her appointment. So just for continuity and process, we ask for the lodging period to be reduced so we do not have a gap in commissioners.

The Bailiff:

Those in favour of adopting ...

Deputy M. Tadier:

Can we have the vote, please.

The Bailiff:

The appel is called for. I invite any Members not present in the Assembly to return to their seats. The vote is on whether or not the lodging period for P.81 Jersey Overseas Aid: Appointment of a Non-States Commissioner be debated at this sitting by reducing the lodging period. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

POUR: 44		CONTRE: 0		ABSTAIN: 1
Connétable of St. Brelade				Deputy M. Tadier
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				

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

Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

The next application is for the Minister for Sustainable Economic Development. Minister, do you wish to make the same or a similar, rather, proposition that the lodging period be reduced to allow your amendment to the proposition P.82, Support Scheme for Individuals Qualifying to Represent Jersey in Off-Island Competitions be debated at this sitting?

8.2 Deputy K.F. Morel (The Minister for Sustainable Economic Development):

Yes, Sir, I would like to make that proposition. It is much the same thing. I believe Deputy Kovacs, who is the bringer of the proposition itself, is happy to accept the amendment as I understand it, and so in order to let that happen, we would need to use the lodging period.

The Bailiff:

Is it seconded? [**Seconded**] Does any Member wish to speak?

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

Yes, Sir, just to echo the words of the Minister, we have had positive engagement with Deputy Kovacs, and I do offer my apologies to the Assembly for the delay in bringing this forward but we would not be able to support the original proposal but we are able to support the amended proposal and ask Members for their support.

The Bailiff:

Does any other Member wish to speak? Deputy Tadier ... sorry, Deputy Kovacs, I do apologise.

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

Yes, I am grateful for the discussions that I had with the Ministers and I am willing to accept this amendment and because my proposition is intending to support the competitions that are also to be taken place in the first half of next year, it will allow timely implementing, if this is passed by the Assembly, and should be debated today, not deferred. Therefore, because I am accepting the amendment, the reducing lodging period for them is necessary as well.

Deputy M. Tadier:

You did invite me after all, Sir. [**Laughter**]

The Bailiff:

I did. Who would have thought it, but yes.

8.2.3 Deputy M. Tadier:

Never one to refuse. I think it is right that I ask the same question to this Minister. I think while the public interest is being served in reducing the lodging period, could I ask why it was not possible to bring an amendment within the requisite lodging period which, I think, obviously the Deputy for the main proposition has lodged hers at least for 3 weeks. Why was the department not able to bring an amendment forward within the due time?

[12:30]

The Bailiff:

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

8.2.4 Deputy K.F. Morel:

In responding to Deputy Tadier, it can take a bit of time sometimes to work through these amendments. There is nothing else. The 3-week lodging period for the main proposition is not a long lodging period and we worked with Deputy Kovacs ... obviously the Constable of St. John and myself were both speaking with Deputy Kovacs over a period of days and possibly a week, week and a half and it just took that time to get to the position where we were all happy with the amendment. No other reason than that. These things do take time. Three weeks is not a long lodging period. Other than that, I would like to maintain the proposition.

The Bailiff:

Do you call for the appel. The appel is called for. Any Members not in the Assembly, please return to the seats. The vote is on the truncation of the lodging period, and I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				

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

The Bailiff:

Finally, Chief Minister, do you wish to make the same proposition or a similar proposition for the lodging period to be reduced to allow your proposition, P.84, Comptroller and Auditor General Board of Governance: appointment of Chair and independent Member to be debated at this sitting?

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):

Yes, I do, Sir. Can I refer to Deputy Ferey who is acting rapporteur for this.

8.3 Deputy M.R. Ferey of St. Saviour (Assistant Chief Minister - rapporteur)

I would like to seek the Assembly's leave to truncate the lodging period for P.84 so that it may be considered at this States sitting. I have written to Members this week to outline the reasons why, but interviews for the roles were held in October and the next available States sitting to consider the proposition would not be until Tuesday, 21st January 2025. Therefore, because of the extended period between now and the first sitting, I would ask Members for their support to reduce the lodging period and, perhaps in order to pre-empt a question from Deputy Tadier, this is an order to complete arrangements for the appointment before Christmas, if approved by the Assembly, so that we can mitigate the risk of losing these candidates. I make that proposition.

The Bailiff:

Is it seconded? [**Seconded**] Does any Member wish to speak? If no Member wishes to speak ... thank you very much. Shall we take that as a contribution to the Greffier's Fighting Fund.

Deputy C.F. Labey of Grouville and St. Martin:

Yes, indeed. Apologies.

The Bailiff:

Not at all. I close the debate. Those in favour of adopting the proposition kindly show. Those against? The proposition is adopted on a show.

9. Draft Shipping (Registration) (Jersey) Amendment Regulations 202- (P.46/2024)

The Bailiff:

We now move to the main Order Paper business. The first item is the Draft Shipping (Registration) (Jersey) Amendment Regulations, P.46, lodged by the Minister for Sustainable Economic Development. The main responder is the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

The Greffier of the States:

The Draft Shipping (Registration) Jersey Amendment Regulations 202-. The States make these Regulations under Article 13 of the Shipping (Jersey) Law 2002.

Connétable M.K. Jackson of St. Brelade:

Before the Minister commences, may I declare a conflict in that I am a representative person and withdraw from the debate.

The Bailiff:

Certainly, yes, Connétable. Minister, are you able to move the principles in 10 minutes?

9.1 Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):

I believe so, Sir. These amendments to the Shipping (Registration) (Jersey) Regulations 2004 seek to strengthen the obligation of representative persons and, indeed it is correct, also place new obligations upon them. These amendments have been developed to address deficiencies in Jersey's representative person role as seen through the regulations. These have caused difficulties for the Jersey Ships Registry in terms of tracing owners of suspect vessels or those that pose a risk to Jersey. There is, therefore, an opportunity to make Jersey's Ships Registry more resilient and secure by strengthening the link between representative persons and the owners of the vessels that they represent. I think it is important to set a bit of context in this instance because when the Shipping Registry was created, the Island was operating in a much different global environment and today we see the importance of supporting sanctions - various sanctions and regimes - that are in operation and that Jersey adheres to. It is incredibly important from a financial services perspective that all aspects of Jersey's economy are seen to be supporting the implementation of those sanctions when they are needed and this is very much exactly what these changes are designed to do, to make sure that Jersey is in a position to support the implementation of sanctions. Sadly, we have seen at least one instance where this was made difficult because of the resignation of a representative person at the very moment that a vessel was being impounded by a foreign nation because they felt that the owner was a sanctioned individual. That in itself made it very, very difficult for the registry to identify the owner as a result of that. This strengthening of the role of the representative person and the link between them and the owners of vessels they represent will be done by introducing the following amendments. Representative persons will have to give 30 days' notice of resignation by the registrar and they will have to hold identifying information - effectively that which matches that of financial services providers - of owners of vessels they represent and they will have to provide this information to the registry upon request. As a result of these 2 new obligations we have created, there are offences for serious and wilful non-compliance. Given the recent increased focus on co-ordinated international sanctions, as I mentioned, it is crucial - in my view and the view of the Government - that Jersey understands who owns vessels on our Ships Register. By better understanding who owns those

vessels on Jersey's registry, we are protecting the Island from undesirable vessels or undesirable people that may wish to abuse the registry by bypassing sanctions and other security and reputational based risks. Additionally, these amendments will significantly reduce the administrative burden currently on the Ships Registry, which is as a direct result of the legislative gaps we are trying to address. Government is clear that it expects the highest standards around the Jersey Ships Registry and these amendments reflect this. The registry carries Jersey's ensign around the world and it is not unreasonable to place firmer responsibilities around the privilege of building a business from that very registry. Following the introduction of these amendments, the intention is to review the Ships Registry's business model to ensure it is as effective as possible and positioned towards a market within which the registry can flourish. This review will be conducted closely with the Ports of Jersey. I know States Members have received communications from somebody who is a representative person and is clearly not in favour of these changes. There is a large amount that I agree with in what that person has said because what is happening here is we are changing the role of the representative person. We are strengthening that role, and we are saying if an Islander ... or it does not have to be an Islander, it can be external companies. There are external companies that act as representative persons. If somebody or an entity wishes to act as a representative person, we expect them now to hold knowledge of their client and therefore hold knowledge of the vessel and the ownership of that vessel, in the instance where they are suspected of being owned by a sanctioned person or involved in some other criminality, that the registry is able to quickly and effectively make the link and identify the owner which is something which sadly is not the situation right now. I think it is really important that Members understand we did go to consultation. That consultation lasted 4 weeks. There are 8 representative owners registered by the registry itself and 4 of those representative persons responded, so 50 per cent of the representative persons responded to that consultation which means that it was a significant amount of the people who this affects. From my perspective as Minister, I make no apology for saying that if somebody wishes to use the registry to operate a business or to operate as part of a business, they must do so within the confines that the registry demands. As an Island that has an economy absolutely built upon the financial services industry where reputation is important and required, an understanding of our clients is important and required by international authorities. It is really important that the Shipping Registry is not seen as a weak link in that defence and that is what these arrangements are designed to do, make sure that there is not a weak link in Jersey's defence against international crime and sanctions busting in that respect. I do hope that Members are able to support this proposition. They are simple amendments, but they do change the business model and so from that perspective, as the Minister with the responsibility for the registry, what I am saying is yes, we will likely have fewer vessels on the registry. It may be that representative persons choose not to serve the registry anymore. That is their choice. I have no problem with that. What I am trying to build now is a registry where anyone who is flying the Jersey ensign can know that that is a vessel that is registered on a high-quality registry where we know the people who own the vessels, and that I think is something that Members should be able to support, particularly given the role Jersey plays in the international financial services sector. With that, I move the regulations.

The Bailiff:

Are the principles seconded? **[Seconded]** We are now at that point where I would ask the adjournment.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Very well. We then stand adjourned until 2.15 p.m.

[12:41]

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

We resume dealing with P.46 Draft Shipping (Registration) (Jersey) Amendment Regulations. The principles were proposed and seconded, so I now open the debate. Does any Member wish to speak on the principles?

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

All Members will have received, as the Minister reminded us, a lengthy report from one of the representative persons with responsibility for a number of vessels on the Jersey Ships Register. I believe that many of the assertions and concerns are misconceived but there is clearly an anxiety about the amendments to the regulations which unfortunately has not been allayed by the Minister. I think the Minister is probably right to seek to impose comparable obligations on representative persons to those which are currently imposed on financial services providers. But it may be that there are differences which ought to more fully be taken into account. The Minister states in his report that the consultative feedback has led to the inclusion of the without reasonable excuse defence for representative persons in relation to new offences created under the regulations. That is true but that, in fact, creates an anomaly for existing offences where there is no without reasonable excuse defence, and I am referring in particular to Article 6(11). My more general concern with these regulations is the substantial and onerous obligations, which are being imposed upon representative persons for the first time. Quite often, I think, we are content to impose obligations on the public without considering fully whether our own bureaucratic arrangements are up to scratch. Reading the submission carefully, which I have done, I would need reassurance, I think, on that score. What is clear, however, from the Minister's email to Members is that the amendments are going to be disruptive to the industry which has grown up to look after these elements of the Shipping Register over the last 20 years. The Minister even concedes that businesses may have to close as a consequence. That may be a good thing but it may not. Perhaps chasing away business for reasons that do not hold water is not a sensible thing to do, certainly in the current state of the economy. Clearly, as the Minister says, the registry should be populated by reputable vessels, to use the Minister's own words. But the imposition of these more onerous obligations upon representative persons may not be the only way to achieve that end. I was looking at the Shipping Law itself, the Shipping (Jersey) Law 2002 and Article 12 of which confers power on the registrar to terminate the registration of a ship if he considers it inappropriate for the ship to remain registered, so that there is already a very wide ultimate power to protect the reputation of the registry. Indeed, the Minister himself has the power to direct the registrar to terminate the registration of a ship if he considers it to be in the interests of Jersey. The registry is not without very substantial protection at the present. I am at present undecided as to whether I am going to vote for the principles of these regulations. As I said at the beginning, I can see that there is a case which the Minister has made for translating the controls which are applicable to financial services providers to registered persons. But maybe I am uncomfortable about it. I would close by saying that I sincerely hope that the relevant Scrutiny Panel, if these principles are adopted, will find it appropriate to call in the regulations for scrutiny so that they can be looked at extremely closely. I think that is in the interests of the public, most particularly because we have had this expression of deep concern by one of the registered persons. I think that the Assembly ought to be seen to be taking expressions of such concern seriously in a democratic fashion, looking to see whether they hold water or not.

9.1.2 Deputy M. Tadier of St. Brelade:

I should speak at this point. I sent an email just before lunchtime and I am about to draft another one because I have been given permission to share some information that we went back to the officers with yesterday. If I can just give something of an overview; I do not want to repeat too much of what I have put in my email. But the panel was first made aware of this legislation coming forward back in April. We had a briefing on that. We asked some questions during the briefing and we asked some written questions, some of which I circulated earlier and we got responses. As far as we are concerned initially, we were satisfied generally with the responses we were given. We understand

what the purpose of this legislation is, as outlined by the Minister. Members will be aware that the email that Deputy Bailhache referred to, I think we saw it yesterday but it certainly came in recently. I have forwarded that correspondence on to our panel officer and asked him if he could look into it and liaise with the department to get a response. Because this all happened yesterday and I have just been given permission to share that, I will circulate this with Members. I am really in the hands of the Assembly as to whether the Assembly feel that this is a matter that should be referred to Scrutiny. Certainly, we are always ready to do work that the Assembly would see that adds value to us. I had been not hoping but I had been expecting that the previous speaker might refer this to Scrutiny, not under Standing Order 72, as I said in my email, but under Standing Order 79, gives any Member of this Assembly the right to refer a proposition to Scrutiny if they think that there are matters that need to be answered. We have received initial responses. I think politely we can call them robust comments that were received by an industry partner. It is unfortunate in a sense that these comments were received by us in the department I think so late because it gives very little time for us to respond to them. It is difficult to judge whether or not those comments, how well-founded they are and then of course to look into them. But we have had an initial response from the department, which I am loath to go through line by line at the moment because I do not think it would add value but I am happy to circulate that. But I would like to hear from Members. Of course we can call this in, so I would be pleased to hear from Members why they think we should call this in, including from the Minister as to why he thinks maybe that we should not; we have had initial conversations. That notwithstanding, of course, the panel does reserve the right to do this and we would hope that whenever Government is bringing forward legislation they always factor in time for Scrutiny. We often lament the time that it takes to do things in Jersey but it is not down to our parliamentary processes because we have a very expedited process between First, Second and Third Reading, which often usually happens on the same day, often in the space of minutes. In other places it is routine for the Second Reading to take place in a different place over a matter of weeks and sometimes months before a legislation comes back. Certainly, we are open to the fact that criticism has been levelled at the legislation not doing what it seeks and sets out to do. I would say in fact there has been a very serious allegation about the Minister perhaps not telling the truth in a video that he made; that is not my words but the words that was coming in an email. But that really does need to be backed up and one wonders where the correct forum for that discussion and adjudication, if you like, needs to take place. I am very much in the hands of the Assembly. We will not call things in just for the sake of it but if it is deemed that there are sufficient grounds then certainly it is something we would be prepared to do.

Deputy J. Renouf of St. Brelade:

Sir, can I ask a question of the Attorney General? That is why I put my light on.

The Bailiff:

Yes, if it is a matter of law, indeed.

Deputy J. Renouf:

The email that we have received seems to hinge on one major point, which is the role of representative persons and whether representative persons are going to be compelled by the new legislation to hold information and provide information and so on. The email that we have received says, for example, that: "There is no requirement for a representative person to advise the registrar which vessels they represent now or within the amendment." If I turn to the amendment, Regulation 4, it says: "The amendment provides that the registrar may cancel a ship's registration if the representative person appointed in respect of the ship fails on request to provide information to the registrar about the owner of the ship or shares of the ship" and so on. Can the Attorney General clarify whether the clauses in the regulations do give the Minister the powers that he says they do and that the letter, therefore, that we have received may be incorrect in this respect?

