

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 21st MAY 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 Deputy Bailiff:**

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

On behalf of Members, I would like to welcome His Excellency the Lieutenant Governor to the Chamber this morning. [Approbation]

#### **1.2 Welcome to Henri Brunet School**

In the gallery today, we welcome a group of French school children from Henri Brunet School in Caen, who are watching the beginning of this morning's meeting. They are in Jersey for 3 days to discover the Island and practice their music as they are a group of singers, and on Thursday afternoon they will perform for the residents of St Ewald's Retirement Home. I will now welcome them in French and at the end I invite Members to welcome them in the usual way, if you understand what I have just said, which is no comment on you, but maybe a comment on my French pronunciation.

Nous sommes rejoints aujourd'hui par un groupe d'écoliers français de l'école Henri Brunet de Caen. Ils sont à Jersey pendant trois jours pour découvrir l'île et pratiquer leur musique. Ce sont des chanteurs et ils chanteront jeudi après-midi pour les résidents de la maison de retraite de St Ewald. Je vous invite à les accueillir de manière traditionnelle. [Approbation]

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 Deputy M.B. Andrews of St Helier North of the Minister for Treasury and Resources regarding increasing the Jersey corporate tax rate. (WQ.161/2024)**

##### **Question**

Will the Minister advise what consideration, if any, has been given to increasing the Jersey corporate tax rate of 10% for those financial services companies to which the rate applies?

##### **Answer**

I have previously stated, most recently in October in response to Deputy Tadier's [question](#) as rapporteur for Deputy Gorst, that I have no plans to review the 0% and 10% rates of corporate income tax generally. Ministers continue to develop our proposals for Jersey's response to the OECD Pillar 2 project on the worldwide taxation of the profits of the largest multi-national enterprises. This would only affect a relatively small number of those large multi-national enterprises operating in Jersey.

#### **2.2 Deputy K.M. Wilson of St. Clement of the Minister for Children and Families regarding assistance to families who are experiencing difficulties in staying together. (WQ.162/2024)**

##### **Question**

Will the Minister advise what assistance, if any, his department offers families who are experiencing difficulties in staying together, and state the costs to provide this support?

##### **Answer**

The Minister offers a wide range of support services for families in need of support. Dependent on the needs of the children and family, support may address relationship difficulties, housing matters, poverty, parental or child mental health concerns and caring responsibilities with engagement with key partners from other Government Departments and the community and voluntary sector to address challenges faced and to prevent them escalating.

## **The Children and Families Hub Service and Early Help**

The Children and Families Hub Service provides an integrated single front door for requests for support for children and their families. It receives requests for support from both professionals and families. Families can call for support, advice and guidance. The team signpost to relevant Government Services and Community and Voluntary Sector organisations for support around the issues the family are facing.

When children's wellbeing is being affected, an early help wellbeing assessment may be recommended to be completed by either a professional from a service already working with the family (e.g. school, health visitor, Brighter Futures) or by a Family Partnership Worker from the Children and Families Hub Service. The assessment will consider all the challenges the family are facing and when needed, a team around the child and family meeting will be convened with partner agencies to develop an early help plan and agree a lead worker.

### **Family Group Conferences**

We offer family group conferences chaired by a professional to develop and strengthen the family support network, ensuring that family led support plans are in place and effective alongside any early help or social work Child In Need offer of support.

### **Relate services**

We utilise the Relate services via referral from Children and Families Hub and Social Work staff for families – the government has an agreement with Relate and contributes to operation costs.

### **Resource panel**

Multi Agency Resource Panel considers requests for specific services when assessed as needed by a social worker provided support and assessment to a family.

### **Edge of Care & Intensive Integrated Youth Service**

The IIYS provides support to children and parents when concerns have escalated and there is a presenting risk of children becoming looked after, with a particular focus on adolescence.

### **SW support/Child in Need plan & the Family Intervention Service**

Children in need of help and protection can be supported by a social worker via an assessment and Child In Need plan which are reviewed monthly. The Family Intervention Service can support the social worker in achieving some of the goals of the care plan, this could be through undertaking direct work with children, enabling looked after children to spend quality time with parents or other family members. They offer parenting support (1:1 support or training course, modelling in the home, routine & boundaries, behaviour management)

### **Connected carer, Post Residence Order Support & Post Adoption Support packages and Private Fostering**

Children's Services provide effective support services for friends and Family carers, those needing support and guidance under private fostering arrangements and those who need additional support following adopting a child or being awarded a residence order for a child/ren. There is a financial support element including within these packages.

### **Costs of providing support**

Support for families to stay together is a community provision across several Departments of Government, Non-governmental Organisations and the third sector. Other providers include: Customer and Local Services, Health Community Services; Andium Homes and specific charities.



The table below shows the costs incurred by the services in the department for Children, Young People, Education and Skills which help families to stay together within their wider remit of supporting children and families.

<b>Services</b>	<b>COSTS 2023</b>
Children and Families Hub and Early Help	3,089,000.00
Family Group Conferences	93,000.00
Resources panel	134,000.00
Third Sector including Brighter Futures	268,326.00
IIYS	613,000.00
Children in Need	981,000.00
Family Intervention	1,122,000.00
Connected Carers	798,000.00
<b>TOTAL</b>	<b>7,098,326.00</b>

### **2.3 Deputy C.S. Alves of St. Helier Central of the Chair of the Comité des Connétables regarding engagement with Parish Assemblies. (WQ.163/2024)**

#### **Question**

Will the Chair list, for each Parish, the communication and engagement (including any events held) undertaken to raise awareness of, and to encourage attendance at, Parish Assemblies, other meetings and events, and elections; indicating within this the engagement in each Parish specifically aimed at children and young people, minority groups, and those new to the Island?

#### **Answer**

The responses from every Parish are set out below.

In relation to Parish Assemblies and elections, there are statutory requirements which are set out in the *Loi (1842) sur les publications dans les Eglises*, the Official Publications (Jersey) Law 1960, and in the Elections (Jersey) Law 2002. Children (under 16 years of age) and those new to the Island would not meet the criteria to be eligible to vote at Parish Assemblies and elections (a person must be 16 years of age and meet the residence criteria).