The Bailiff:

Attorney, are you able to assist?

M.H. Temple, K.C., H.M. Attorney General:

I have not seen the email that the Deputy has referred to. But in terms of the question that he asks, the regulations require ... so where there is a representative person that owns the vessel entirely or the majority of the shares in a vessel, the amendment to the Shipping Regulations requires: "The representative owner where information is requested, the representative person in Article (10A) must hold information that identifies the owner of the ship or of any share in a ship and is evidence of their ownership of a ship or their share in a ship and must produce that information to the said registrar with 7 days of request by the registrar for that information."

[14:30]

Then moving on, Article (10): "There is also a requirement in relation to entities that are held by parent entities or organisations listed on a regulated market and to provide information equivalent to the Financial Services (Disclosure and Provision of Information) (Jersey) Order 2020." Roughly speaking, that is a requirement to provide information concerning the ultimate beneficial owner. My reading of this amendment is that it does require the representative person to provide information concerning beneficial ownership. I have obviously not seen the email that is referred to but my advice to the Assembly is that this amendment does require disclosure of information to the registrar within 7 days of beneficial ownership. It provides for an offence in the new Regulation 6(12) whether is a failure to provide that information without reasonable excuse and a penalty up to a level 3 fine on the standard scale, which is a maximum of £10,000. I hope that answers the Deputy's question.

The Bailiff:

The Connétable of St. Mary, were you putting your light on to speak or because you have a question for the Attorney?

Connétable R.D. Johnson of St. Mary:

No, to speak, Sir.

9.1.3 Deputy M.R. Scott of St. Brelade:

I would like to thank Deputy Tadier for responding to an email that I sent to him earlier this morning regarding the communications that Members had received, just inviting him to explain whether the Scrutiny Panel concerned had produced comments that had not been published and the efforts that he has made in a short time to inform Members about the positive intent of the regulations and what is understood to be their impact. They say that ignorance of the law is no excuse and I think that the scrutiny process, it is there and it is available to everybody in the Island. It perhaps could be the case that the person who contacted Members was not so informed about it, did not really engage with it. We are aware that the Minister had postponed the debate of these regulations to accommodate the people who had made representation. But I do want to emphasise that when I have looked at these and even in the role that I had previously in Scrutiny, I did accept their positive intent, which was to close a loophole that could make it difficult to enforce regulation against ship owners in light of the possibility of representative persons just more or less disappearing. The extent to which that can really be done, it is almost like any law, to what extent can you just keep regulating; that is a different issue. But it seems that the person who contacted States Members perhaps needed more time to consider this, maybe this is an attempt to buy more time. But, again, I do thank Deputy Tadier and the panel and the panel's officer for responding so quickly to the inquiries. Whether or not that is enough to satisfy Members, that is up to the States Assembly to decide and I will leave it to the Minister to respond more formally.

9.1.4 The Connétable of St. Mary:

I speak as someone who, as a legal practitioner, was formerly engaged in the business of registering vessels, *et cetera* and it always struck me as something of an anomaly that a trust service provider,

subject to the financial service regulations and having willingly imposed on it the need to take up due diligence on the ultimate owners, should, in a way, be disadvantaged against the representative who was not subject to the same requirements. It is perhaps worth making the point that the Jersey Registry is open to persons resident in Jersey and to companies incorporated in British jurisdictions and certain other jurisdictions. It is, therefore, for example, possible for, shall we say, a resident of a former Soviet Republic to incorporate his company in another jurisdiction, say the B.V.I. (British Virgin Islands), and I do not mean that disparagingly, and then for the B.V.I. company to come to Jersey to register a vessel. If I was a representative person here I would wish to know the ultimate pedigree of the owner, and I find it difficult to understand why they should not be required to do that. I am very much in favour of the principles brought forward by the Minister, and I simply query why this anomaly has been allowed to exist for so long. As for additional responsibilities, I am not sure what they are or would be. But against that, I think it is perhaps appropriate for Scrutiny to look into that further and I think come back to the Assembly with a more balanced view. But certainly, I would have thought that this anomaly has been going on for so long that those carrying out this service should have been alive to it and should, for their own peace of mind, wish to know precisely who they were acting for. Something on the side, while in practice I had the benefit of receiving, I am not sure they are customs officers or police officers, at my office one morning because one company which we acted for, which owned a boat, was apparently named by a European police force as being involved in some form of drug run. Fortunately, I think the information was wrong but it does demonstrate that that is a live possibility and we do need to know who is behind every vessel we own. Certainly, as former Chair of the Economic Affairs Panel, time and again when we have had before us the Minister for Financial Services we were made aware - not that we needed to be made aware - of the need to protect Jersey's financial reputation. It only takes one small instance, like a drug run, to jeopardise that. I am very much in favour of the regulations in principle. Whether there are certain transitional steps that could be taken to assuage the concerns of those already engaged in the industry I am not sure. But I shall be voting in favour of it and I basically leave it to the Scrutiny Panel to decide whether they have heard enough to call it in or not.

9.1.5 Deputy D.J. Warr of St. Helier South:

Like all the other Members, I have received this email. I made a point of calling the individual over the weekend and had an hour-long conversation with them because I have no awareness of this legislation at all. I am also very, very concerned when somebody who is in the industry in the thick of it is writing an email to us and warning us of their concerns. I think I would come back to the point, and I am grateful to the Constable for saying "principles". Yes, I agree, they are absolutely right. This mentality of strengthening and securing the reputation of Jersey is absolutely right. What this individual seemed to talk about was how the law was being applied and some misunderstandings around how the law is applied and the lack of expertise around the people who know how this law should be applied, which rang alarm bells for me. The other interesting thing is, and the Minister has said, he talked about disrupting the market and that is fine, absolutely, why not disrupt a market? Also talking about a number of people who probably have to drop out of the market as well because of the change in the rules. However, in the email you will notice also is that we have this ... this individual has written not so much in a negative way but in a positive way and the potential opportunities of alternative solutions to turn this failure into an opportunity for Jersey, and that is music to my ears. Surely we are all looking for economic opportunities for Jersey in alternative areas outside of simply the finance industry. I am absolutely very, very keen that the Scrutiny Panel will get to see this. I will be voting for the principles but I would like Scrutiny to call it in, please.

The Bailiff:

You are not proposing that Scrutiny call it in.

Deputy D.J. Warr:

Proposing Scrutiny, not ...

The Bailiff:

You were not making a proposition which ...

Deputy D.J. Warr:

No.

Deputy M. Tadier:

Sir, could I intervene? I do not want to make a second speech but would the Deputy take a point of clarification?

Deputy D.J. Warr:

Of course, sorry, if I have misspoken.

The Bailiff:

Yes, Deputy, not too late.

Deputy M. Tadier:

Could he clarify whether ... if he really wants it to be taken into Scrutiny, the best way might be to refer it or someone to refer it?

Deputy D.J. Warr:

If that is the route we take, then ... is that the Standing Order 79? Sorry, I just want to be clear.

Deputy K.F. Morel:

Sir, I am more than happy to just go to Scrutiny. There is no need for this. Just take it into Scrutiny, call it in, please.

The Bailiff:

It is almost the festive season but we are not quite at a party yet. The position is that a matter can go into Scrutiny in 2 different ways, either after the principles have been adopted, as a matter of absolute right under Standing Orders, a Scrutiny Panel can call it in. Then there has to be a date given where it will return, no greater than 4 sittings hence. Any Member, however, at any point can, with justification, which has to be given in the proposal, ask for the matter to be called into Scrutiny. Automatic Scrutiny, if Scrutiny wishes to do that, at the end of the adoption of the principles but a proposition to put into Scrutiny at any stage by any Member. But that is a proposition that has to be made. It can be made on the floor of the Assembly, seconded and discussed in the usual way; that is the process.

Deputy M. Tadier:

Sir, it is a point of order. It is a question about Standing Order 79 and the interpretation. So, 79(2), for example, says that a proposal cannot be made to refer it to Scrutiny if the proposition has previously been referred to the Scrutiny Panel. At the moment it has not but if our Scrutiny Panel does not wish to take it in after the in-principle debate and then it moves to the Second Reading, is it still in order for any Member to refer it to the panel?

The Bailiff:

Yes, at any time because it will not by then ... the only purpose, as I understand 79(2), is to stop things sequentially being kicked into the long grass by reference to Scrutiny on more than one occasion; it goes to Scrutiny once.

Deputy M. Tadier:

It is just that it does say, Sir, that if a proposition has previously been referred to the Scrutiny Panel and it would have been ... yes, so I suppose the invitation to refer it is not the same as the referral, is that correct?

The Bailiff:

I think if it is called in then it cannot be pushed in again. If it is called in by your panel it cannot be pushed in again, Deputy Tadier. Sorry, are these requests to speak or a further point?

Deputy M.R. Scott:

I want a point of clarification of Deputy Warr, please.

The Bailiff:

Yes, we are still at that point if you need a point of clarification, Deputy Scott.

Deputy M.R. Scott:

I am just trying to clarify please if Deputy Warr was proposing ... now that he is a bit clearer about the process, whether he is proposing that it would be called in or whether he is going to see if ...

The Bailiff:

I asked him that express question and he said he was not.

Deputy M.R. Scott:

OK, he is not. OK, thank you.

The Bailiff:

That is not a point of clarification. Next to speak, Deputy Renouf.

9.1.6 Deputy J. Renouf:

In the light of that I should probably make a very, very short speech. **[Approval]** Thank you so much. My fan club over there is clearly in action. I would like to say that I support the Minister in this. I think it is interesting that we are only really having this debate because of a letter that has been sent at the last minute to Members. I think Scrutiny had looked at this beforehand and found no particular issues with it. We have had objections raised. It seems to me that one central issue here is, is there a problem that needs to be solved?

[14:45]

It seems to me there is. The Minister has clearly identified what the problem is. We should have a higher quality registry because the quality at the moment means that we can have situations where boats can, effectively, escape jurisdiction at the last moment. It seems to me that the aim is good and justified. It seems to me, following clarification from the Attorney General, that at least one of the central claims in the letter that we have received is incorrect. It states very clearly that the registry will not be able to achieve something and that the Attorney General has said that the reading of the law is that it will. I think that that to me casts some considerable doubt on the letter. But I fully accept that I am not fully party to all the discussions around this and there may be things which I do not fully appreciate. But certainly, that seemed to me to be a fairly strong signifier that what we could be seeing here is a particular view about the legislation form because it maybe affects our business model, rather than because it is fundamentally flawed in the way that has been suggested. I have no problem at all in supporting the principles. I am agnostic understanding whether it gets called in or not. But I do think, it seems to me, that we need to state very clearly that we do need tighter regulations and that the principles of this are very sound indeed.

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

I really appreciate what the Minister says and I appreciate what the Constable of St. Mary says, but there is just the element of doubt in my mind and I am not quite sure. I would like to propose Standing Order 79 that the Scrutiny Panel do look at this because I am just not sure and I want to be sure on all elements.

The Bailiff:

Very well. You are entitled under Standing Order 79 to propose without notice that the debate is suspended and the States request the relevant Scrutiny Panel or relevant review panel to consider having the proposition referred to it; that is the proposition that you make. Is that seconded?
[Seconded]

The Bailiff:

The debate now is whether or not this should be referred at this point to Scrutiny and it is a matter now that I open that debate. Does any Member wish to speak on that particular aspect?

Deputy K.F. Morel:

Firstly, I do not mind whether this goes to Scrutiny or not; it is all here ready to be scrutinised. Scrutiny have had this since July, which is a fairly long period of time, I would suggest. Scrutiny have been briefed on it. Scrutiny have asked questions on it; that is the scrutiny process. One person who comes incredibly close to calling me a liar and has already had one key part of their argument shown to be incorrect through questions to the Attorney General, one person who is against this piece of legislation. They are against this piece of legislation because it makes their life more difficult in the way they do business. That is fine, I do not mind, honestly. But I am slightly concerned that the States Assembly moves so fast when one person speaks at the very last minute in the manner that they do, is shown to be incorrect in key tenets in that matter, and still comes forward and says: "We do not understand, we are not sure." That does worry me. I think the States Assembly should require slightly more information than that before making such decisions. I think it is very important that the Assembly understands that I have met this person. I and officers have spoken to this person, they were accompanied by others, we listened to them, we heard them. I explained to them, yes, this is a change in business model; that is what is going to have to happen. If you want to be a representative person from now on you are going to have to do more work. This person has the privilege and all representative persons have the privilege - and I do see it as a privilege - of, effectively, making money out of a register that is the States of Jersey's register and they have the privilege of making money out of that. But, at the moment, it is done not because of them but because of the way the regulations are currently. It is done in what I would see as an inadequate manner. This was proven, as I said in my opening speech, when a yacht was being encountered or arrested and the representative person immediately resigned. The link between the registry and the yacht owner was completely severed instantly. In a world where international sanctions are very much in play, that is a really bad place for Jersey to be. Because I can tell the Assembly now, yachts and such playthings of the wealthy, let us say, will end up on the front page of newspapers. If Jersey is seen in any way to be weak in the regulations and the way it registers those yachts, it is Jersey that will be blamed for that yacht being on the front page of the newspaper, we will be blamed in that article. I am very pleased to hear Deputy Bailhache, Deputy Renouf and the Constable of St. Mary speak about how they can see the importance of these regulations. I would say the regulations do 2 things. They require the representative person to give notice of their resignation; that is not onerous. They require the representative person to have up-to-date contact details of the owner; that is not onerous. They are 2 things and yet we have one person who is railing against this so strongly to the point of accusing me of misleading people and including incorrect information in their email and suddenly the States Assembly jumps; that worries me. That said, I am more than happy for Scrutiny to call this in because there is nothing that, firstly, has not been scrutinised and, secondly, there is nothing to hide here. I would ask that rather than having, potentially, 3 months of wait before we bring in these regulations, leaving Jersey vulnerable in that respect, a dent in its reputation, I would argue, no, let us get on with this. I say we do not need Scrutiny to call it in but I am very open to that happening if that is what

the Assembly decides. But there will be a 2 or 3-month delay, something like this, before these regulations come in. But I do ask the Assembly to think: is giving 30 days' notice of your resignation and is holding contact details of your client onerous? Because, in my view, that is not onerous, that is just good business practice. It concerns me that there are some Members in the Assembly who do not see that as good business practice.

Deputy J. Renouf:

I think we are talking about the proposition from Deputy Howell at moment.

The Bailiff:

Purely to refer the matter to Scrutiny.

Deputy J. Renouf:

I would like to speak against it on this basis that I think we should at least have the vote on the principles and that that would send at least the message that we have some progress and some movement on the basic principles of the matter. If Deputy Howell or anybody else wants to propose the proposition again after we have debated the principles, then that may be an issue. I am not sure I would support it but I think if we are going to have that decision it should be after we have voted on the principles. It seems to me the Minister has made a very strong case about the principles. It would be useful for the Assembly to take a vote on that. We have already got three-quarters of the way probably through the debate on that. We should, therefore, have the debate on the principles and then act after that; that is all I have to say.

The Bailiff:

You cannot speak until you respond at the end. Is it a question you have? I have noted you, Deputy. I should probably point out to Members that if there is a proposition, if it is voted upon and the vote is not to call the matter into Scrutiny, then no further proposition can be brought during the rest of the debate at any stage to call the matter into Scrutiny. It would still be open to the Scrutiny Panel to call it in at the end of the principles but that is the only basis on which it can then be referred to Scrutiny, it is a one chance. It is open for a vote to refer it to a different Scrutiny Panel but not the same panel. [Laughter] Do you wish to speak, Deputy?

Deputy I. Gardiner of St. Helier North:

Yes, I have a question, Sir. If the proposition to go into Scrutiny will be withdrawn at this stage to be able to vote on the principles ...

The Bailiff:

It can be withdrawn.

Deputy I. Gardiner:

... would it be possible to bring this proposition?

The Bailiff:

With the leave of the Assembly the proposition to refer to Scrutiny can be withdrawn. A proposition can always be withdrawn but that is entirely a matter for the proposer. The proposer either withdraws it or it is voted upon.

Deputy A. Howell:

I am very happy to withdraw it now, Sir.

The Bailiff:

You would like to withdraw the proposition?

Deputy A. Howell:

Can we vote on the principles, Sir?

The Bailiff:

You would like to withdraw the proposition? Do Members agree that the proposition referred to Scrutiny can be withdrawn? [**Approbation**] Very well, on we go. Does anyone else wish to speak on the principles?

9.1.7 Deputy P.F.C. Ozouf of St. Saviour:

I apologise for not being present this morning but I was online. I have heard most of the debate. I do not think I have heard Deputy Gorst speak and, as Minister for External Relations, I would have found it quite helpful in the deliberations whether or not we do send this to Scrutiny, whether he would, in the most delicate and diplomatic way possible, indicate ... I do not know whether the Minister has seized upon the issues that the Minister will be. But having discharged the role and being familiar with the need for beneficial ownership and the difficult issues that some other jurisdictions have come up against with the designated persons and being unable to identify whether or not designated persons have ... what we are talking about here is the extent of, as I understand it, the vessels, the international nature of the vessels, are basically superyachts, so they would be owned by high-net-worth individuals. I wondered whether or not the Minister for External Relations might in the principles just indicate whether or not there is any particular urgency or not in passing these. Because they could be presumably then brought in and then reviewed for appropriateness, *et cetera*. I have got no issue, I fully support and must say I always wondered why we did not have this. It is something Deputy Renouf said, we misunderstand who owns and who is the beneficial owner of boats and all the other asset clauses that we have in Jersey.

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

I thank Deputy Howell for withdrawing her proposition. I do not think this is the time for it to go to Scrutiny. I think the principles should be adopted and agreed. But in the case that Deputy Tadier, as Chair of his panel, wanted to call it up or senses a movement or if somebody brings a proposition, I would suggest that is not a bad thing. I would like to highlight that all Members have received correspondence and I am personally cautious about passing through complex legislative changes in regulations where those who have a voice in the industry have not had a chance to have that adequately heard. That said, his panel has done a very good job this year with demonstrating how to do very short and sharp scrutiny and especially by the use of the public hearing. We have heard already examples of evidence and proof, answers from the Attorney General. If there is a body that is so interested in sharing their view, I reckon it would be good for the Chair to summon them to a public hearing so that those views are heard in public. If they are not prepared to put those in public, then I suggest obviously that could be done within this and almost be brought back next sitting. But that is about it. I certainly support the principles and I take great comfort in what I heard from the Attorney General.

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

I will say this, hopefully, without breaching a Standing Order. I think the Minister in moving the legislation made the case quite powerfully and perhaps he, without repeating himself, said something similar in the debate to reference to Scrutiny. That of course Scrutiny has its work to do, although those Members that have had time will have read the email from the Scrutiny Chair, which I think comprehensively answers the questions that we had articulated to us through 2 emails. That the principle of the changes to strengthen the requirements of the use of a Shipping Registry in Jersey are absolutely agreed. I might think that the Minister has been perhaps a little too reasonable but he is a reasonable person and his officials are reasonable. It is an important area and Members will know from reading the international media that the control of moveable assets when it comes to registered sanctioned individuals is more important the longer that we have gone on in regard to the war in Ukraine. It will become more topical, as it already is.

[15:00]

Therefore, I personally agree with the principles. I do not think there is a need for the Scrutiny Panel to take it in but if Members do want the Scrutiny Panel to do another review of the matter, we would, during the period of that with you, leave ourselves open to having this *lacuna* within the legislation. The Minister was right to say, as other countries are looking more and more about the holdings of these moveable assets, where they are stored, where they are moving, where they are registered, we would leave ourselves open to a bad act to using a vessel registered in Jersey. Members may wish to take that risk, they may not. But I, for my part, will not be voting and would not be voting for a move to Scrutiny. They have the absolute right to make the decision, so I cannot do anything about that, nor would I wish to. But for me it is not a risk that I would wish to take on behalf of our Island, particularly when we have such a positive message around how we have implemented sanctions, as the Deputy alluded to, in light of the war in Ukraine. I would not want us to do anything to blight that positive message and it is one that I give to virtually all of my interlocutors these days because it is such an important message and it is at the forefront of many interlocutors' minds.

Deputy P.F.C. Ozouf:

Would the Minister give a point of clarification before he sits down?

The Bailiff:

Yes.

Deputy P.F.C. Ozouf:

Thank you. This is not question time, but it is really important I think, I asked the Minister to indicate if it goes into Scrutiny it is going to be, what, a month or so, 6 weeks maybe? I asked specifically whether there was an urgency and I know that he cannot say anything but there is a difference between getting it right and urgent need to protect the Island's interests. I just invited ...

The Bailiff:

What clarification are you seeking?

Deputy P.F.C. Ozouf:

I am trying to be very diplomatic, Sir, in not wanting to get the Minister to say anything specifically because it could relate to a named person and I do not know who that is, nobody knows. But the Minister just needs to say kindly if this is an urgent issue that needs to be passed now versus does it matter waiting a month? That is what I was seeking to ask in my question.

The Bailiff:

Is your question: would the Minister please clarify whether there is a case, specific instance, that requires the urgent passing of this legislation?

Deputy P.F.C. Ozouf:

That was very helpful, Sir, thank you.

The Bailiff:

Is that a point of clarification that you are able to give?

Deputy I.J. Gorst:

It may not be a satisfactory point of clarification that I can give, other than to say unless of course there is a crossover between my department and the Minister's department to move the legislation. As I stand here, I am not aware of an absolute immediacy of needing a decision this afternoon in that regard. That does not mean to say that we are not open to the issue that the Minister mentioned in his opening remarks.

The Bailiff:

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

9.1.10 Deputy K.F. Morel:

I thank everyone for taking part in this debate, not the second debate but this debate. I am very grateful for people taking part in that, thank you. It is difficult I think, I do not want to bring in new regulations to make any business more difficult. I spent a lot of my time talking about the importance of making regulations easier or even removing regulations. But there are areas where we are deficient in certain areas and this is one of those areas. We are deficient in regard to the links from the Shipping Registry through to the owner of the vessel. I think that is an important link which we need to make and we need to make sure that it is done properly and done in a way which is not onerous. I believe we have found that halfway house. I think the pushback, which, again, only came from that one person, strongly in that respect is very much because at the moment it is not difficult to be a representative person. It will not be difficult, it will just have more responsibilities, 2 more responsibilities to be precise, which I, again, stand by I do not think is onerous. I know Deputy Alex Curtis said that this is complex legislation. My view is it is not particularly complex legislation, it is fairly straightforward legislation. That is, I think, possibly one reason why Scrutiny had not delved deeper than the briefings they have had and the opportunity to ask questions that they have had. I think it is important to understand that this has gone through a 4-week consultation period with industry. As I have said, industry in this case is 8 businesses or people. It is not a big sector and so 4 weeks, I think, was entirely appropriate. We had 50 per cent of that sector come back to us, so a 50 per cent success rate in terms of getting responses is very good. But, at the end of the day, this does change the way they do business. I think that creates opportunities. My view is we will be marketing Jersey's Registry as a high-quality registry, where if you see a vessel flying Jersey's ensign, people will know that that is an absolutely valid vessel where the ownership is understood and that the people who own that vessel take their responsibility seriously, as members of the international yachting scene. I think that is really important. At the moment, Jersey is a very long way from that. If I could characterise it at the moment Jersey is, effectively, positioning itself in the market as a high-volume, low-cost registry. I do not think that is an appropriate place for Jersey, given the importance of our financial services sector. Really this is where that comes in, the importance of our financial services sector. There would be no difference drawn by media attention, negative media attention about the Shipping Registry. The international media will draw no difference between the Shipping Registry and the finance sector in Jersey. They will see them as one and the same thing. I am concerned about Jersey inadvertently ending up in a situation where we get those headlines. I am very pleased to hear that, in the main, the principles sound like they are being supported. The regulations themselves, there is not a lot to scrutinise I suppose, may I say? The regulations are not numerous, they are pretty easy to read. But it does place obligations on representative persons that are not there today, and I have heard objections saying that that is not the role of the representative person. The representative person was only there to be a letterbox; that has been put to me by people who were there at the foundation of the Shipping Registry. That is fine, that was however many years ago that was; this is 2024, times have changed. We need representative persons to be more than just a letterbox. They need to be part of taking responsibility for Jersey's international reputation; that is the role, their role has changed. If they do not want to do that then that is their choice. I do not believe I said at any point we expect businesses to leave the market. I do not particularly expect businesses to leave the market, except by their own choice if they wish no longer to serve the Jersey Registry, but they will continue serving other registries. Most registered representative persons, they play that role in many registries around the world. It would just be a case of saying: "We are not going to serve this Jersey Registry anymore." That is their choice. I do not have a problem with that choice because I think it is more important that Jersey's Registry gets the reputation that it needs as a high-quality Shipping Registry that people can believe in and understand that every yacht on there, we know who owns it. I guess that is part of the argument.

Again, we had a States Members' briefing on Friday, only 10 Members attended. Many of these questions could have been ironed out in that States Members' briefing, and if more Members had been there we could have taken more questions, but we had that briefing. Again, I got the sense that most Members there understood the reasons for these regulations. There is no right to be a representative person in the way that we currently operate that. The only right is the right of the States of Jersey and the Government of Jersey to run the registry, we then choose how that registry is run. We then choose what are the responsibilities for representative persons? It is right that we choose that as the States Assembly and it is not the representative persons themselves to tell us how we should do our jobs. It is us to tell them what we need from them as they do their jobs. This is us saying we need a bit more from you representative persons. We need you to be providing us with 30-days' notice of resignation and we need you to provide us with contact details of every vessel and owner that you represent. To me, that makes sense. I find it hard to understand where all this confusion has come from, except, as I say, to be slightly disappointed that States Members react so strongly to one person making accusations. It does concern me. I expect a little more, I think. I have no problem, should Deputy Tadier and his panel choose to call this in; that is absolutely fine. But it does, as Deputy Gorst was saying, create a pause. It delays the opportunity for us to get the registry on to the quality footing that we want to get it on. But I have taken heart from the fact that it does feel like the principles are likely to be supported. As a result, I move the principles.

The Bailiff:

Do you call for the *appel*? The *appel* is called for and I invite Members not in the Chamber to return to the Chamber. The vote is on the principles. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				

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

The Bailiff:

Deputy Tadier, does your panel wish to call this matter in for scrutiny? **[Laughter]**

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

It is funny you should ask that, Sir. I have consulted with the panel and we do not.

The Bailiff:

You do not, very well. How do you wish to deal with the matter in Second Reading?

9.2 Deputy K.F. Morel:

I would like to take them *en bloc*, if you do not mind, please. We have gone through the regulations, there are, effectively, 2. One is to provide the 30-days' notice and the other is, effectively, to require the representative person to hold the contact details of the vessel owners. As well as that though, there are sanctions against that. I believe from memory, because I did not have my notes with me, they are a fine of up to £10,000 for wilfully not holding those details, for wilfully being against it. This has been part of the feedback that we took in consultation, was that we should have that defence

absolutely of where it is out of the person's control, the representative person's control, was being inadvertent, that that is not an offence. It is only where it has been a wilful desire to, for want of a better word, mislead the registry, that that would become an offence. I think as well from the prospective of sanctions, I think that is in a proportionate place. From that perspective, unless Members wish otherwise, I would like to take them *en bloc* and I propose the regulations.

The Bailiff:

Are the regulations seconded for Second Reading? **[Seconded]**

9.3 Draft Shipping (Registration) (Jersey) Amendment Regulations 202- (P.46/2024) - Referral to Scrutiny Under Standing Order 79

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

I wonder if I might at this stage test the feeling of the Assembly and, notwithstanding the decision of the Chair of the Scrutiny Panel, and move a proposition under Standing Order 79 that the debate on the proposition be suspended and that the States request the relevant Scrutiny Panel to consider having the proposition referred to it.

The Bailiff:

Indeed, is that seconded? **[Seconded]** Does any Member wish to speak on that proposition?

9.3.2 Deputy J. Renouf of St. Brelade:

I will speak against the proposition.

[15:15]

I think we have heard very clearly from the Minister for Sustainable Economic Development and the Minister for External Relations and we have also heard from the Chair of the Scrutiny Panel cogent reasons why this is required. While due process has been conducted already, there has been an extensive consultation process, the Minister has detailed that consultation process. He has also detailed the regulations, which are indeed fairly simple to understand. It seems to me that a reference back to the Scrutiny Panel is another turn of the hamster wheel, rather than a serious effort to explore issues that have not yet been explored. It seems to me that nothing that has come up in this debate challenges the main points that have been made by the Ministers in relation to this. I take note of the requirement that Jersey should have raised its standards in this area. It does look like a weak spot that has been a weak spot for a little bit of a while. We should be showing that we are prepared to move in those circumstances to take action and not be diverted by what looks a little bit like - and give the colloquial expression - sand in the eyes for material that has been put in front of us, though when it is subject to examination and turns out to include information which is wrong but, nevertheless, accuses the Minister of not telling the full truth or not getting his facts right, it seems to me that all the burden of proof here, all the credit here falls towards the Minister in what I have seen. I have not seen anything persuasive to suggest that when this is examined by Scrutiny that we are going to come back and think: "Thank goodness that that went through another round of the machine." I just do not think it is going to happen. I think that there has been a distraction here and I do not think it is necessary. I will be voting against.

9.3.3 Deputy P.F.C. Ozouf of St. Saviour:

I voted to second Deputy Bailhache's proposition because I think that there is an important principle that this Assembly should abide by and that is where there is an important piece of legislation, which this is, it should have a once-over by a Scrutiny Panel as a matter of principle. We are an unusual jurisdiction in passing legislation in one go. I make absolutely no criticism of the Minister whatsoever but this can be a short ... I am not a member of the panel but if the panel wants to have a subpanel, I am more than happy to join that. It needs a quick, fast and good look at this and it will

be stronger and better as a result. I am not swayed by the representations made by email, I would have thought it should be done anyway. I do gently say to the Assembly, there has been a lot of disquiet - and again I offer no criticism because some of it is unfair and some of it can be debated - but there was a recent set of articles about the J.F.S.C. (Jersey Financial Services Commission) in its role of regulation. I think we owe the users of services in Jersey and the regulators that regulate it, partly to protect them, partly to assist them, partly to hold them to account, we need to make sure that we pass good law. I think that we should pass good law. It looks fine, but it needs a quick and proper review. I have been concerned about this for a long time and I am slightly concerned that it has come so late. I am slightly concerned that there is a reluctance to have a - I do not think it is for that reason - good look at it. I just think that this should be looked at properly. I have been standing in this Assembly many times saying about the importance of beneficial ownership. Let there be no doubt at all that I believe in a beneficial ownership of the full extent and all asset classes on it. We are passing legislation, I think it should be looked at. I will be supporting Deputy Bailhache and I hope that Members will take that, that we have a responsibility. We are very unusual in Jersey that we pass legislation in one go and we need to sometimes just take a pause and have a good look and this is an example.