All Parish websites offer the option to receive details of News and Events direct to a mailbox. The Jersey Gazette is available online and a person may register to receive notices by email.

#### **St Brelade**

All meetings and events are advertised in accordance with the law, where applicable, and also through social and other media channels including the Parish Website, Facebook, Jersey Evening Post, the Parish magazine, posters/banners, advertising on the radio and notices in the church box to reach as many parishioners as possible.

In relation to children and young people, the Connétable and Deputies often visit schools to speak about the role of the Parish, elections and voting. The Parish also encourages future voting in the

younger generations by lending its ballot boxes to schools so children/young people may practice voting at an election.

### **St Clement**

St. Clement endeavours to connect with all age groups in all walks of life and has been very proactive, in particular, in attempting to bridge the gap with younger people and the disadvantaged.

In all of this we try to develop interest in all of our activities, markets, talks, Government outreach, community service, Parish magazine, etc. We also advertise events through social media, our own website, church, Jersey Gazette, banners and the Jersey Evening Post. But whilst we do all of the below, we recognise that reaching out to the younger generation and giving them a greater challenge and voice is a priority and we are making steady progress. To this end after the summer holidays the Connétable will launch a new concept - St. Clement Youth Community. Based on the old concept of the Young Lions Club (the LEO Club of Jersey), it will focus on Leadership, Experience and Opportunity and will encourage young people aged 14 to 21 years to join together in activities - political, community, environmental, and of course charity.

We also allow the Parish schools the use of our ballot box and booths when they hold their own elections and, with the permission of the Autorisé, they often visit our polling station on election day to get first-hand experience of the election process.

The following is a snapshot of what the Parish has achieved in relation to younger people and the disadvantaged:

1. The renting of allotments for disadvantaged families and the elderly who have no outside facilities. These are allocated by the Parish and are free to deserving Parishioners.
2. The raising of awareness of Mental Health through the provision of a discreet meeting room at the Parish Hall, in conjunction with the Tara Centre who provide free signposting for people who need specialist care (includes those with young families).
3. The takeover of a unit within the Le Clos Mourant and Le Marais Estates in conjunction with Andium Homes to provide better access for the disadvantaged of all age groups to services and information from the Parish, Charities and Government entities. This is very recent and will provide a residents' association to develop relations within the Parish and a greater pride in their environment and relationships. This will particularly help young families and the elderly.
4. Through our trusts we provide funds for many people of all ages; for young people this has included money for dental work for young teenagers, sports kits where money is tight for parents, trips to Scouts camps, travel expenses for medical reasons, Doctors and opticians fees. We focus on those in need and in particular those that have young families and are disadvantaged.
5. We have recently reached out to the four schools in the area to provide an award for a student in each school who demonstrates the best example of community based engagement.
6. We have engaged constantly with the Government to provide much more sports facilities in the east of the Island, including on estates managed by Andium Homes. In this instance we have managed to persuade Andium to re-arrange the playground in Le Clos Mourant, this in conjunction with the new residents' association. We attempted to get the new Infrastructure Minister to consider a new skate park in Le Marais. Whilst this was not adopted, we now know that in lobbying Andium about upgrading the current aged playground at Le Marais, they have now submitted a plan for major upgrade. We provide £21,000 from our Parish towards the Le Squez youth club. And we are looking into providing a small playground at the back of the Parish Hall.

7. With our Battle of Flowers volunteers, we have re-established a junior float which has a great many youngsters helping the build through the summer holidays.
8. Through our close association with St. Clement Football Club, who have over 400 footballers of all ages 75% of whom are from difficult social backgrounds, we have managed to help raise funds, increase awareness and promote extensions to their facilities.

## **Grouville**

The Parish uses a variety of means to raise awareness for everyone, and not just a specific social groups.

All meetings and events are publicised with notices of Parish Assemblies and elections meeting the statutory requirements as well as through other media.

Meetings and events considered to be of high public interest, for example the annual Rates Assembly, recycling proposals/issues, Parish Hall roof repairs, etc. are further publicised in the classifieds in the Jersey Evening Post, as well as notices placed around key areas of the Parish, such as Holme Grown and on lamp posts.

A summary of the methods used is:

- Facebook
- Parish website
- Jersey Gazette
- Parish magazine
- Digital notice board display in the Parish Hall
- Jersey Evening Post
- Other notices as appropriate

The Parish has assisted the school by loaning the ballot box for school elections and the Connétable has spoken to different year groups in several schools about the Parish, elections and voting.

## **St Helier**

The Parish of St Helier aims its communications at all groups. It encourages attendance of all parishioners at Parish Assemblies and elections by advertising the details on the Church Notice Board, the Parish website, the Government online Jersey Gazette, and the Parish Facebook page. Both the online Jersey Gazette and Parish website have a sign-up facility, so members of the public can receive automatic notifications of Assemblies and elections.

With the introduction of the Jersey Electoral Commission, communications for Deputies and the Connétable elections are now coordinated and controlled by the Government's Communications Unit. Prior to this a Parish representative attended Parish Secondary Schools to encourage those of 16 years of age to register and vote.

The Parish on occasion has lent its ballot boxes to schools, so they can experience running their own elections. On election day, two of the Parish Polling Stations are situated at primary schools, and groups of students have attended the polling station to learn about the election process.

The Parish held Assemblies using an online webinar for over two years; whilst there was take up during the Covid lockdown, it quickly dissipated once the public were able to return to the Town Hall.

Parish Deputies have not initiated any activities or events in conjunction with the Parish, however, this response does not include details of any actions or activities that Parish Deputies may have undertaken on their own initiative and without Parish involvement.

### **St John**

As well as the legally required ways of advertising our Parish Assemblies and Electoral meetings – the Jersey Gazette and Church Box – we also use the following platforms: Facebook, X, Instagram. The Parish Assembly notices are also published on the Parish of St John website. A letter-drop is made to every residential address in the Parish to raise awareness of, and to encourage attendance at, Parish Assemblies, other meetings and events, and elections – this is aimed at all parishioners regardless age, length of residence etc.