9.3.4 Deputy M. Tadier of St. Brelade (Chair, Economic and International Affairs Scrutiny Panel):

I thought we were talking about a car though when Deputy Ozouf said: "I think we should give it a quick once-over." I can give Members assurances that this has had a quick once-over, it has also had a twice-over and a 3 times-over in the sense that we were informed of the Ministerial Decision, the original one back in April, we then had a hearing I think in July. Of course, within that informal briefing - not informal, it was a formal briefing but a private briefing, which is entirely appropriate in the circumstances - all of my panel, it is not just me, but you will be aware that when we are in this Assembly, I think whether it is myself, Deputy Southern, Deputy Wilson or Deputy Andrews, we know what we are listening to, we can assimilate information very quickly. It is not necessarily our specialist area and we will ask relevant questions. After that I did say I would like to have a subsequent briefing, and I cannot remember if we were all at the initial briefing, but I said to my officer I would like to have a second meeting with the officers involved. I did have some questions, and I will give an example. One of the points that is made on page 2 of the report as it is presented talks about ensuring that a representative person will hold and be required to produce to the registrar within 7 days of a request to do so, the information that is sought, in accordance with the relevant law, to identify the owner of a ship and where a corporate structure is involved in this, and the ultimate beneficiary and ownership of that ship. I had a general question about whether there were ways to circumvent the law, so I think we understood very clearly what the spirit of the law is, why it needed to be done, so it is right that we approve the principles. I think the scenario we were given, and it is a hypothetical one but it could very well be real, let us say there is a sanctioned individual, it could be a Russian oligarch who is suspected of having an asset in Jersey, the asset is in the form of a ship, and it is needed to know whether something needs to be done about that asset, for it to be frozen, for example. I said: "What would happen if simply the representative person was not willing to give that information?" Obviously the whole law at the moment is brought in because somebody could simply resign their representation at that point and say: "It is nothing to do with me anymore" and then that would completely be unhelpful to the investigating officers involved in that, so we understand, as I said, why it is brought in. What would happen if that individual just said: "I am not giving you that information, I am willing to take the penalty" because that is a possibility, if not a likelihood. We were given I think a satisfactory response saying it would not be reasonable for that to happen because somebody who is in that position is, first of all, subject to the law and would be committing a criminal offence. Also, there would be reputational damage for their business; they have got lots of other clients on the books and they are not going to put that at risk. These are the kind of questions initially that we were asking, why I call it more than just a once-over. Clearly what the Scrutiny Panel has not done is gone through a line by line getting the Minister in, getting any objectors in - we have had

this last-minute objection that was talked about - and doing a detailed piece of work on it. At the moment we did not call this in because I do not think we have had any alarm bells that were raised with us apart from this email that has just come in. As far as our Scrutiny Panel is concerned, we can see that there is concern from some Members and from, I would say, a small minority in the public. The numbers do not necessarily matter in this, by the way, there have been times when members of the public have raised issues, and it has only been one person, and it has turned out to be absolutely correct and something that does need changing. We are in the hands of the Assembly as a Scrutiny Panel, so I would strongly suggest that our panel - we have not called this in - I think we would abstain on that vote but we are the servants of the Assembly. If the Assembly wishes us to scrutinise this in a much more detailed way, then we can do that. I would just make a final piece of general statement which is I think a wider problem that we have on Scrutiny - and this is in no way meant to reflect on any individual or any department - but when we have comments about legal advice that has been sought and given to Ministers, it is highly problematic because scrutiny is supposed to be done in public. We have a scenario, and I have raised it in this Assembly before, that any Member can stand up and ask the Attorney General or Solicitor General a question and then he will give a legal opinion to the Assembly which will be on the public record. The convention is that when we do Scrutiny work we do not have the same access to that, so that is why ultimately this Assembly is of course the ultimate scrutineer, this is where we can thrash things out in the Second Reading. This is where Members can ask the Minister questions about particular Articles, and I would expect that if this does not get referred to Scrutiny, that the scrutiny that Members have, the questions that they have that are alarm bells should be aired in this part of the sitting. This is what the Second Reading is for, to ask if the Articles do exactly what they should be doing, and the Minister, the Assistant Minister and, I am sure, the Attorney General is there to do that. I highlight again the fact that because the convention is that we cannot get legal advice on the public record, something which I must say I disagree with, I think that legal advice often can and should be in the public domain. It does not need to be a blanket thing but we need to know what Ministers are being told if we are to assess when the public says: "We do not think this is lawful." The Ministerial response will come back and say: "We do think it is lawful because the L.O.D. (Law Officers' Department) have told us that." In fact, they cannot even tell us that, they have to say this strange formula of words: "We understand that this is the case." I think it is high time that if we are looking at reforming our systems, maybe some of the less high-ticket items about reform, which I think are also valid, we need to look at some of those processes about how we get under the bonnet, so to speak, to go back to the car analogy, and how Scrutiny is allowed to do its work in a meaningful way.

9.3.5 Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):

I thank Deputy Tadier for his comments. I was not going to speak in this, having spoken in the previous referral debate, but it was something Deputy Ozouf said which just made me think: "Hold on." Deputy Ozouf said he has got a great interest in this area, yet this is the first I have heard Deputy Ozouf speak with regard to me about this area. This item was lodged on 22nd July. This has been in the public domain since July, OK? It is not just Deputy Ozouf who has come late to the party, obviously the email we received earlier has come very, very late to this party. This was lodged on 22nd July, it is a really simple piece of law, it is not a difficult piece of law to understand. My view is, notwithstanding what Deputy Tadier has said, is you do not need to be a lawyer to read this law, it makes sense. I think anyone is quite capable of reading this law - and I do not believe Deputy Bailhache has raised any concerns before now - and yet this was lodged on 22nd July. Scrutiny were advised of it in April when I issued law drafting instructions. Scrutiny throughout, they have been briefed, they have been completely ... we are open, there is nothing to see here. We are open with this and Scrutiny have chosen, as is their absolute mandate, to organise their work the way they see fit. They have looked at this relatively simple law, asked questions of officers, asked questions, apparently not of Law Officers, but I believe could ask questions of the Law Officers themselves, and the Attorney General, obviously we have seen, spoke today. 'Storm in a teacup' is probably the

phrase that comes to mind and I do question why, on the day of debate, for something that has been lodged for at least very close now to 5 months, these questions suddenly arise. If I was a conspiratorial person I would see something behind it. All I can say is that this has been scrutinised. The assertion that it has not been scrutinised is incorrect. The idea that this is in some way late is incorrect, it has been lodged for 5 months. It has been open to every member of the public to be able to see this and every States Member to see this. The only people that are doing anything last minute are those calling for this debate. They are the only people acting in a last-minute manner here. It is not the Government, it is not the Scrutiny Panel, and it is not the law itself. With that in mind, I would ask you to think about that as you choose whether to delay this any further.

9.3.6 Deputy M.R. Scott of St. Brelade:

What prompted me to speak was when Deputy Ozouf said something about the Scrutiny Panel taking a proper look at this proposition and, forgive me, I felt somewhat offended on their behalf. Sorry, I have been a Chair of the Scrutiny Panel, the Minister has been a Chair of the Scrutiny Panel, and I think it is disrespectful to say to the officers they have not had a proper look at this.

Deputy P.F.C. Ozouf:

May I just withdraw any notion of disrespect? It was not in any way doing that, I thought I said that. I have also been away myself so ...

The Bailiff:

That is absolutely fine, Deputy.

[15:30]

Deputy M.R. Scott:

What I have learnt to value - and I am somebody who may have acquired a bit of a reputation for sometimes being hot-headed and impatient - as a result of working with Scrutiny officers, as a result of working with government officers is the value of process. What is being advocated here is almost an overriding of process. I note that Deputy Ozouf is not currently a member of a Scrutiny Panel but the actual introduction of these regulations went through a process of consultation. As you have heard from the Minister, that involved discussions with the individual who contacted the States Assembly. There is a process, there is a scrutiny process with which members of the public can engage, and there was their opportunity to engage. My concern is if this proposition is supported, it is almost like opening the gates of do not worry about those processes, anybody can just rock up and say: "Oh, I was a bit late for the party, can you change everything?" I would urge Members to respect the processes, they are there, and therefore to reject this proposition.

9.3.7 Deputy D.J. Warr of St. Helier South:

I just rise because I appreciate that Scrutiny have had a look at this and I appreciate the Minister has had lots of backing and lots of advice on Law Officers; however, I am looking here at an email, I am looking at 12 questions that I simply cannot answer, and I know I am not part of the Scrutiny Panel, I am a Member of the States Assembly. I just feel totally inadequate in my ability to be able to say *pour*, *contre* or abstain in any of this at all. For my mind, if this has been going on for so many years, we are looking at a very short period of time to have a look at this one last time to my comfort, my personal comfort, and I am sure to Deputy Bailhache's comfort as well, that what is the problem? What is the problem with just taking one final look at this? This for me is a very credible individual, and I am happy to be called out and called wrong. I appreciate that Deputy Renouf has highlighted some points that are not correct, but I do not feel adequately informed, I would much prefer one final swing through Scrutiny, and that is why I will be supporting the proposition. I just think it is beholden upon us, if we are disquiet about this, we should be taking one final look at this. Thank you.

9.3.8 Deputy I. Gardiner of St. Helier North:

As I was sitting through this debate, my mind going backwards and forwards, for somebody who does Scrutiny, respects Scrutiny and has worked a lot with Scrutiny, it is probably one of these rare occasions when I feel now that I think Scrutiny has been done on that particular point. I would like to raise 3 issues I feel that we all need to address and all need to take responsibility across the Assembly. First, it has been lodged a long time ago and I think it is the personal responsibility of all of us, each Member of this Assembly, to look when it is lodged, and if there are questions, to raise them. I think 6 months, it is a long-enough time, it was not lodged yesterday, and we need to debate it, so this point is important. Also, when it is lodged, and this is how we communicate with the public, I urge Government, Scrutiny and the Greffe, I think that when this proposition was lodged it is not always making its own way to the press because it is probably low-key and the media is less interested. I am sure that maybe this individual would pay attention before if it had been raised in the media in July, August, September, and we would not have this debate. I am grateful to Deputy Tadier to share with us all this information today and it is something that we need to look into Scrutiny, that if we do not even think it is that important, maybe we do need to have a discipline to publish comments on every piece of legislation in advance. But comments today reassured me, so I do feel there is some stuff that needs to be done, it is pretty straightforward. It is like the Minister said, it is 2 points, which I completely agree with. I would like to add to Deputy Tadier's comment about legal advice. I remember raising it several times when I was not allowed to tell that I got legal advice as the Chair of the Public Accounts Committee when I got legal advice. I think if you get legal advice, we should tell that we get legal advice and be able to work with this legal advice straightforward. In this case I would be not supporting to refer to Scrutiny and supporting to progress.

The Bailiff:

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

9.3.9 Deputy P.M. Bailhache:

I think I may have unwittingly deprived myself of the opportunity to speak at the beginning of this debate, but nonetheless probably for Members to hear once from me is quite enough. Deputy Gardiner says that we should have looked at the regulations when they were lodged, and I am sure she is right. But I think the assumption of many Members is that when regulations of this kind are lodged, on the face of it they appear to be uncontroversial and one does not dig deep into them until one is given cause to dig deep, and we have been given cause by the complaint that has been made. I should like to make this point absolutely clear too, my reason for proposing that there should be a reference back is not because one person has complained about the conduct of the Minister, in fact, if anything when a person makes unfounded and unjustified allegations about the conduct of a Minister, I am rather inclined to dismiss those complaints. The reason for this reference back is because of what the Minister himself has said. The reason for the reference back is that the Minister has conceded that these are disruptive regulations, they are going to interfere with businesses. They may put businesses out of business and that, it seems to me, raises some alarm bells which Members ought to consider. The Minister says that these regulations are straightforward, and I can understand that for him, for Law Officers, for Ministers, for External Relations, they do appear to be straightforward. They do 3 things, let us be clear about it. First of all, they require a representative person who wishes to resign to give 30-days' notice to the registrar; that is the first thing. The second thing they do is to require the owner of a registered ship in respect of which a representative person has been appointed to notify the registrar if there is any change in the registered person; that is the second thing. The third thing is the obligation upon representative persons. A representative person must in future hold information identifying the owner of a ship, or any share of a ship, and evidence of their ownership of a ship. More importantly it also requires the representative person, I am looking at (10B): "If the owner of a ship or of a share in a ship is an entity, if that entity is wholly owned by another entity or an organisation (the 'parent entity or organisation') and the parent entity or organisation is listed on a regulated market, the information mentioned in paragraph (10A) includes

information in relation to the parent entity or organisation referred to in clauses (i) to (vii) of Article 8(a) of the Financial Services (Disclosure and Provision of Information) (Jersey) Order 2020.” One can understand that if one is a registered person, one’s eyes begin to blink at that stage and one begins to ask one’s self: “What is it that we have to do in future?” I do not know how many Members have looked at the 2020 Order, but the 2020 Order imposes some quite extensive obligations in relation to a parent entity: its registered office address, its registration number, its jurisdiction of incorporation, the regulated market on which it is listed, website address on which it is published, and so on. These are substantial new obligations which are being imposed upon registered persons. For my part, I can understand that a registered person might think that these obligations are a little bit frightening and something that need to be thought about. It is the consequences of these regulations which seem to me to require scrutiny. What is the extent of the disruption of the market that may ensue as a result of the passing of the regulations? The Minister for External Relations made a speech, which I have heard him make several times before in relation to this kind of issue. If we do not do this there are going to be the most terrible consequences, we will be exposed, disaster might descend upon us. We will be ‘exposed’, I think, was the word that he used. As others have said in this debate, these regulations were lodged on 22nd July, they could have been debated on 10th September. There cannot be any enormous urgency in relation to the passing of these regulations because if there were, we would have talked about them 2 months ago. In the very unlikely event of any difficulty arising, as I said in my earlier speech on the principles of the Bill, the registrar and indeed the Minister have extremely wide powers under the law to deal with any situation which might arise and to remove a ship from the register, thereby removing the problem so far as Jersey is concerned. Deputy Ozouf made a very important point in his speech when he said that legislation which is significant, important legislation like these regulations, should, as a matter of principle, be scrutinised. In almost every other parliament in the Commonwealth they would be scrutinised. It is only in this legislature that we tend to rush things through without proper examination sometimes of all the consequences of what we are doing. A consultation process has taken place but that is a different matter. A private briefing of Scrutiny may have taken place but that is a different matter. So far as a registered person who is dissatisfied is concerned, these regulations have not been examined by an independent party charged with the responsibility of looking at matters from all sides, not just from a governmental side, but from all sides and deciding whether or not they are appropriate to be passed.

[15:45]

What should be scrutinised in this case, I put it to Members, is the balance of the public interest. On the one hand, there is the desire to impose greater obligations on responsible representative persons; on the other hand, there is the possible disruption to the market. Some of these representative persons represent hundreds of different ships. If they are going to be put out of business, what effect is that going to have upon the market and upon the reputation of Jersey if suddenly a number of representative persons say: “I do not want to have anything to do with this because it is too difficult”? On occasions, justice should not just be done but be seen to be done and I think this is one of those occasions. I move the proposition.

The Bailiff:

Do you call for the *appel*, Deputy? The *appel* is called for. I invite any Members not in the Chamber to return to their seats and I ask the Greffier to open the voting. The vote is on whether this should be referred to Scrutiny. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting.

POUR: 9		CONTRE: 30		ABSTAIN: 4
Deputy C.F. Labey		Connétable of St. Peter		Deputy M. Tadier
Deputy K.L. Moore		Connétable of St. Martin		Deputy M.R. Scott

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

9.4 Draft Shipping (Registration) (Jersey) Amendment Regulations 202- (P.46/2024) - resumption

The Bailiff:

Very well, we resume the debate in Second Reading. Does any Member wish to speak in Second Reading?

9.4.1 Deputy M. Tadier of St. Brelade:

Given the number of Members who spoke in favour of referring this to Scrutiny, it is surprising that nobody seems to want to speak in the Second Reading because those 9 Members surely would have

to say something about, at least some questions to ask about points in the Second Reading, so I will get the ball rolling, shall I? Because I think the one question I did refer to earlier that we asked officers, I would like to put to the Attorney General and so at least this can be seen to have some public scrutiny. If I could ask the Attorney General what safeguards are there in place to make sure that a registered person complies with the obligations of the law? If there is a request for information that comes in for one of their clients, in a hypothetical scenario, where they wish to protect that client or for whatever other reason that they did not want to comply, could he clarify what the likely sanction would be on that individual? What penalty would be in place, what would happen ultimately if they did not give the information that was sought, and if there are any other considerations the Attorney General has about mechanisms by which this law could be circumvented by parties?

The Bailiff:

Are you able to assist at this point or would you prefer some time, Mr. Attorney?

M.H. Temple, K.C., H.M. Attorney General:

I think in the interests of assisting Members as quickly as I can, the answer is one which I think I have already given, in that the penalty for failing to comply with the requirements introduced on representative persons by this amendment is a criminal offence and a criminal record, subject to the prosecution being well-founded and proved. The maximum sentence is a fine of level 3 on the standard scale, which is a maximum of £10,000. There is an additional provision whereby a fairly standard offence is introduced for offences by separate limited partnerships, limited liability partnerships and bodies corporate and the offence is in new Regulation 32B. It provides that if an offence under the regulations, so not providing the information concerning beneficial ownership or failing to give 30-days' notice of resignation, if that offence is committed by a separate limited partnership, a limited liability partnership or a body corporate, and if it is proved to have been committed with the consent or connivance or attributable to any neglect on the part of a person who is a partner or a director or a manager, then they can also be guilty of an offence. They can be prosecuted as an additional party and they are liable in the same manner, so they too can be subject to having a criminal record and be fined up to the maximum of £10,000. I hope that assists the Deputy with his question.

Deputy M.R. Scott of St. Brelade:

Could I follow up to the Attorney General about the defences that can be mounted to these charges?

The Attorney General:

In new Regulation 6(2) there is a defence of reasonable excuse if a representative person fails to comply within the 30-day notice period. There is also a reasonable excuse defence to the failure to provide information on beneficial ownership within 7 days of a requirement by the registrar to produce that information. There is a defence of reasonable excuse that is expressly provided for in the amendment.

Deputy K.M. Wilson of St. Clement:

Might I ask the A.G. (Attorney General) another question?

The Bailiff:

It is a question for the Attorney?

Deputy K.M. Wilson:

Yes, please. The title 'representative person' does not change in these regulations but could he advise whether the function changes and does that change the relationship between the owner and the representative person with regards to liability?

The Attorney General:

The function of being a representative person is already provided for in the existing version of the regulations. This amendment simply seeks to extend the duties of the representative person but it does not fundamentally change the function. The representative person is only there where the person does not otherwise satisfy the requirements for registration that are set out in the existing regulations. Where the person is not ordinarily resident in Jersey or if they are not the owner of a fishing vessel, and so on, the purpose of these amendment regulations do not change the nature of the relationship, in my view, they simply extend the requirement for obtaining beneficial ownership information and they impose a new requirement for providing 30-days' notice of resignation but, in my view, they do not fundamentally alter the relationship that is already there in the existing version of the regulations.

The Bailiff:

Does any Member have any further questions for the Attorney? Deputy Ozouf, do you have a question for the Attorney?

Deputy P.F.C. Ozouf of St. Saviour:

May I just ask the Attorney General, the issue about the fine that is levied against the representative person for failing to comply, can he give the Assembly any guidance or any thinking as to why that level of offence was levied? Because I am aware that there is a similar ... I am trying to read the offences under the beneficial ownership non-compliance regulations that the J.F.S.C. oversees with the administration. I know it is rather different but it is the same principle that you have to basically provide information about the ownership of companies. I know that a superyacht is going to be owned by a company, and that is a further complication, but it might not be in Jersey. I just wondered whether or not that was a sufficient deterrent to a fine of £10,000 on a superyacht that is worth tens of millions, £100 million or something, which is relatively insignificant. May I ask that question? It just seems to me a bit of a small fee compared to those that are levied by the J.F.S.C.

The Bailiff:

Well, I am not wishing to be difficult, Deputy, but I am not quite sure what the question from a legal point of view is. If it is ...

Deputy P.F.C. Ozouf:

It is normally the Attorney General who gives advice on these matters, I understand.

The Bailiff:

Well advice on the sufficiency of the penalty?

Deputy P.F.C. Ozouf:

Yes.

The Bailiff:

Do you have any views on the sufficiency of the penalty?

The Attorney General:

When introducing new additional criminal offences, Law Officers do do a penalty check to check that proposed penalties are sufficient and proportionate. We would check against other penalties in similar legislation for similar types of offence. I am sure that that exercise would have been conducted in this case and the view taken that this is a similar and proportionate penalty for the offences that are contained in the amendment. The penalty is one that is levied on the representative person and that representative person is a party in Jersey. It is seen as a proportionate penalty on that party in Jersey who may be a different person from the ultimate owner of, in the Deputy's question, a superyacht.

The Bailiff:

Connétable of St. Mary, did you have a question?

Connétable R.D. Johnson of St. Mary:

Yes, and I am sorry for appearing to be pursuing this point too much, but on the question of defences, my understanding is that the person making representations against the amendment is concerned that he will be immediately taking obligations because he does not have the information available to him because his client is not a priority to him. Could the Attorney General please confirm that failing without reasonable cause to comply with various paragraphs, it is reasonable cause not to comply if the representative does not have that information if he has asked for it? My point basically is that for a short time after the amendment comes into law, if it does, then he would be safeguarded from committing any offence but if he persisted in evading his representative, after a given time he might not have that excuse? Would the Attorney like to comment on that, please?

The Attorney General:

Obviously, each case will turn on its own facts but in theory then, yes, if the representative person is holding this sort of business currently and proceeds to ask for the information but it is not given through no fault of his own, he or she has tried to get the information, then that may well constitute a defence if that person were to be prosecuted under this amendment.

[16:00]

The Bailiff:

Deputy Howell, you had a question for the Attorney?

Deputy A. Howell of St. John, St. Mary and Trinity:

This follows on from the last question. The representative person may be let off if he or she has a reasonable excuse but I just wonder what a reasonable excuse may be, although the Constable of St. Mary has just brought one up.

The Attorney General:

A reasonable excuse is not defined in detail and each one will depend on the particular circumstances of the case. Ultimately, it is up to the defence to make out the nature of that excuse. It is a criminal prosecution so the defence simply has to establish that there is a doubt in the mind of the Court that is hearing this criminal prosecution. If the defence succeeds in doing that, then the representative person will be acquitted.

The Bailiff:

Deputy Ozouf, do you have a further question or do you wish to speak?

Deputy P.F.C. Ozouf:

There is no point in me asking questions on things that one is just going to get the same ... I just do not see how the ... I am not a lawyer but I have sat in this Assembly a long time and I just do not understand how the £10,000 is equivalent on the other legislation. I know ...

The Bailiff:

But that, I am afraid, is a speaking point. Are you now making a speech?

Deputy P.F.C. Ozouf:

I will make a speech but you asked me whether or not I had a question. I just was not satisfied by the Attorney General's answer, I am afraid, because he could not answer it in a discoursing way.

The Bailiff:

Well, the Attorney General's answer is the answer and it is ...

Deputy P.F.C. Ozouf:

But it is the answer just to say: “Put up with it.”

The Bailiff:

Well, one asks the Attorney General and he gives legal advice within the Assembly and that is the end of the matter. You can ask a further question for clarification of advice he has given but you cannot, in a sense, argue against the advice, but then you turn into making a speech, I think.

9.4.2 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:

I was not going to speak but I will. I have got 3 points that I would like to make which I will try and make as briefly as I can. Firstly, the question that these regulations are so significant that it will put people out of business, I have been hearing that argument for a very long time in Jersey. There are numerous businesses in the financial services sector that over the years have said they are going to be put out of business because of regulation. What I have observed over the years is that not only good businesses find a way and good businesses not only survive, but they thrive. Our funds sector, our trusts sector, they have gone from strength to strength under good-quality regulation and I suspect that will be no different here. I think the obligations that have been placed are not onerous and Deputy Bailhache listed some information that the representative person had to hold, most of which for a company should be publicly available. I did not think that list was particularly challenging for any service provider. Most service providers will know quite a lot of that information about their clients in any event. I think we have to be very wary of people running around saying: “This will kill my business” because it very rarely kills business. Businesses very rarely just lock their doors. If the worst happens, they sell it to somebody who can deal with proper regulation and governance and they move on to other things. I think we have to be careful not to overplay that. I think we also have to be careful that we are not taking in consultation by the back door. The Minister has said we had a consultation period, there are 8 players in the market, 50 per cent of them responded. I think we have to be careful, having to listen to those who have consulted and met their concerns, that we then address someone who does not feel their concerns were met and has possibly a personal interest coming in at the last minute. Again, we have spent an afternoon debating something, concerns that have been raised by one person, when 50 per cent of industry have come back and consulted and their concerns have, I believe, been addressed. Lastly, I would just say what I have heard this afternoon there is a degree of people using Scrutiny as some form of comfort blanket and I do not think Scrutiny is there to let the rest of us off the hook. We have all been voted in here to make our own decisions, to make our own assessment of the facts, and to vote on the basis of what we think. To suggest that we can just say: “Well, this is all a bit hard, we will ask Scrutiny to go away and do some more work so we can just vote comfortably” I do not believe that is what Scrutiny is there to do. I do support these regulations and I will be voting for them in due course.

9.4.3 Deputy D.J. Warr of St. Helier South:

Scrutiny is a comfort blanket. Yes, it is absolutely a comfort blanket because they are the ones who do the work, the hard work in terms of trying to find out on our behalf more information and do the job, scrutinise. Look at the word, it says it on the tin. I have just got 2 questions. I rise to the challenge of Deputy Tadier and I am not sure, in this reading, I am not familiar with what I am allowed to say. I have just got 2 questions for the Minister and the first one was: economic consequences of this market collapsing in Jersey, has any analysis been done of that? The second one was, and a message has been sent to me here: What is the impact on contracts which are already in place if this amendment is passed?

Deputy K.M. Wilson:

Again, it was just to ask the A.G. for some clarification for the avoidance of doubt, given that the issue of G.D.P.R. (General Data Protection Regulation) has come up as to whether or not these proposed amendments impact on any of the G.D.P.R. regulations that would need further review or any further consideration.

The Attorney General:

No, I am not aware of any. No.

The Bailiff:

Very well, did you wish to speak, Deputy Wilson?

Deputy P.F.C. Ozouf:

Yes, Sir.

The Bailiff:

No, I was just asking Deputy Wilson if she wanted to speak.

Deputy P.F.C. Ozouf:

Sorry, I do beg your pardon, I have not got my glasses on.

Deputy K.M. Wilson:

No, that is fine, I just wanted confirmation. Thank you.

The Bailiff:

That is fine, thank you very much. Presumably you would like to speak then? I was going to call on whoever else wants to speak so ... well, does any other Member wish to speak?

9.4.4 Deputy P.F.C. Ozouf:

I have absolute confidence in the Minister and I think that it is a shame that we cannot scrutinise it. Maybe I have some questions about the Articles. I am not in any way ... in fact, it was only when I came in this afternoon that I had read in detail the representations from this third party. But when I did read them I thought there is really something interesting here, which is not the point that I think is the one that Members are going to expect me to say, and that is that this does change the nature of the register. I was around when the register was set up, I was around when there was a great excitement that the register was going to be extended, and that we could have superyachts on it. I remember then Senator Maclean, my Assistant Minister at the time at Economic Development, handling a lot of these matters, and I remember other subsequent Ministers doing the same. I absolutely want Jersey, and I have always wanted Jersey, to have a gold standard registry operation that meets goods standards but at the same time is commercially viable and is good for business. As I think Deputy Warr said, we can get as much value out of this important sector and we operate in a high-value part of the financial services market and all its related businesses, we sell the product of thinking. I was a big proponent of registers because that could drive wealth and drive activity for the whole of our professional services. It must be said that it really has not met a lot of them. When we look back, this is not particularly about the regulations, but it speaks to the underlying issue, is that we think that we are going to just pass these regulations. What I want to say is, is that I do not think by just simply passing these regulations those expectations of simply putting in a beneficial ownership register ... which I think is relatively simple, although I have some concerns about some of the detail of it, but I am not in a position to argue this here on the floor of the Assembly. I want the Minister in his summing-up to give us some really positive hope, I hope, that this is necessary. I hope it is sufficient, I hope it is not disproportionate. I regret Deputy Millar when she says that she has heard of lots of people moaning about regulation. I have heard lots of moaning about regulation, it always happens, but you have to be pragmatic and proportionate. This Assembly surely must know something, that there was some pragmatic and not proportionate regulations that have been passed by this Assembly and then implemented by the J.F.S.C., which is why we saw all those *J.E.P.* (*Jersey Evening Post*) articles. Not all of those articles may be true, but there may be something, they speak to a regulatory overreach done at speed and in haste. I am sure that the Minister for External Relations would not disagree that there was a lot of speed and haste in doing the matters concerning MONEYVAL. We got through it but how much business did we lose in doing so? How many

opportunities did we lose? I want this Assembly to be a pro-growth, pro-good-quality business Assembly. I have said on previous occasions there is not enough talk about economic growth. Where is the vision for that registry that was going to be a fantastic best-in-class British ensign? Other jurisdictions have done so much better than us. Their reputation is not as good as us in often cases; I am not going to name any but other registers like those in the Caribbean, those across the water and not very far away from us have done much better. They have got an expanded tonnage arrangement, we are only allowed to have category 2 status on our ... I think it is status; I am not going to get into the details but we can only have the little superyachts. We cannot have any big superyachts, we cannot have any other commercial things. There is a huge opportunity for Jersey to trade on its really good standing in providing financial services. I just do not think that the register ... and I sense, I hope it is not the case, that the Economic Development Department does not want too much review or poking into the register, because it is not a criticism, it is a positive thing to say: "Let us have a look at this, let us have a look at what we can do better." We are an innovative jurisdiction and we can come up with solutions that other places cannot because we are good at beneficial ownership, we are good at company incorporation and we are good at all these things, but we have failed. I think that this is basically a necessary thing. I do not know whether it is perfect, I will have a look at it again and ask some questions post-haste, and I think we have got to learn. I regret this has not gone to Scrutiny. I think there could have been a really good opportunity to make sure that these arrangements were in place. As Deputy Bailhache said, there is a strong case to review them. It is not difficult, it would have added value, it would have given an opportunity to see whether there are some administrative simplifications that could be put in place. There are alternative ways to meet the same objective and we can make Jersey, dare I say it, an intellectual property superyacht super-registry. Technology is going to change everything and we should be ahead of the game and I think this is requirements, international standards. I am not entirely convinced about some of the representations that have been made for and against. I think that it is my only chance to really speak in this Assembly on the shipping register because we have not had a debate about it for a long time, but it has not met the glorious optimism that it did and I do not think this is going to do it any better, and I regret that. I will vote because I should do, it is responsible to vote for beneficial ownership, but I regret that at the same time we do not have an opportunity of improving. When you have got to make a change, you try and go further. You try and make an improvement to get even more business and get better business off places that are not as good as Jersey, and we are losing all of that. There are a number of issues that we are not tackling in these amendments: the administrative simplification, the increasing categorisation, the service standards that we have had, and I think that we could be doing so much more. I am not sure I have got anything else to say. I wonder if the Minister in his summing-up could say, was there an alternative to provide this issue of a representative person in ensuring that you get beneficial ownership information?

[16:15]

It seems to be that there have been other jurisdictions that have put other arrangements in place. I have no truck with this particular ... I am not influenced by this email or whatever these people are saying because I agree with them that there may be problems but I do not know. We take things in good faith and I think we can do so much more. Did he think about when he brought these regulations in, and when he discussed it with his officials, did he do what I encourage him normally to do, which is pro-growth, no outside financial services? Did he think about the opportunities that we can do? I would like there to be more amendments to this law, not just this.