On Polling Days, the Parish Primary School and Youth Groups – including the Youth Project and local Brownie Pack - are invited to attend and be part of the day. Pupils from the School were in attendance when the Ballot Box was sealed by our Jurat on the last General Election.

For the last three years the School Council Elections for St John's Primary School have been held in the Parish Hall. This involved setting up a Polling Station in the same format as a General Election, with pupils obtaining ballot papers from Adjoints which included some of our Constituency Deputies, casting their votes in the polling booth and placing them in the sealed ballot box. They were then able to witness 'the count' with the results being announced by *Le Connétable*. This has proved to be a very successful and interesting day, encouraging lots of interest from the pupils ranging from Year 1 to Year 6.

### **St Lawrence**

For Parish Assemblies, we comply with the requirements to advertise all Assemblies in the Jersey Gazette, as well as in the Church Notice Box. Our other sources of communication are the Parish website and Facebook page and whenever possible, the Parish magazine. We also put physical notices in the Parish Hall and for those who have signed up to receive emails by registering on the Parish Website and of course word of mouth.

We use the same sources of communication for other Parish meetings and events.

Parish Assemblies are, by their very nature, generally not specifically aimed at any particular demographic, however, children, young people, minority groups or those new to the Island, are welcome to attend all events\*.

As such, we also try to encourage young people to register to vote when they apply for a Provisional Driving Licence [very often at the age of 16].

We loan our ballot boxes to the two Parish Primary Schools for their elections to School Council, when St Lawrence School use the Parish Hall to undertake their voting process. The Connétable is present for that and addresses each year group about the process and importance of elections.

The Connétable has also been to St Lawrence School to discuss elections and speak to Year 5 about the importance of democracy.

On Election Day we invite pupils from St Lawrence School to view the Polling Station and meet the Jurat to ask any questions at that time. They have attended for the sealing of the ballot box.

*\* In the case of a Parish Assembly, they would not be entitled to vote unless they were registered.*

## **St Martin**

During Democracy Week, the Connétable attended St. Martin Primary School and spoke to the whole school about the importance of democracy, voting, Parish Assemblies and accessing your elected member to have your voice heard.

The children in St. Martin Primary have lived experience of having their voice heard as they were instrumental in the design of the new playground. A pupil from the school officially opened the playground and all those in Year 3 attended. It was good to hear that, when interviewed, some of them told the media with great authority that they had personally designed the playground.

St Martin's primary school also stage school elections and voting sessions which are attended by the Connétable.

In the Autumn Term, Connétables were asked to attend the Jersey College for Girls for a day of PHSE (personal, social and health education) to talk to pupils about democracy. Three Connétables attended during the day – the Connétables of St Martin, St John and Grouville. Amongst other things this was to emphasise the importance of registering to vote and voting. It was heartening that some students actually registered to vote during the talks.

The Connétable meets people of all ages and will often mention or talk about the importance of voting.

Notices of Parish Assemblies, Parish Elections, Parish meetings and events are publicised on the following media:

- Online Gazette
- Parish Facebook page
- Parish website
- Parish Noticeboard
- Local media (Jersey Evening Post & radio)
- Parish Magazine – Parish Rates and end of year accounts Assembly date

The engagement of these events is aimed at all members of the general public – all ages and backgrounds.

## **St Mary**

Parish Assemblies are advertised:

- 1) in the '*boîte grille*' and Jersey Gazette notice as required by Law
- 3) circulated to the 'municipality' email mailing list
- 2) on notice boards outside the Parish Hall and in the two bus stops
- 3) on the Parish Website
- 4) on the Parish Facebook page
- 5) for the forthcoming 'Rates' Parish Assembly, we sent a flyer out with the most recent Parish magazine advising the date of the Parish Assembly
- 6) before Easter we promoted a competition through Facebook to encourage people to sign up to the Parish website, so that they would receive notifications of Parish events.

Other events are advertised:

- on notice boards outside the Parish Hall and in the two bus stops
- on the Parish Facebook page
- on the Parish website

The Community Update (from GoJ local services manager) is circulated to all the clubs and societies for which we have email mailing lists.

The Parish does not do anything specifically aimed at children and young people, or minority groups or people new to the Island.

The Youth & Community Centre publicises certain events likely to appeal to people on its mailing lists.

### **St Ouen**

In St Ouen we try not to discriminate and do not target specific groups of Parishioners. We direct all communication to all Parishioners, regardless of age, minority groups or time in the Parish/Island.

We try to advertise all events on social media including Facebook, the online Jersey Gazette and the Parish website.

At past elections, we have involved children from Les Landes primary school and invited them to attend the Parish Hall on election day.

### **St Peter**

All Parish Assemblies, nomination meetings and any public meetings are advertised via the online Jersey Gazette, the Church Notice box, the Parish Website and the St Peter Facebook page.

Dependent on the content of the meeting, a decision is made whether to advertise in the Jersey Evening Post due to costs involved.

Through these avenues, young people can sign up to the Parish website pages to receive notifications of any meetings.

The St Peter's Youth Club have also been invited to hold Assemblies aimed at children, young people, minority groups etc. to encourage attendance to the meetings.

It is down to an individual to choose to attend these events.

### **St Saviour**

The Parish uses a range of media to communicate with all parishioners. These include:

- Online Jersey Gazette notice
- Jersey Evening Post
- Parish Website
- Parish Facebook
- Church Box
- Parish Magazine
- Flyers on reception (Events)
- Postal Letters (Elections)

The above engagements are aimed at Parishioners in general, not specific groups.

## **Trinity**

### **Communication of Electoral and Parish Assemblies**

Engagement with parishioners includes publishing formal notices in the Church Box, the online Jersey Gazette and the Parish website (Parishioners can subscribe to receive notice of all events and news directly to their inboxes). Informal communication of Electoral Assemblies and Parish Assemblies include publishing notices on Instagram and Facebook.

Elections of Honorary Officers take place at either Electoral or Parish Assemblies. Any individual registered to vote can vote at either meeting. Trinity is proud to have representation from five different ethnic groups amongst its Honorary Officers.