9.4.5 Deputy M.R. Scott:

In order to improve, we need to change, and change for some can be painful. In order to be productive and to lead this Island towards more productive activity in the economic area, I believe the States Assembly needs to learn to be more productive and ways of being more productive as well. Scrutiny is there for a purpose; it looks at process. I am just hoping that if Members want to get any value in terms of the time that we have spent in discussing this matter, how it came about, some of the actual

lessons learnt, that we have had a representation at a very late stage of the process and this has somewhat kind of diverted normal process, maybe in the future if we get contacted at the last minute in these things, that we should be diverting people to the scrutineers and they should be saying that they are going to own that issue. I do not know, but just at this point I again will support the proposition, but I do hope that we might give a bit of thought about how we advance things a little more quickly and productively in future.

The Bailiff:

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

9.4.6 Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):

Thank you and thanks to all Members who have taken part in this debate, painful as it may have been at times. I would like to extend my thanks to the Attorney General for his extensive part in this debate; informative of course, not led by opinion but by fact and information. I would like to address a couple of questions that Deputy Warr asked, which are about economic impact. A formal analysis has not been undertaken. There are about 2,300 vessels on the Jersey Ships Registry; there are 8 representative persons. This is not a vast area of the economy. We appreciate that some vessels may choose to deregister as a result of these changes, possibly because they do not want to pass on their know-your-client information, in which case I would prefer if they did go somewhere else. We do not expect there to be a big impact on the economy from this perspective. Any impact would be at the very micro level in terms of a business changing its business model. I do not believe that any business has to close down because of this. If they chose to do that, that is their choice. I think these changes basically put the registry where it should be which is flying the flag for Jersey's reputation. That is really important because that benefits the registry as well, and, from my perspective, the representative persons have a superb opportunity here to really extoll the virtues of the Jersey Ships Registry as a result of these changes. Previous to that they could not. Deputy Ozouf had said when we started off this was going to be the highest level shipping registry, *et cetera*. That is not correct. When this started off it started off with representative persons just being a post box. Unfortunately, my analysis of the way the shipping registry was set up was it was high volume, low margins. That is what this was. It was not extolling the virtues of Jersey's reputation; it was perhaps on the coattails of Jersey's reputation but the shipping registry was not set up in a way which effectively backs up the finance sector. I think now what we are doing is putting the shipping registry onto a level playing field in terms of should these regulations pass it will complement the finance sector in the sense of it will now be able to bear that same level of reputation for quality. Deputy Ozouf also asked about the way forward. Precisely because I could see how these regulations change the business model for representative persons, but not just that, these regulations change the business model for the registry. We are now going to be looking to ... essentially representative persons are likely to charge more to do the work that they wish to do. We are, therefore, likely to be finding customers for the shipping registry who are willing to pay that extra price for the quality that Jersey offers. So that changes the business model from what I see as a high volume low margin to one of perhaps lower volume but higher margin. That effectively again supports Jersey's reputation for quality. It is what we do in agriculture, it is what we do in finance, it is what we are doing in tourism, it is what we are doing in the shipping registry. Jersey as a place is a word and name that shouts quality, and that is what this does. So I have asked Ports of Jersey to review the shipping registry. If these regulations are passed I have asked Ports of Jersey to review the business model, how are they going to sell the shipping registry going forward, because I think there are really good opportunities here. I do agree with the Minister for Treasury and Resources when she says when regulation comes in like this it also creates opportunity. It creates challenges but it really does create opportunity and I think we have got a superb opportunity here. Jersey already stands out because while we are a category 2 register we are, I think, the only category 2+ register, and that means that rather than being limited to vessels of up

to 150 gross tonnes Jersey registers vessels up to 400 gross tonnes, and that does very much put us in the superyacht area and such like. Jersey already has a unique place, not the category 1 which is unlimited tonnage, *et cetera*, but category 2, which is very much focused on commercial ships and pleasure vessels of up to 400 gross tonnes. Therefore, I believe should these regulations pass we will be well placed to take the registry forward. That in turn will, I think, help representative persons. The Constable of St. Mary referred to his work in the past - I assume when he was in the trust industry - of registering vessels on various registries I imagine, not just Jersey's registry. Jersey's registry in itself does not necessarily support trust companies that are already in the Island because those trust companies are just as likely to register a vessel in the Cayman Islands or they Isle of Man as they are in Jersey, and so on. But Jersey's shipping registry, which is from the 19th century, enables the Island to also benefit in some way from that and to fly a red ensign and to be part of the red ensign family speaks volumes to Jersey's place in the world. I think that is really important. But, as it is, trust companies and so on that register their clients' vessels on the registry, any changes to the registry are not going to affect those trust companies in any particular way. Deputy Warr also asked about contracts already in place. A change of law should not affect a contract. A contract between a client and a representative person - if there is a contract - I would think that any decent contract will say should the law change then we may require more information from you according to the law being changed and so, no, this should not in any way affect contracts that are already in place. I would like to finish as well by defending Scrutiny, both the panel and the process. Having been a Scrutiny Chair it is for the Scrutiny Panel to choose what work they wish to call in. I know that when I was on several Scrutiny Panels you cannot call in every piece of work. You cannot do a review on every piece of legislation because you would not get through them all. It is that simple. It is up to the Scrutiny Panel to choose their work. This piece of regulation has been scrutinised. It has been scrutinised by the Scrutiny Panel; that is work they have done. Just because they did not create a review into it does not mean it has not been scrutinised. A review is just one method of scrutiny. The Scrutiny Panel has chosen their route and they have said that they have scrutinised it. We presented them with the information to scrutinise it; it was the Scrutiny Panel's decision as to how they went about it and I think the States Assembly should be mindful that the Scrutiny Panel is autonomous and manages their own workload. But, as I have said, I do believe this puts the shipping registry in a better place for the future. I think it now will complement more clearly the financial services industry of which we are so proud and benefit from so extensively. As a result, I propose the regulations *en bloc*.

Deputy P.F.C. Ozouf:

Sir, may I ask a point of clarification?

The Bailiff:

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

Deputy K.F. Morel:

Yes.

Deputy P.F.C. Ozouf:

I asked the Minister about the future plans and he kindly said that he was asking Ports of Jersey to effectively take stock. Would he give an undertaking for those Members that are interested - and I am sorry I could not go on Friday, it was just not possible for me to attend on Friday at the briefing - in shipping, and there may be a few, that we could have a constructive workshop in order to look at how this is doing and deal with those other things. Because I do think that this does not make that jump.

The Bailiff:

I am sorry to be difficult, Deputy, but I am not sure that is a point of clarification about anything the Minister has said. **[Laughter]**

Deputy P.F.C. Ozouf:

Well, it is a point of clarification because I was asking whether or not he was up for basically doing a full review and I just did not think that he just, because this is happening ... my point of clarification is does he understand the point that is respectfully made that it is not just these regulations that have to change, it is other things within the registry as well. If that is not a clarification you can tell me off, Sir.

Deputy K.F. Morel:

I do understand that and I will ask Ports and my officers indeed, in terms of the review going forward of the way the shipping registry operates, to make sure that States Members, including Scrutiny, are apprised of that work.

The Bailiff:

Very well. Do you call for the *appel*? The *appel* is called for. I invite any Members not in the Chamber to return to their seats. The vote is on the Second Reading and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				

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

The Bailiff:

Do you propose the matter in Third Reading, Minister?

Deputy K.F. Morel:

Yes, I do.

The Bailiff:

It is seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak, those in favour of adopting in Third Reading kindly show. Those against? The regulations are adopted in Third Reading.

10. Amendment to Standing Orders - remote participation at States Meetings (P.63/2024)

The Bailiff:

The next item is Amendment to Standing Orders - remote participation at States Meetings, P.63, lodged by the Privileges and Procedures Committee, and I ask the Greffier to read the proposition.

The Deputy Greffier of the States:

The States are asked to decide if they are of opinion (a) to rescind their Act dated 14th September 2021, in which they adopted the proposition entitled 'States Meetings: Continuation of Remote Participation' (P.87/2021), in order that paragraph (1) of Standing Order 55A is reapplied; (b) to make the following amendment to the Standing Orders to the States of Jersey with immediate effect; and (c) to make the following amendment to the Standing Orders of the States of Jersey, with immediate effect.

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

P.P.C. (Privileges and Procedures Committee) has brought forward this proposition to deliver on previous decisions of the States Assembly and to ensure that Standing Orders accurately provide for a remote participation in States meetings. At the moment the Assembly continues to operate in a procedural vacuum, which has been the case since 2021. The report accompanying the proposition describes in detail the history of both remote participation and this proposition. Following the reference back last year of an earlier proposition the report also explains what P.P.C. subsequently did to address the questions Members had. There are 2 previous Assembly decisions which need to be addressed; the first from 2021 when the Assembly adopted a proposition from the then Deputy John Young, which - although unwittingly - has left us with no parameters for remote participation in States meetings. The second from Deputy Gardiner, that remote participation from outside the Island in unforeseen circumstances should be permitted.

[16:30]

As things stand, remote participation is possible for any reason, and I repeat, at the moment remote participation is possible for any reason, although a Member has to be in Jersey to be able to join online. There are 3 parts to these amendments to Standing Orders to allow for separate votes. The first part would reinstate the element of Standing Order 55A that was disappplied by Deputy Young's proposition. This would mean remote participation is possible in times of emergency or where the Bailiff concludes a quorum cannot be achieved in person. The second part would allow for Members individually to participate remotely for health-related reasons, or for health reasons in respect of a household or family member. This would include caring responsibilities. In the second part the committee has sought to replicate what has become commonly accepted practice, but its inclusion in Standing Orders would provide procedural certainty and this is something that we would really like to have. There would be guidance for Members on the application of this provision, a copy of which is attached to the proposition. The third part would allow for remote participation from outside Jersey in unforeseen circumstances, and for no other reason; it would just be for unforeseen circumstances. By definition such circumstances are not easy to predict but the committee has endeavoured to address the queries Members had on this point during the previous debate. If all 3 parts are rejected, or if the Assembly does not come to vote on the proposition, remote participation will still be available for any reason. For the avoidance of doubt, none of these provisions mean Members would be forced to attend or participate remotely if they were too ill to do so. The malade oath would still be available and applied. Some, if not all, Members are uncomfortable in spending time being seen to talk about themselves, but the procedures of this Assembly are subject to the Assembly's own approval and can only be changed and agreed through a proposition like this. There is no other way but to have a debate.

The Bailiff:

Is the proposition seconded? **[Seconded]** Very well, I open the debate, does any Member wish to speak on the proposition?

10.1.1 Deputy M.R. Scott of St. Brelade:

I have some questions for the Chair of the Privileges and Procedures Committee that I would appreciate her addressing in her summing up of the proposition to enable me to give some thought to it. The report has basically said that the current rules have not been abused and the Chair said the committee wanted to have certainty. I just wonder, these rules, why bring them in when they could perhaps be overly restrictive or uncertain. For example, and perhaps specifically, the new proposed paragraph (2) of Standing Order 55A allows Members to participate remotely in meetings if they are absent owing to health reasons relating to that Member or that family's health, provided that to do so would not be detrimental to the health of the Member concerned. One question I have is exactly how is it to be established that remote participation would not be detrimental to the health of the Member

concerned; is that by doctor certificate or the non-expert opinion of the Member? It is not particularly clear what the intent is. I am pleased that proposed paragraph (2A) allows remote participation from overseas if a Member is not in Jersey owing to unforeseen circumstances. That could help cover the scenario addressed by P.3/2024 in the context of emergency meetings of the States Assembly. I wonder why this had to be confined to unforeseen circumstances in the case of overseas participation. What if a Member is out of the Island on States business but can physically join online before a conference or between meetings; why should that Member not attend remotely? That would be consistent with the Member's oath that States Members must give due priority to attendance, unless there are compelling reasons not to do so, so why would we the States Assembly be preventing possible attendance in these circumstances? I would appreciate whether any thought has been given to this or will be given this.

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

I will be brief. I have been a Member of this Assembly since 2011, and I would happily go back to those days and the rules that we had when I was first elected. We take an oath that says we attend in the Assembly and we have reason to be *malade* and that was as it was then. The Chair in her opening remarks used the words 'commonly accepted practice'. But I say to States Members that we enjoy - if that is the right word - positions which are unavailable to anybody else. This is not a job where if you lose the job or decide to not do the job another person can step in easily or be recruited. We are all elected by the public as individuals to do a specific job. It is not something that can be just changed at a whim if we are not here. It is not possible for somebody else to sit in our place. We are elected as individuals. So that colours my thinking about this very much. I accept that in times of emergency we should use technology to move forward, as we have done in the past, and we showed our ability to do that as the first Assembly to be able to pass laws remotely, which was wonderful to see. But I fear that allowing Members to vote away from the Island is a thin end of a very big wedge where - I do not like to say it - but we will have States Members all over the world and we will have no idea where they are, where they are pushing their button from. I go back to what I said originally, some people may say I am a dinosaur but I would very much like to go back to the earlier days of my States Assembly where people were all in here pushing buttons, otherwise they were *malade*.

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

I mainly have questions for the Chair for P.P.C. but I want to just maybe raise some issues that the Minister, who has just left the Chamber, raised because I think there are 2 separate things here. There is point (c) which is about being off-Island or on-Island and personally I will be voting against that. I think it is important that we are on-Island. But I think it is really important to understand that we are trying to be as inclusive and diverse Assembly as possible and that will mean people who have to be available to be supporting their family and especially their children's health and have to be at home for that. It really is important that there is that accessibility to be able to go and sign in online and to have that and still be able to discharge the duties as a States Member but do that at the same time as supporting family. Maybe speaking to Deputy Luce as well, this also is not a 9.00 a.m. to 5.00 p.m. job. I also represent 3 Parishes; the 3 Parishes request me regularly to attend Parish Assemblies, to attend different events over the weekends, and my children are very accommodating about that. But sometimes they do raise concerns that I am not there all the time with them and sometimes when they are needing their mum just to be around to help put the soup on for lunch and to support them in that while still being able to discharge my duties, I feel that should be something that I could be allowed to do once in a while. Also, not to mention that my husband and his work has been very, very flexible with the fact that they also support ... again, the fact is now my child has to be picked up at 4.00 p.m., school is finished at 4.00 p.m. at primary school, and that he is able to do that. Sometimes I also need to pull my weight - and he will be glad that I have said that in public - and there needs to be that flexibility. I had a child the other day off for nearly 2 weeks. I needed that flexibility to be able to be at home because also my husband is not able to be at home for 2 weeks and we had to share duties. But I feel that I can then still do my duty to this Assembly and to my

constituents. I would like to ask the Chair regarding ... it is very specific, it is related to health. So again it is very narrow confines here, but next year for example at the end of April - I believe it is 22nd April - we have a States sitting, but that is an inset day for many schools. I will have 2 children at home and I will not be able to find childcare so I will have to be at home, and this is a question of whether with this confines of saying it is just for health that I will not be able to attend the States Assembly because it is an inset day at school. It is definitely not advisable to leave my 2 children at home on their own; they could get up to all sorts of mischief. So I would like to ask, defined like this, is that health or would it be able to ... for example, the fact that the States Assembly dates were put down without our input, and of course that is an official inset day from the Government.