### **Communication of Parish meetings**

Parish meetings occur very infrequently as they are not decision making forums. A Parish meeting was held in 2023 and notification of the meeting included the Parish website, Instagram and Facebook, a letter drop to each home in the Parish, publication in the Parish magazine (delivered to each home in the Parish) and the use of local media. The Trinity Climate Change Group meets on a monthly basis and one member of the Group is a child of approximately 12 years old.

### **Events**

Forthcoming events are communicated through the Parish website, Instagram, Facebook, the Parish magazine and Parish newsletter (the latter two are delivered to each home in the Parish). The Parish primary school is regularly invited to attend events at the Parish, including lent lunches, Remembrance Services and coffee mornings.

By communicating in the many forms detailed above, the Parish aims to engage with young people, all ethnicities and those new to the Parish.

## **2.4 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding the Island's Dementia Strategy. (WQ.164/2024)**

### **Question**

In respect of the Island's Dementia Strategy, will the Minister –

- (a) confirm where the public can access the current Strategy;
- (b) detail the current Strategy's objectives and the funding available;
- (c) provide a timetable for the development of any new Strategy; and
- (d) advise what gaps, if any, have been identified in the current Strategy's objectives or funding going forward?

### **Answer**

- a) The Dementia Strategy will be publicly launched and published in June.
  
- b) The strategic objectives relate to 5 overarching priorities:
  - 1. Raising awareness
  - 2. Diagnosing well
  - 3. Supporting people with dementia and their families
  - 4. Developing, valuing, and supporting the workforce
  - 5. Supporting Jersey to become a dementia friendly community.

An implementation plan is currently being developed (see below) which identifies the actions that can be taken within the current available resources, and where additional funding / resources will be required to deliver against the objectives.

- c) An initial implementation plan is currently being developed by a steering group of cross-departmental representatives, Dementia Jersey, and people with lived experience. This is on track for completion by the end of May and will set out the implementation plans for the next year relating to each of strategic objectives. This will be published this alongside the Strategy, so that the public are clear on the actions that will be taken in the initial period of implementation.
- d) The Strategy is new and therefore remains contemporaneous in its aim to provide a foundation for future action. As described above, the implementation plan will identify where there is a requirement for additional funding, and what can be delivered within current resources.

## **2.5 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding shellfish and wetfish species landed by Jersey's commercial fishing fleet. (WQ.165/2024)**

### **Question**

Will the Minister provide an annual breakdown of each of the shellfish and wetfish species landed by Jersey's commercial fishing fleet since 2014, including the value of these landings and the tonnage of each species exported?

### **Answer**

The requested catch data is available on the 2022 annual report through gov.je. The 2023 data will be available in draft form by the end of May and will be published over the summer.

We do not hold full economic or export data as this is beyond the core remit of Marine Resources. A report is currently being drafted, linked to this subject, by the Rural and Marine Economy team. However, this may not have full sight of the commercial data of private businesses as it is dependent on voluntary cooperation by those organisations. An update has been requested from the rural economy team to see when the report will be ready for publication.

## **2.6 Deputy M.B. Andrews of St Helier North of the Chief Minister regarding the Chair of the Health and Community Services Advisory Board. (WQ.166/2024)**

### **Question**

Will the Chief Minister clarify when he was aware that the position of the Chair of the Health and Community Services Advisory Board was becoming untenable, and what discussions, if any, he had with the Minister for Health and Social Services prior to the departure of the Chair?

### **Answer**

The Minister for Health and Social Services met with the Chair of the Health and Community Services Advisory Board on 27<sup>th</sup> March and updated me immediately following the meeting and expressed his views.

A joint announcement was then made on 3<sup>rd</sup> April 2024 by the Minister for Health and Social Services and the Chair of the Health Board. This outlined how it had been mutually agreed that the Chair would not continue in the role.

In the subsequent meeting, the remaining members of the Health and Social Services Advisory Board made clear they supported and endorsed this course of action.



**2.7 Deputy M.B. Andrews of St Helier North of the Chief Minister regarding the use of digital services across Government. (WQ.167/2024)**

**Question**

Will the Chief Minister advise what plans exist, if any, to improve the use of digital services across Government?

**Answer**

The Government's plan is to build more accessible digital services and more resilient supporting infrastructure in order to increase the use of online services. Improvements are currently in testing and are due to go live before the end of 2024.

The aim is for Islanders to have better access to the digital information the Government holds about them, and more flexibility to update it and use online bookings for appointments in future. In addition, there are plans to continue improvements through the Digital Health programme, Electronic Voter Registration project and Cyber Security programme.

**2.8 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding annual spending on consultants providing private patient care. (WQ.169/2024)**

**Question**

Will the Minister advise the annual amount spent over the last 5 years on each of the top 10 earning consultants providing private patient care at the hospital?

**Answer**

The annual amount spent over the last 5 years on each of the top 10 earning consultants providing patient care at the hospital is shown in the table below.

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
1	259,543	277,656	304,500	305,706	367,620
2	240,345	243,725	277,304	257,736	300,401
3	234,801	242,758	259,130	245,344	259,152
4	221,892	241,401	245,609	244,141	254,020
5	207,589	232,470	243,902	240,269	251,242
6	205,230	210,291	233,677	237,117	238,228
7	202,933	207,620	223,697	232,956	236,309
8	201,774	206,390	221,450	226,275	235,395
9	198,095	206,008	220,650	223,620	232,951
10	197,587	203,290	218,191	221,472	232,440
<b>Total</b>	<b>2,169,789</b>	<b>2,271,609</b>	<b>2,448,111</b>	<b>2,434,637</b>	<b>2,607,759</b>

Please note:

The top 10 consultants are not the same or in the same order each year, and consultants who provide private patient care on the premises of the hospital either as an individual or as part of a private company have been included.

Based on personal role responsibilities and work pattern, the amount spent may include:

- basic salary
- additional responsibility pay
- employer social security and pension contributions
- additional hours worked
- allowances
- other payments (eg. in lieu of holiday payments)

**2.9 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Education and Lifelong Learning regarding the Jersey Premium service. (WQ.170/2024)**

**Question**

Will the Minister advise how many students are receiving the Jersey Premium service in 2024, and the estimated number of pupils across both the primary and secondary sectors, who will qualify for funding in 2025, broken down by school?