10.1.4 Deputy I. Gardiner of St. Helier North:

I am rising to speak because of part (c), the more contentious part that was part of the proposition. I would like to address this, and actually also address what Deputy Jeune raised. It is about how I can contribute as a Member of this Assembly, as a representative, if for unforeseen circumstances I was not able to come to the Island. This proposition was brought - people know - on my personal experience when my daughter happened to have COVID in London and war with Ukraine started, and I needed to ask another Member of the Assembly to bring the proposition because I could not bring my experience, my connection to the Ukraine community, my full involvement, because I was with COVID out of the Island. That proposition is saying it is not that we are travelling and remotely participating on the holiday from all over the world; it is specifically when remote participation in the States meeting is permitted generally and Members should be able to participate remotely, but that it needs to be obviously unforeseen circumstances debated and approved by the Bailiff. I would like to bring another point; since the beginning of November we had 2 days of fog that none of the planes physically landed in Jersey. There is nothing that you could do, and it took another 2 days for airlines to catch up. This weekend we had 2 days of high winds that none of the planes landed in Jersey, apart from Guernsey, and it takes the airline another 2 days to catch up. We are talking about 4 days. It is not that the States Members plan to be outside of the Island. If, for example, the Chief Minister would need to come back on one of those planes and would not be able to, this particular paragraph (c) allows the Chief Minister to answer questions of the Assembly for the questions without notice. Would it be better that the Chief Minister would not be able to answer to the Members of the Assembly to their questions because of the flight cancellation? We all know when it is happening, it is not that it is something created, and you can do as much as you can do and protect and plan. I think is really important. By the way, it happened to Senator John Le Fondré, that he was not able to answer questions during COVID, during the war in Ukraine, in the States Assembly when he could have easily logged in from London or I think it was France. To be honest, my voice is recognisable, I think it is a secure log in, nobody tried to attend. It is something that we as an Assembly, if we have this opportunity, and it is unforeseen circumstances, why we need the options for the Ministers to answer to the Assembly if it happens. I made my case and obviously I will be supporting all 3. One of the things that is really important, it is 22nd April, it is inset day for my daughter too. I know this we are not debating but it is something that needs to be taken into consideration and maybe P.P.C. would like to look into childcare for officers and the States Members, if they would like to see us in person here.

[16:45]

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

It does not seem that long ago when we had this debate last time and it got quite confused and then ultimately got sent for a reference back. But looking at this proposition again, I think we have just opened a new government building on Union Street and there are 6 seats to every 10 employees in that building. The expectation is that people have the ability and are actively encouraged to work remotely, to work from home, and it is done on trust. People still are productive, they do their jobs, they cater for their caring responsibilities that they may have. I think one of the positives from COVID - and there are many positives from COVID - having the ability to work remotely and people

being more engrained in their electronic devices to do their work productively is a positive thing. I also think very often we are spoken about in terms of we are self-employed. I regard myself to be an employee of my constituents, and many constituents Zoom in and look at this building and who is speaking and who is here, so I think if we lay that trust to our constituents and they understand that if people can be here they should be here, but if they have other pulls on their time or their resources then we continue with the complete flexibility of them attending remotely, or not, as the case may be. Because even if you look at today, we have had one Member who attended remotely in the morning and was here in person in the afternoon and was actively involved in those debates throughout this morning's session and this afternoon's session. I also agree that travel is nowhere near as reliable as it used to be; it comes a time where you have to allow at least 2 days in order to get back to a States sitting if you are travelling during a time which is around the shoulder weeks or days of the next States sitting. Perhaps one solution might be to have an extra mark where if an individual is attending remotely they are marked as such. They could be marked as attending remotely in the Island or attending remotely outside of the Island. Because going back to our constituents - being our employers - it is up to them to look at what our records are, how we have contributed, where we have been contributing from, and they will ultimately decide whether they want any one of us back in this Assembly at the next election. So, yes, I have very different views to my views that I had on this the first time we debated it, and I look forward to hearing the views of others.

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

I am sure many Members will speak on this so I will brief. I will support part (a) and I currently lean to rejecting part (c). I hear the comments made by Deputy Scott around what they call Minister productivity; they could be both away on States business and attending. But there is a wider piece on culture and how we conduct our business and that any States Members or any Minister in particular who is going away is making a compromise, and they are making a deliberate choice as to the importance of that function compared to their duties here. I think that requirement is an important one in helping focus the mind as to what is important and to have one's cake and eat it in that respect I think is not a good thing. I think it would encourage more attending off-Island events that clash rather than ensuring more attendance in here in person. With part (b) I wanted to echo a question I think has already been made, that in summing up maybe the Chair of P.P.C. could highlight, which is the direct reference to health within part (b) for remote participation; health of a family member or health of the Member themselves. The Chair highlighted the words 'caring responsibilities'. I really just wanted to know what 'caring responsibilities' means to the Chair and to P.P.C., given that they would be working in consultation with the Bailiff on drafting guidance. Does caring responsibilities extend to school strikes - though the Minister for Education and Lifelong Learning will tell me that will not happen any time soon - or any other unforeseen circumstances, or is it purely around a direct health impact, a cold, a flu, broken legs or the likes. Whether in that guidance the Chair has also given thought to whether - as also just mentioned - a declaration at the beginning of a States meeting as to the purpose for joining online would be given. So, a direct health reason to stay at home, it does not have to be explicit, or the health of a family member, as I think that again would help with the element of trust and ensuring that this is used appropriately. I do think it is important that we are in here. I agree with Deputy Luce; I think it is important that we are here. I have heard the comments about changes to flexible working; I think we are already hybrid workers. We are only here on average 2 days in every 3 weeks. Sometimes it is one day, sometimes it is 3 days. That is an incredibly flexible job. Ministers have the ability to often schedule their calendar around some commitments. Scrutiny Panels have the ability to if you have to leave it because being quorate is met often by having a large enough panel. So, I think we are incredibly fortunate as officeholders to have that flexibility. I do not think having to be here jeopardises ... that this is not being flexible. We are incredibly grateful. I do think those who want far more flexibility should also reflect on the value of being in person. Having worked in a fully remote team there was nothing more valuable than visiting my clients on site. Travelling for that - despite the loss in productivity of being on a

plane going between one or 2 countries - the value of seeing someone face to face, building those relationships, ensuring this Chamber works together and understands the people behind the Ministries or the people behind Scrutiny I think is important and we should not necessarily step away from that. So, I am very cautious about (b); (a) will get my support.

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

Just to sum up I think part (a) is easy to accept. We learnt a lot from COVID and it was quite an experience being in the Assembly or not being in the Assembly during COVID. I think the work done to enable participation must be recognised, that the Island kept going, there were difficult decisions being made at the time, there were so many laws and rules being covered. Without that remote participation I am not entirely sure what we would have done. We have to keep that in the back of our mind and remember that that happens and we need to prepare for that in the future. So, I have no problem with part (a). Part (b) I am minded to accept. I remind Members - and I am sure I do not have to, and I will probably do this again with a couple of others we are going to talk about - we are debating the wording of the proposition. The report is just a report; that is not law, that is not what we are doing, it is just a report. You can say anything you want, literally anything you want in a report. I do not think it even has to be factually true, from some of the questions I have asked about reports. Therefore, it is the proposition that we are talking about and the specific wording of that proposition. It says: 'Remote participation will be available to any Member individually if they are unable to attend in person due to health reasons relating either to themselves or someone close to them.' 'Close to them.' That is quite important. 'This will include situations not only where a Member was not present at roll call for such reasons but also where a Member was required to leave the Chamber for such reasons later in the day.' So, I fully support Members being able to attend remotely if they are ill. The other thing we learnt from COVID was this notion of if you are symptomatic. That is a word we were not using a few years ago, 'symptomatic'. We now use it quite often: 'I am symptomatic, I will not come in and spread my illness.' That is a very sensible thing and I do not think we can move back from that. I think in this Assembly if you are ill and you are obviously going to spread it ... and if you look at the setup of this Assembly it is not the healthiest environment physically to be in if people around you are ill. That makes common sense; I have no problem with that at all. But there are some questions that have to be answered and I know they are not answered in the report or in this proposition so we have a leap of faith to make as Assembly Members. But there need to be clear guidelines. I have an issue with the word 'guidelines' and it might just be me. I like rules. I am an old-fashioned type of chap, I do like a few rules that we abide by. Guidelines are OK but I would ask the questions. In many, many workplaces there are difficult discussions to be had around health and attendance at work and they happen every single day in so many different workplaces about people's health and whether they attend. I would like to ask the Chair of P.P.C. who will have those difficult discussions, because they will have to happen. Who are we passing them to? Who will make the final decision on those difficult discussions? Because there has to be a final point beyond guidelines, because if guidelines mean: Well, we will not really have a final point, it will be up to me, I will just say, "I am not going to attend, we are back to square one again, I am just not well." Are we going to bring in certificates? There is self-certification at the doctors now; you can self-certificate I believe for up to 7 days. Will that be expected of Members if they are ill? There are some specifics that need to be asked - I am sorry, I have to go through these. I will be as quick as I can but I want to express these - about remote participation. For example, how are we ensuring that if you are remotely participating you are participating? Will we have the situation where your camera is on at all times? That may not be to the public. Are we going to adopt COVID clothing which is tracksuit bottoms, a shirt and a tie? Not that I ever did that; I was always fully, smartly dressed in front of that camera obviously. How are we going to do this? We are putting pressure on the Greffier as well to ensure that the meeting is quorate. I think that is a really important question that has to be answered. There is detail to be had here as we agree and move on and know that detail. I am minded to support part (b) because it is important if somebody is ill they do not lose, if you like, the franchise, the ability to represent. However, you have to look after your own health

and there is always an issue for us to decide upon because we are in the spotlight all of the time and judgments are made of us all of the time - often completely unfair by people who perhaps do not know us at all - about the actions that we take in this Assembly. But part (c) is where my deepest concerns are linked. The wording again - and let us look at the wording - is: 'The adoption of paragraph (c) alone will allow for remote participation from outside Jersey in unforeseen circumstances.' My position has somewhat softened on this because I did not agree with it at all before, however, I am struggling to support this part of the proposition. The reason is the balance between enabling us to represent our constituents in this Assembly and doing so in a way that is equitable. That is the key to part (c). We need very clear definitions of what 'unforeseen circumstances' are, and that is an anomaly in itself. A clear definition of 'unforeseen'. How on earth do we do that? Unforeseen, so is missing a flight or a cancelled flight unforeseen or is it simply bad planning? I am concerned that we might become lax in our planning as we make subtle long-term changes to our approach. Why worry about last minute flights or arrangements when if they are cancelled you can attend online? I can get a cheap flight to come back to visit my son in the U.K. first thing on a Monday morning. It is the difference between £190 and £33, so I will book that and it is OK because it is an unforeseen circumstance if the flight is cancelled, I can just attend online. There is a real issue there and if the wording and the rules are not strong enough then there is nothing wrong with a States Member doing that, but I personally think there is something wrong with a States Member doing that. These are the contradictions that we have to address before we accept such a wide-ranging change to the way that we address ourselves. So, if we are to have off-Island participation there have to be very clear parameters, and perhaps parameters is a better word in between guidelines and rules. So specific treatments being undertaken; we all know people have had to have radiotherapy in the U.K., for example, and it is a very short time during the day, they may have really bad side effects and they are sat around for 6 weeks trying to find something to do. If it was me I would want to be doing some work and getting on because there is a normality to your life. Do we stop that? Probably not; probably an absolutely reasonable excuse.

[17:00]

What about funerals? This is the other subtle pressure on people. You are attending a funeral in the U.K. but you can participate online. This is a question that needs to be answered, these specifics. Will there be pressure for people to attend online when they have gone through that very difficult time? Those subtle pressure are the things that we do not deal with very well as an Assembly. Someone once said to me in this Assembly: "Being a States Member is a constant exercise in controlling guilt." I think that is a very true point that we have to address, that we can never be everywhere at the same time. Important family events, the birth of grandchild; I put that in there simply to try and increase the pressure on my own children but I know that is irresponsible and I will be in trouble for that. But there are very important points there, they are very important to us, they are significant parts in our life and we maybe want to go and do those. I can remember at the time when the volcano erupted somewhere in Iceland and flights were cancelled for a long time and really made difficulties. There are people in workplaces all over this Island that when they did return were told: "You are going to have to make that time up because you were not here." Whereas we all separate ourselves from that by saying: "It is OK to participate remotely, you do not have to worry about it." So, we have to be really careful. Finally, I would ask the question, what happens if the guidelines are not adhered to? What happens if a Member tries to attend offline - and I do not know how this would work but it might come to a difficult situation and removed from the Assembly - and that is where we have to be absolutely precise in how the decision is going to be made. When is the point where we will say you are off-Island and - an unforeseen circumstance, it could be at the very last minute - that you can attend? Will I be attending from an airport waiting room? Are there going to be rules on where we can attend so it is private, so that people cannot look over your shoulder at things? There are real specifics here that need to be addressed in terms of attending remotely as well. These may be slightly pedantic things but I think we need to answer these questions in any rules or parameters or guidelines that are produced, so that we all know where we stand. That makes the

decision for us as Members ... as individuals who have to participate and represent our constituents and have to be responsible for that representation so that we can clearly say: "This is the reason I was not attending the Assembly at that time." Making general statements which say: "It is OK to attend when you are off-Island" needs some precision behind it. Making statements which say: "It is OK to attend when you are in ill health" needs some precision behind it. I hope that we never have the situation of COVID again. But if we do, we will have to adapt in the way that we did before - so smartly and intelligently by the Greffier, and I think we should all recognise that. (a) and (b) for me; (c), I am not convinced at the moment. This is one of those rare debates where I really do not know what to do with (c), but I have raised my concerns and hopefully they can be answered.

10.1.8 Deputy M.E. Millar of St. John, St. Lawrence and Trinity:

I am not going to say a great deal, because I agree with a lot of what has already been said by Deputy Ward, Deputy Curtis and Deputy Luce. My difficulty, slightly, is that I do not necessarily agree with everything that Deputy Ferey said. Because I think Deputy Ferey seemed to suggest that the public would be quite forgiving and quite accepting of Members not being here, and I certainly do not believe that is the case; perhaps I have misinterpreted what you said. I think we have to remember that, in the view of the public, we are asked to be in this Assembly one week in 3 and beyond that we have a huge amount of flexibility in terms of how we organise our workload. There have been several times this year we have only been in here for one or 2 days. What I have seen online is that when people do look in, when they do look online and see an array of empty seats, they get very, very cross about it because they think we should be sat here participating in debates. I have explained a few times that people are allowed to go for a tea break or a comfort break, but the public do expect us to be here and I think it is important that we recognise that and I think that should be ... the rule of thumb, really, should be that remote attendance is only in exceptional circumstances. I also think that exceptional circumstances are in the case of illness. I also particularly have concerns with participating off-Island, even though I am sure there will be times I may come to regret that. Another thing that I would just say - because it has been mentioned a couple of times - and I really do hesitate to say this, because I really want to support a diverse Assembly. I have worked in places where, if you are off with a sick child, you either have to make the time up or that is unpaid leave. Again, I think to suggest that States Members and Greffe officers should be given special childcare amendments for an inset day in April, that will not go down well with very many working parents. There are working parents who, in December, will be having to negotiate very hard with their workplaces whether they can get time off to go and see the nativity play. Many people simply do not have the flexibility that we have. I absolutely do agree that we do need to be cognisant of the demands of working parents, but I think we also have to be cognisant of the fact that some people have it very much harder in the public sector, in very many jobs, and they also have to juggle childcare. To seek special treatment for people here, I think, is quite a difficult ask for the public. Those are my observations.