**Answer**

At the time of the most recent termly pupil census (spring term 2023/24) there were a total of 2965 pupils in receipt of Jersey Premium funding, of whom 1741 were in primary and 1224 were in secondary.

We do not hold estimated numbers for 2025. Numbers and percentage of the school populations for the most recent termly census (spring term 2023/24), by school, are provided below:

School Name	Count	% of school population
Bel Royal	42	21.3%
d'Auvergne	145	32.1%
First Tower	147	41.9%
Grainville	320	41.4%
Grands Vaux	81	60.9%
Grouville	107	27.3%
Haute Vallée	225	36.8%
Hautlieu	128	15.1%
Janvrin	142	43.2%
Jersey College for Girls	39	5.1%
Jersey College Prep	6	1.5%

School Name	Count	% of school population
Mont à l'Abbé Secondary	32	47.8%
Mont Nicolle	28	13.7%
Plat Douet	146	37.2%
Rouge Bouillon	168	49.0%
Samarès	161	55.1%
Springfield	93	47.2%
St Clement's	49	22.5%
St John's	28	15.8%
St Lawrence	30	14.6%
St Luke's	58	31.4%
St Martin's	32	15.5%

La Moye	71	19.6%
La Sente	39	78.0%
Le Rocquier	251	34.8%
Les Landes	17	10.4%
Les Quennevais	178	20.6%
Mont à l'Abbé Primary	24	39.3%

St Mary's	31	18.7%
St Peter's	36	17.6%
St Saviour's	57	31.0%
Trinity	28	13.3%
Victoria College	21	3.1%
Victoria College Prep	5	1.9%

**2.10 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Health and Social Services regarding the General Hospital Pharmacy Department. (WQ.171/2024)**

**Question**

With reference to the General Hospital Pharmacy Department, will the Minister detail –

- (a) the number of staff currently:
  - (i) employed, including their job titles and whether they are permanent or temporary staff;
  - (j) suspended from their roles;
  - (k) on long term sick leave;
- (b) the number of vacancies, including job titles and the length of each vacancy; and
- (c) the annual staff costs for the period 2021 to 2023, broken down by permanent and temporary staff?

**Answer**

**(a) Number of staff currently:**

(i) Employed, including job titles, permanent or temporary staff

Current Number of Staff (Excluding Zero Hours, including Temp staff): 48

- Permanent staff: 40
- Fixed Term Contract: 5
- Temporary staff (agency staff): 3

By Role:

Job Title	Fixed Term	Permanent	Temp staff	Total
Chief Pharmacist		1		1
Chief Technician Edu Training Compliance		1		1
Clinical Pharmacist		3	3	6
Clinical Pharmacy Manager	1			1
Consultant Pharmacist - Digital Systems		1		1
Consultant Pharmacist Mental Health		1		1
Dispensary Manager - Pharmacy		1		1

Lead Pharmacist - Antimicrobial		1		1
Lead Pharmacist - Pharmacoeconomics- HCD		1		1
Lead Pharmacist Meds Safety Governance	1			1
Lead Pharmacist, Medicines Information		1		1
Lead Pharmacy Tech Digital Services		1		1
Pharmacy Administration & Research Officer		1		1
Pharmacy Assistant	2	7		9
Pharmacy Assistant - Customer Service		1		1
Pharmacy Procurement Manager		1		1
Pharmacy Services Manager		1		1
Pharmacy Technician		4		4
Senior Pharmacist Tech Serv and Oncology	1	1		2
Senior Pharmacy Tech Medicine Management		4		4
Senior Pharmacy Tech Technical Services		2		2
Snr. Pharmacist Community/Social Serv		1		1
Trainee Pharmacy Assistant		1		1
Trainee Pharmacy Technician		4		4
<b>Total</b>	<b>5</b>	<b>40</b>	<b>3</b>	<b>48</b>

(j) Suspended from their roles: 0. Currently no-one is suspended.

(j) Staff on long term sick leave (defined as anyone off for more than 20 days): less than 5

**(b) number of vacancies, including job titles and length of each vacancy:**

**10 vacancies**

Vacant Posts	Number	Length of time vacant
Pharmacy Assistant	4	1 month
Lead Pharmacy Technician	2	3 months
Clinical Pharmacist	3	1 month

Clinical Pharmacist	1	> 6 months
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(c) The annual staff costs for the period 2021 to 2023, broken down by permanent and temporary staff?

Staff Category	2021 (£)	2022 (£)	2023 (£)
Permanent staff	2,326,685	2,489,720	2,775,322
Temporary staff	0	14,979	361,266
<b>Total staff costs</b>	<b>2,326,685</b>	<b>2,504,699</b>	<b>3,136,588</b>

The above information is based on ledger expenditure data shared by the Finance Team. ‘Temporary staff’ has been interpreted as ‘agency staff’. During 2023 there were 5 temporary contracts at a total cost of £361,266.

**2.11 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Infrastructure regarding the encroachments onto the foreshore report written by Deputy Sir P.M. Bailhache of St. Clement. (WQ.172/2024)**

**Question**

In relation to the encroachments onto the foreshore, will the Minister publish the report written by Deputy Philip Bailhache, advise who commissioned this work and outline what were the terms of reference?

**Answer**

The work was commissioned by my predecessor as Minister for Infrastructure, Deputy Tom Binet. In relation to the terms of reference, Deputy Sir Philip Bailhache was asked to submit a report on foreshore issues around complaints by two individuals and the related decision of a Complaints Board presented to the States on 1 June 2018. I would be happy to release the report subject to advice from the law officers’ department on any redactions.

**2.12 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter of the Chief Minister regarding the Independent Jersey Care Inquiry recommendations. (WQ.173/2024)**

**Question**

Will the Chief Minister confirm who in his Government is responsible for the implementation of the Independent Jersey Care Inquiry recommendations?

**Answer**

I retain overall political responsibility for the implementation of the Independent Jersey Care Inquiry recommendations in view of the fact that the measures are cross-cutting and relate to a number of Government departments. I will be working closely with the Minister for Children and Families, a role which will provide a greater focus on issues that affect both children and their families. I have requested an implementation update.

**2.13 Deputy T.A. Coles of St. Helier South of the Minister for Health and Social Services regarding licences for the cultivation of cannabis. (WQ.175/2024)**

**Question**

Will the Minister advise how many licences for the cultivation of cannabis have been refused, and how many, if any, have been issued following a review?

**Answer**

Three companies have had their applications for the cultivation of cannabis turned down. One of these companies has subsequently had a licence granted following re-application.

**Further background information**

- Licences to cultivate cannabis in Jersey are issued under existing legislation which is currently the Misuse of Drugs (Jersey) Law 1978 and the Misuse of Drugs (General Provisions) (Jersey) Order 2009.
- Detailed information is required as part of an application – there is a need to ensure that the terms of the UN convention are not breached & that regulatory standards are followed. For example, there needs to be a lawful route to market.
- All applications for licences are shared with the UK Home Office & subject to a compliance visit by Home Office officials & the Chief Pharmacist.
- Officers from The Drugs and Firearms Licensing Unit of the UK Home Office and the Chief Pharmacist provide expert professional opinion in respect of the holistic suitability of the proposal for licensing.
- This opinion informs the Jersey Cannabis Agency – the MHSS -- their final licensing decision-making function.

**2.14 Deputy J. Renouf of St. Brelade of the Chief Minister regarding the appointment of a permanent Government Chief Executive Officer (CEO). (WQ.176/2024)**

**Question**

Will the Chief Minister provide an update on the appointment of a permanent Government Chief Executive Officer (CEO), and if the current interim CEO is staying, provide details of any changes to his terms, conditions and objectives?

**Answer**

I refer Members to the answer to WQ.100 and will provide an update later this week.

**2.15 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for External Relations regarding private vessels visiting Herm, and the requirement for them to go to Guernsey first. (WQ.177/2024)**

**Question**

In relation to private vessels visiting Herm, and the requirement for them to go to Guernsey first, will the Minister advise what discussions, if any, he has had with Guernsey to resolve this requirement, what actions were agreed and when this matter might be resolved?

**Answer**

It has always been a requirement for private vessels arriving in the Bailiwick of Guernsey to do so at an approved port. These are designated as Braye Harbour in Alderney, Beaucette Marina in

Guernsey, St Sampson's Harbour in Guernsey, and St Peter Port Harbour in Guernsey. Vessels are not permitted to arrive directly to anywhere else in the Bailiwick of Guernsey, including Herm and Sark.

The Government of Jersey respects this customs requirement and recognises that its enforcement is a responsibility of the Guernsey Border Agency. Ministers are equally aware, however, of views expressed by some Jersey-based boat operators about these customs arrangements. We are aware that the Guernsey Border Agency are reviewing certain legal requirements in this area.

This matter has been raised by Ports of Jersey with Guernsey Harbours in view of the likely detrimental impact it will have on visitor numbers from Jersey to Sark and Herm. Ministers will also raise this in discussions with our colleagues in Guernsey as part of efforts to encourage travel between the Channel Islands, although we must ultimately respect the enforcement of Customs requirements by the Guernsey Border Agency.

## **2.16 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Treasury and Resources regarding the Vehicle Emissions Duty (VED) income. (WQ.178/2024)**

### **Question**

Will the Minister provide details on the Vehicle Emissions Duty (VED) income collected per annum for the period 2021 to 2023 and during 2024 to date, and confirm how much income has been transferred into the Climate Emergency Fund (CEF), broken down by vehicle type?

### **Answer**

Total VED revenue is included in the States of Jersey annual accounts; these figures are restated here with revenue for Q1 2024.

<b>Year</b>	<b>VED collected (£000)</b>
<b>2021</b>	2,511
<b>2022</b>	2,416
<b>2023</b>	3,083
<b>Q1 2024</b>	749

VED began being hypothecated into the CEF in April 2022. The amount of VED transferred into the CEF is the difference between VED rates prior to the establishment of the CEF and updated VED rates. The remainder goes into the General Reserves. The table sets out the amount transferred into the CEF by VED band. (To view table please follow this link: [wq.178-2024.pdf \(gov.je\)](#))

## **2.17 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for the Environment regarding planning application permits for new dwellings. (WQ.179/2024)**

### **Question**

Will the Minister provide details on how many planning application permits for new dwellings have been issued where building works have not commenced, and how many permits exist for works that have started but not been completed, and when such permits expire?

## **Answer**

The net increase in new dwellings in 2022 was 289, in 2023 it was 615 as reported in the Review of Planning Services (2023) Improvement Plan – 4th Quarter Update.

In the first quarter 2024, 281 new dwellings have received planning consent. Of these 230 are yet to have a Building Byelaws commencement notification issued. 71 new dwellings have a completion certificate issued under Building Byelaws.

On lawful commencement the planning decision notice is in perpetuity and will not expire.

For past years there are inconsistencies in the data which mean that the final figures cannot be reliably collated in the time available for the response to this written question.

## **2.18 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter of the Chief Minister regarding consultation on job losses within the Government. (WQ.180/2024)**

### **Question**

In relation to his recent comments about possibly job losses within the Government, including in the Cabinet Office and Communications Unit, will the Chief Minister confirm what consultation, if any, has or will take place with Government employees?

### **Answer**

Chief Officers and Heads of Department have been engaged in the redesign of services. In line with the Organisational Change Policy, any changes will be subject to a 30-day consultation process with employees and their unions. No formal consultation has taken place to date.

## **2.19 Deputy G.P. Southern of St. Helier Central of the Minister for Social Security regarding Income Support benefit overpayments. (WQ.181/2024)**

### **Question**

In relation to recent Income Support benefit overpayments, will the Minister detail what actions, if any, are under consideration to protect benefit claimants from receiving overpayments, and whether such changes include making payments in advance, rather than in arrears?