10.1.9 Deputy M. Tadier of St. Brelade:

I think it is absolutely correct that we are often levelled the unfair argument: "You only work once every 3 weeks, do you not?" Clearly, that is not the case, but I think it is important that the public-facing image of what we do in this Assembly - even though we know we have got other roles - is this is what people see. They do see us here, and so there is both a requirement for us to be here for a couple of days - sometimes 4 days - every 3 weeks or so. Occasionally, it is 2 weeks. There are, of course, the school holidays. I have never quite understood why the parliamentary assembly necessarily follows school holidays. We are not a school, although increasingly it does feel like it sometimes. But I will leave those arguments for another time. What I would say is that - I will be slightly more radical - I think the one part that I will be willing to support for this is part (a) because I think it would be good for us all to get back to the pre-COVID days and to have a period of normality and to actually see how that goes. I would suggest by only adopting part (a) and rejecting part (b) and part (c), we should say that actually there is a presumption that you are in the Assembly. If you

are ill, that is fine; nobody is going to judge you. People do get ill. If you have to be off-Island for a family matter, that is also OK; you will be *excusé*. If you have to go to a funeral; it is normal that Members stand up and say: "Sir, I will not be here at 12 Noon" or: "I will not be here just after lunch because I am at a funeral", and that is accepted. We seem to be falling into an area where ... and I am not saying it is right or wrong, but I think it does need careful consideration because, of course, we are in a modern period and we know that this Assembly needs to both be cognisant of family-friendly practices, but it also, as Deputy Millar said, is that we must not just presume because we are only answerable to ourselves, in a sense, and we can make our rules up, but there is not a massive disconnect between the largesse that we have to permit ourselves in terms of working practices, compared to what the norm is, both for the public sector and the private sector. Because I think that is correct. Obviously, I have sympathy for Members, but when we hear talk about an inset day, there will be some members of the public listening, saying: "What is an inset day? And when are the inset days?" So, I think it would be very healthy for this Assembly to have - and I would suggest that it is a year period, where we just revert to what used to be the norm - is that you come to the Assembly if you can. If you cannot come, you do not have to. We must remind ourselves that, although we are a relatively intimate Assembly, how many times do we get asked, especially when we meet other parliamentarians from other places, they say: "How big is Jersey?" and you say: "It is 9 by 5 miles." And they say: "How many politicians have you got?" and we say: "49." They quickly do the maths and they say: "That is quite a lot, is it not? Because in St. Lucia, we have got about 180,000 people." They might only have, I think, about less than 20 in their Lower House and maybe 11 or so, roughly - I am just trying to remember - in their Upper House. The point is that sometimes Members might say: "I want to be here to represent my constituents." But if it is a very exceptional circumstance and you cannot make it to the Assembly, I think constituents understand and they will say: "That is OK. There are 3 other representatives for constituency X or constituency Y." In fact, there are 4; there is a Constable that represents every constituency. Some constituencies even are lucky to have 3 Constables. It is not the case for St. Helier; they have to share a Constable between the 3 big districts. But we are not getting into a constitutional debate here. The point is, if you find yourself out of the Island for foreseen or unforeseen circumstances, you can rely on at least 3 or 4 colleagues in the Assembly to represent your constituents. You might want to talk to them and say: "Deputy Renouf, I am afraid I cannot make it. I have been unforeseenly detained in London for whatever reason [hypothetically], would you mind raising this issue for me? I will be back as soon as I can. Because there is fog." Of course, nobody can ever foresee that there might be fog coming into Jersey when you have been away and you booked your flight for a Monday night just before you come back to a Tuesday morning sitting. Let us get on to part (c). I think this is really the part which is unacceptable, because of course we could all envisage scenarios where it might be, on the balance of fairness, reasonable to allow someone to join remotely. But I think the point is, it is open to abuse. The unforeseen circumstances will be interpreted in such a way ... because I think they have to be, because it is ultimately us who will be making representations as to what they mean. What is being worded as 'exceptional' will increasingly become just commonplace, and I think we are seeing it already. So, I would strongly urge Members to not support part (c) and to revisit it on a case-by-case basis. For example, I am really concerned that what has been proposed here is far too vague and far too general. That is not to undermine the work that P.P.C. has put in, because I think they have been trying to balance different competing needs; it is that I would much prefer if it was not ... because this is not even going to come back to the Assembly. It would just be put into Standing Orders and it would be agreed between the Bailiff in consultation with the Privileges and Procedures Committee. I would much prefer to see some very narrow examples of where this is expected to be used and then increase those examples, if we need to, in the following months and years that arise. But as it is worded, I think it is far too generalised. We will just see Members, unfortunately, routinely not coming to the Assembly. Therefore, I come back to point (b). The reason I want us to go back to the original position is that it becomes too easy for somebody to say: "I could feel a headache coming on. I could probably feel a headache coming on tomorrow and so ... I am going to make sure that I am in the Assembly tomorrow because I think it is the right thing to do. I am moving a proposition

tomorrow - I hope - and I hope we will all be refreshed. I know first of all, on the one hand, it would look bad if I were not in the Assembly to move my own proposition and, secondly, it would possibly also lose me votes.” But that is a consideration which I think we have to make. So, I would ask Members to consider what we are here for. We have a large amount of flexibility in our jobs, whether we are on Scrutiny Panels or Scrutiny Chairs; we can by and large manage those meetings around our personal commitments. But I think, when it comes to the Assembly, we sign up to this, we stand for election and we know that we will have to be in this Assembly at least every 3 weeks, and we make provisions. We already start at 9.30 a.m.; we finish at 12.45 p.m., and we come back at 2.15 p.m. So, it is fairly family-friendly already in terms of the morning side of it. What I would say, maybe, is to give consideration to - if we are sitting exceptionally during a long period, say in a Budget debate - if we are to go into the evening, I think it is entirely reasonable that we have a pause at 5.30 p.m., maybe come back at 6.00 p.m. and allow people then to join online if they want to. But I think that that needs to be considered in the future. In summing up this part of my speech - it is funny to sum up your own speech - I strongly urge Members to consider the idea of just reverting to the original position: only support part (a), reject part (b) and part (c) on the grounds that they are too broad and they are likely to be open to abuse.

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

I just want to speak briefly and raise just a couple of points to contribute to the debate, because an awful lot has been said. I am pleased to follow my colleague from St. Brelade, because I actually do not agree with him. In the wording of the proposition, it talks about health responsibilities, but it is not specific about caring responsibilities; although it is mentioned in the report.

[17:15]

The caring responsibilities do not always relate to children and there are some Members in this Assembly that care for adults with learning disabilities and autism; they also live with elderly parents; they also have elderly parents who reside off-Island and it seems entirely feasible to me. We have the technology - the technology exists - to enable those Members to participate when they want to. To be excluded from participating due to your family responsibilities I do not think is the right way to go. The second issue I wanted to raise was the issue of travel that Deputy Curtis raised. That really comes down to planning; those Members who participate in C.P.A. (Commonwealth Parliamentary Association) or A.P.F. (Assemblée Parlementaire de la Francophonie) events, you tend to have to book those quite far in advance and you do not know what the debates are going to be. There is a very real risk, when you do know what the debates are going to be, that you actually cost taxpayers' money because you then have to start cancelling hotels, flights, *et cetera*. I know that is a minor point, but it is a point that needs to be taken into consideration. The other issue that I wanted to raise, particularly in response to Deputy Tadier's view about us going back to how it used to be, is the issue of accessibility of this Chamber. It is not very accessible and for those people who do have certain disabilities, be it temporary or permanent, it is very difficult to access this Chamber in those circumstances. Again, I reiterate, we have the technology. Other Members know I am due to have surgery on my foot at the end of this week. I will be off my feet for 6 weeks. I will physically not be able to attend the Assembly in January, not only because I cannot get up the stairs, but I also could not escape during a fire, and I would not want to be stood on by people who keep passing me to and fro. If Deputy Tadier's suggestion was to go through, I would have to be classed as *malade*. I will not be *malade*; there will not be anything wrong with my brain. Well, let us hope not. I just simply will be not able to access this Chamber. The final point I wanted to make - and it might be a controversial point, but I do want to say it - some Members, particularly the younger Members, may have things that they want to achieve in their life that are difficult to do when you are a States Member. You might want to go and climb Everest; you might want to do a leg on the Jersey Clipper. It is very difficult to be able to fit in those things, given that you have to be here and given the oath. I think sometimes that can act as a disincentive. I also want to take exception with some of the things that Deputy Millar said over childcare in particular. I think we have to do things particularly

differently, particularly if we want to attract women into this Assembly. That is all I have to contribute.

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

I am pleased to follow the previous speaker. I wanted to start by offering some clarification around the clash next year with inset days. On P.P.C., we make every effort to avoid school holidays as much as possible. The term dates are published on gov.je and we published our sitting dates well in advance this year; they were published in July. Those term dates were followed - the ones that are on gov.je. Unfortunately, inset days are actually set by the schools. Even Education, centrally, does not have power over that; that is up to the school to decide. But we do try to give Members as much time as possible in order to make those arrangements. Although I have sympathy with those Members that, obviously, it is difficult, but it is also impossible for us to make it completely avoid inset days. I am also acutely aware that some of the private schools, for example, do not have the same term time dates as our government schools do, as well. So, we do follow what is published on the gov.je, and that is the main term dates; we avoid the school holidays but inset days - unfortunately on this occasion because Easter is so late next year - it was unavoidable. I also just wanted to tell ... I think I may have told this personal story previously, but in 2021 I was in a very difficult position where my grandmother was in Madeira dying. I am second generation Portuguese and I know that the majority of Members here want to encourage a diverse Assembly, but with a diverse Assembly has to come the understanding that my family do not reside here. I am sure that is the case with a lot of other Members within this Chamber as well. It can often be hard when a close family member is in a situation where they are very ill and you do not know how long you have got left with them. In 2021, I was travelling back and forth to Madeira in between sittings. We were completely online at that point because we were still in the midst of COVID, but because the rules did not allow me to participate online for the sittings, I was having to come back every 3 weeks specifically for those sittings and then flying back out again to see my grandmother who subsequently died in the January of 2022. So, I have a lot of sympathy for part (c) and I wonder if - as has been raised by Deputy Scott - whether 'unforeseen circumstances' goes far enough. Because I was able to ... there has been a lot of talk about supporting our constituents and whether the public are forgiving or not. While I was away in between those sittings, I was able to support my constituents to the best of my ability. I was still at the end of the phone; I was taking calls; I was doing all of those things and I was providing the services that I could, which would have been to the same extent as if I was on the Island. So, I do wonder whether (c) actually does go far enough because, ultimately, I would like to think that everybody in this Assembly - and I certainly do - I want our Assembly and the provisions of the Assembly to be as inclusive and accessible as possible. So, I will be supporting every part of this proposition, but I do wonder whether there is scope to maybe look into something ... Deputy Ward also mentioned their off-Island health treatment as well. If we want to be as inclusive as possible, I think that is an area that we maybe do need to look at.

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

I am trying to gather my thoughts on this, because I thought that we had discussed many of these issues and settled them. It was my understanding that this was an Assembly that was aware of the importance of diversity. There were some interesting conversations in the coffee room earlier, and perhaps we have forgotten about the importance of diversity. It is a word that is used quite a lot and it may be quite a popular word at the moment because, of course, it is the fair thing to do, is it not? To make sure that everybody can participate; that is fair. That is the right thing to do. But it is not just about fairness. Diversity is important because studies have shown that diverse groups of people make better decisions; groups of people who are representing a larger group. So that is what we are here, right? That is what we are here for, that is what we are doing. We are representing the people of Jersey and the people of Jersey are diverse, incredibly so; all sorts of ages, races, genders, beliefs. It is our duty to try and think about all of those different characteristics and all of those different points of view. We can do that a lot better when we have a diverse States Assembly. I have been in

this Assembly for 10 years, and the diversity has increased; a lot of other things have changed as well. I think it was Deputy Luce that said he would go back to 2011 now. That was 3 years before I was a States Member, but former Senator Vallois, who is a good friend of mine, was a States Member at that time and I saw her experience. Things were very different. When I was first a States Member in 2014, I think former Senator Vallois and myself were one of only 2 women under the age of ... in fact, former Senator Moore - Deputy Moore - as well. There were only 3 of us, I think, women under the age of about 60 or 70. It was not a diverse Assembly at all. There was not that shared understanding of the fact that people would have caring responsibilities. It is not just children; Deputy Miles mentioned it is not just about children. I think we have had, in recent years, many Members who have had spouses or family members who have been seriously ill and passed away while they have been States Members. We need to understand that we are not machines; we are human beings. We are here representing and advocating for and legislating for the experiences of real human beings. We cannot deny those human parts of ourselves. Those of us who have characteristics - we are perhaps caring for children or elderly relatives or disabled spouses - those of us who have those characteristics must be allowed to contribute to the same extent as those who have the privilege of not being disabled and not having caring responsibilities. We must be allowed to participate on the same basis. I cannot stress to Members how important this proposition - and I am specifically talking about part (b) today - I cannot stress how important it is that we approve it today. Because if we cannot present a working environment that is accessible to those with disabilities and caring responsibilities, then we are going to see the diversity of this Assembly decrease at the next election. That is bad for democracy and it is bad for the people of Jersey. We should all care about that, no matter what our personal characteristics are, no matter what our gender is, no matter whether we personally have caring responsibilities or if we do not. Part (b), previous speeches have mentioned that it is not specific enough; I think it is, actually. We have heard some speeches that are asking for more and for it to go further - and I think that does need to be looked at - but it is very narrow. It is about health issues. You would only be able to access this - and I am not referring to part (c) at the moment - part (b), you would only be able to work remotely if your health needs prevent you from doing so or somebody that you have the caring responsibility for. It is not that broad at all. I am a member of P.P.C. and we have worked on this for months. We have had these discussions and some of them have been very challenging, and we have challenged each other. There have been several iterations of this amendment and we have, I would say, scrutinised it. We have examined it very closely and challenged each other, and I firmly believe that we must approve this today. Previous speeches have mentioned other workplaces - I think it was Deputy Millar - that other workplaces have it harder than us. Yes, they do and some of us have been working exceptionally hard in this Assembly for many years to legislate for making those workplaces more inclusive for those Islanders who need that. Just because situations may be worse or comparable in other workplaces, does not mean that we should accept a bad situation here. I firmly believe that we should also be continuing to work for Islanders who are in workplaces that are not inclusive enough. In fact, my Scrutiny Panel will be looking at this and some of the legislation under Social Security soon. Also, we are talking about this as if it is ... some are using the terms 'job' and 'work'. This is not a job. Yes, we work and we work very hard; again, that is something that, when Deputy Luce cast his mind back to 2011 ... I think Members now do a lot more. I remember in my first term - it was either the first or second summer that I was a States Member - and I came into the States Greffe. I wanted to lodge a proposition and I was told: "Oh, we do not usually get Members doing this in the summer." The volume of work that Members are doing is increasing more and more and more, whether they are in Government or on the Back Benches, in Scrutiny. I think there is not a Member here who does not take this work ... and actually, it is not a job, it is a vocation. It is certainly a vocation for me, and I think it is for many Members.

[17:30]

We take this very seriously. Those who need to use the remote participation for health reasons - their own health or the health of people they are caring for - they are asking to do that work. They are

asking to be able to continue to carry out their vocation and not to be disenfranchised from representing the people who have elected them. What are we here for, if not to promote democracy? I can see Members rolling their eyes and it is really disappointing, because any one of us could become physically disabled overnight. We do not know what is going to happen. When Members walk out of the door of this Chamber, we could be hit by a car and physically disabled and not able to walk back into this building the next day. That could happen to any of us. We could be temporarily disabled, as Deputy Miles mentioned. We could become pregnant; our partners could become pregnant. We have a Member who is currently caring for a child at home. But those of us who have children know that in the first years of a child's life, you cannot always predict what their needs are going to be. We must make sure that we are including those people. Deputy Stephenson, she will have some fresh experiences of things like maternity services and health visitors. She will bring those experiences back into the Assembly and she will use that, as I have done and others have done with their varied experiences. If we do not make this Assembly an inclusive and accessible place, we will not get varied experiences and varied points of view; we will have a homogenous point of view. I am imploring Members to please support part (b); it is very, very reasonable. It does not go far enough, in my opinion. I think it is very reasonable; it decreases the accessibility from what we have at the moment, as the Chair of P.P.C. said. At the moment, anyone can access the remote participation; if we approve part (b), it does put those rules in place. It means the only reasons that Members can access it would be for their own health reasons or the health of people they are caring for. I think that is entirely reasonable and I hope Members will support part (b).

The Bailiff:

It might be helpful for Members to know who else wishes to speak. There is clearly at least 2 or 3 ...

Deputy L.J. Farnham:

I propose the adjournment, please.

The Bailiff:

The adjournment is proposed. Very well. The Assembly stands adjourned until 9.30 tomorrow morning.

ADJOURNMENT

[17:31]