### **Answer**

I am acutely aware of the impact that overpayments can have on people claiming Income Support – especially in circumstances where the individual(s) have notified the department of their change in circumstances, or it's the result of an overlapping payment. I want to give my assurance that I am taking the report and findings from the previous Scrutiny Panel seriously ([S.R.1/2023](#)). I intend to respond fully to the panel's recommendations; this will include clearly outlining actions to resolve the issues identified in the report.

To inform my decisions, I have asked the Customer and Local Services Department to provide me with any available data relating to the causes of overpayments. I have also asked officers to make me aware of any complaints made by Income Support claimants, relating to Income Support overpayments.

At present, Income Support payments are made in advance. I have asked officers to assess the effect of making payments in arrears rather than in advance, so that I may consider this in the future.

## **2.20 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding the Mortality Report for 2022. (WQ.182/2024)**



## Question

In relation to the [Mortality Report for 2022](#), will the Chief Minister –

- (a) provide details of how the Island’s mortality statistics are used by the Government to inform policy development;
- (b) advise whether the use of the statistics by Government is consistent with how other jurisdictions use their mortality statistics;
- (c) advise whether the percentage increase in deaths is an indication of ‘excess deaths’ caused by the COVID-19 pandemic; and
- (d) consider amending future reports to include statistics in absolute terms (numbers higher than expected), relative terms (percentage higher than expected), and age stratification data?

## Answer

- a) Provide details of how the Island’s mortality statistics are used by the Government to inform policy development;

Mortality statistics are a cornerstone of health data and hold significant value across various policy areas. Within government, they play a critical role in:

- Guiding the **commissioning of services, prioritisation of resources, and informing intervention planning and design.**
- **Inform programmes** such as screening programmes, **by providing insights into leading causes of death and trends** over time.
- Contributing to **population projections**, aiding in broader demographic analysis. This also enables the government to look at future **demand on services, condition management, and prioritising intervention and prevention programmes.**
- **healthcare planning and policy development** for the island, where such data serves as a foundational tool for allowing policymakers to target interventions where they are most needed.

**Practically**, mortality statistics **inform services related to deceased individuals, including cremations**, morgues, and funeral arrangements.

Moreover, **mortality statistics are instrumental in identifying emerging health threats and evaluating the effectiveness of public health interventions.** During crises like pandemics, they facilitate real-time monitoring and response planning, enabling timely interventions to mitigate adverse outcomes.

In assessing policy impact, mortality statistics serve as a **crucial benchmark, allowing policymakers to gauge effectiveness and identify areas for improvement.** They also contribute to calculations for Healthy life expectancy (which are part of the future jersey indicators), reflecting overall population health.

Furthermore, mortality statistics monitor various policy areas beyond suicide prevention and substance use, including chronic disease prevention, infectious disease control, and maternal and child health.

The **comparability** of local mortality statistics **offers several benefits**, including **trend identification, benchmarking, impact evaluation, resource allocation, and international collaboration**, facilitating informed decision-making and effective public health strategies.

- b) Advise whether the use of the statistics by Government is consistent with how other jurisdictions use their mortality statistics;

Mortality statistics play a fundamental role in guiding healthcare policies and strategies across jurisdictions. While there may be some variation in their specific applications due to differences in healthcare systems and priorities, the **overarching principles guiding their use remain consistent**.

Firstly, mortality statistics serve as a **cornerstone for governments in shaping healthcare policies and strategies**. By analysing mortality trends, **policymakers can identify areas of concern and allocate resources effectively to address pressing health issues**.

Secondly, mortality statistics are **vital components of public health surveillance systems**. They enable governments to monitor disease trends, detect outbreaks early, and evaluate the effectiveness of disease prevention and control measures. Real-time monitoring allows for the implementation of targeted interventions to curb the spread of infectious diseases and mitigate their impact on public health.

**During public health emergencies**, such as pandemics or natural disasters, mortality statistics **play a crucial role in guiding emergency preparedness and response efforts**. By tracking mortality rates in real-time, governments can **assess the severity of the crisis**, allocate resources efficiently, and implement timely interventions to save lives and prevent further harm.

Moreover, mortality statistics provide a means for governments to evaluate the impact of healthcare policies, programmes, and interventions over time. By comparing mortality rates before and after the implementation of specific measures, policymakers can gauge effectiveness and make informed adjustments to improve health outcomes.

Additionally, mortality statistics facilitate international benchmarking, allowing governments to compare health outcomes with those of other jurisdictions. This **comparative analysis helps identify best practices, learn from successful interventions**, and drive continuous improvements in population health globally.

Addressing the **limitations** in mortality statistics **in Jersey**, such as the **lack of available deprivation data** and the **absence of ethnicity recording on death certificates**, would enable policymakers to better understand and address health inequalities. Incorporating such data would provide insights into disparities in health outcomes among different population groups and inform targeted strategies to mitigate them effectively.

Furthermore, **mortality statistics have the potential to offer insights beyond disease-specific interventions, shedding light on broader social determinants of health**. Analysing mortality patterns across demographic groups enables policymakers to identify disparities and develop targeted social policies to address underlying socio-economic factors contributing to premature mortality.

The **absence of dependable data around residential status in mortality statistics** can compromise the accuracy of population estimates, hinder the identification of vulnerable populations, impede efforts to assess geographic disparities, limit health equity analysis, and constrain the exploration of social determinants of health. Therefore, **efforts to improve data collection on residential status are crucial** for enhancing the utility and reliability of mortality statistics for informing public health policies and interventions.

- c) Advise whether the percentage increase in deaths is an indication of ‘excess deaths’ caused by the COVID-19 pandemic;

The **percentage increase in deaths in Jersey can indeed serve as an indication of potential excess deaths caused by the COVID-19 pandemic**. During a pandemic of this nature, **excess deaths may arise due to various factors, including the direct impact of the virus and indirect effects such as strain on the healthcare system**, disruptions in medical care, and broader social determinants of health.

To decide whether the percentage increase in deaths in Jersey is indicative of excess deaths attributable to COVID-19, it is crucial to compare the observed number of deaths during the pandemic period with historical data from previous years. This comparison allows us to assess whether the observed deaths surpass the expected baseline level, accounting for factors such as population growth and aging, which may naturally influence mortality rates over time.

Furthermore, **analysing mortality data alongside COVID-19-related mortality statistics can provide valuable insights into the virus's overall impact on mortality rates**. If the percentage increase in deaths aligns with the onset and progression of the COVID-19 outbreak, it strengthens the case for attributing the excess deaths to the pandemic.

However, **further analysis and interpretation of mortality data by public health experts and epidemiologists are necessary** to conclusively determine whether the observed percentage increase in deaths in Jersey can be attributed to excess deaths caused by the COVID-19 pandemic. This comprehensive analysis would provide a clearer understanding of the pandemic's impact on mortality rates and inform targeted public health responses accordingly.

- d) Consider amending future reports to include statistics in absolute terms (numbers higher than expected), relative terms (percentage higher than expected), and age stratification data?

Providing both the **actual number of excess deaths and presenting statistics in relative terms might allow Jersey to gain a comprehensive understanding of the impact** of the COVID-19 pandemic.

The actual number of excess deaths may offer clarity regarding the scale of the impact, allowing policymakers, healthcare professionals, and the public to grasp the magnitude of the issue and plan appropriate responses accordingly.

Similarly, **presenting statistics in relative terms, such as percentages higher than expected, may provide valuable context**, and facilitate comparisons across different time periods and population groups. This approach **may help assess the proportional increase in mortality rates and offers insight into the severity of the situation relative to historical norms**.

Furthermore, **analysing mortality data by age groups may highlight the disproportionate impact of COVID-19 on certain demographics**, particularly older adults. Age-specific data should enable the identification of vulnerable populations and inform targeted interventions and resource allocation efforts. Additionally, **age stratification should allow for the detection of any disparities in mortality rates among different age groups**, aiding in the development of tailored responses.

By **incorporating these additional elements into future reports, Public Health can enhance the comprehensiveness and usefulness of its mortality statistics analysis**. This approach may facilitate more informed decision-making, better resource allocation, and the implementation of more effective public health interventions to address the impacts of the COVID-19 pandemic on the population.

However, it is **important to note** that there **several considerations** arise **when Public Health analyse mortality statistics**, particularly **when dealing with relatively small numbers**. Policies and interventions informed by these statistics must acknowledge the **limitations and challenges associated with small data sets** to ensure decisions are well-founded. Recognising the heightened levels of statistical uncertainty inherent in small numbers is paramount. This uncertainty can significantly impact the accuracy and reliability of interpretations derived from mortality statistics, highlighting the necessity for careful analysis.

Small data sets also present challenges in detecting meaningful trends or patterns in mortality data. Understanding this limitation is crucial for accurately interpreting mortality trends and avoiding misinterpretations that may lead to inappropriate policy responses. Additionally, small increases in deaths may not always signify a significant public health concern and could align with the expected range of variation.

Addressing these complexities is essential for making informed decisions about resource allocation, intervention strategies, and public health measures, especially when dealing with small numbers of excess deaths.

## **2.21 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding the Government's work and activities on Assisted Dying. (WQ.184/2024)**

### **Question**

Will the Minister provide details of the Government's work and activities undertaken since January 2024 in preparation for the forthcoming States debate on Assisted Dying?

### **Answer**

A summary of the work and activities undertaken by Government since January 2024 includes:

#### **Preparation of Report and Proposition for lodging**

- Consultation and discussion on final proposals with:
  - professional registration bodies (including the General Medical Council (GMC) and the Nursing and Midwifery Council (NMC))
  - British Medical Association (BMA)
  - Jersey Care Commission (JCC)
- Drafting of the report and proposition, including the development of estimated costs and a summary of the risks identified to date
- Preparation of Children's Rights Impact Assessment (CRIA), published as an addendum alongside the report and proposition
- Council of Ministers consideration and approval of report and proposition for lodging
- Response to miscellaneous email inquiries from public /stakeholders
- Media briefings and response to media inquiries in response to lodging of report and proposition

#### **Information provided to the Assisted Dying Review Panel**

##### **Officer Briefing sessions with Panel**

- 19<sup>th</sup> March, 12.50-13.50

##### **Public Hearing**

- 3<sup>rd</sup> April, 11.00-13.00

### Written correspondence

- Letter re Legislative Timeline: 20<sup>th</sup> February 2024
- Letter re Questions on the Assisted Dying Report & Proposition: 2<sup>nd</sup> April 2024
- Letter re Further questions on the Assisted Dying Report& Proposition: 10<sup>th</sup> April 2024
- Letter re Further questions on the Assisted Dying Report& Proposition: 11<sup>th</sup> April 2024
- Letter re Construction of Assisted Dying Proposition: 17<sup>th</sup> April 2024
- Letter re Direct Participation: 29<sup>th</sup> April 2024
- Plus addition email correspondence with officers providing factual clarifications of proposals
- Factual checking of Assisted Dying Review Panel Report

### States Members briefings:

Three 90-minute briefings for states members were held during the lodging period, on the following dates:

- Wednesday 27<sup>th</sup> March, 15:30-17:00
- Monday 22<sup>nd</sup> April, 15:00-16:30
- Monday 13<sup>th</sup> May, 14:30-16:00

### Weekly officer surgeries for States Members:

Six 90-minute information sessions will have been held from Monday 25<sup>th</sup> March – Monday 20<sup>th</sup> May inclusive in advance of the debate, this is in addition to the states members briefings noted above.

### Public information sessions:

5 Public information sessions were held during the lodging period, these were open to any Jersey resident and provided an opportunity to hear about the proposals. The format of the sessions consisted of a presentation on the proposals by policy officers, followed by the opportunity to to ask questions.

- Tuesday 26 March 2024, 12pm to 12.45pm and 1pm to 2pm, St Paul's Centre, St Helier
- Thursday 25 April 2024, 6.30pm to 8.30pm, St Saviour's Parish Hall
- Thursday 2 May 2024, 5pm to 7pm, St Clement's Parish Hall
- Tuesday 7 May 2024, 6.30pm to 8.30pm, St Helier Town Hall
- Tuesday 14 May 2024, 7pm to 8.30pm, Les Quennevais School

### Health and care professionals information sessions:

Four information sessions for health and care professionals were held during the lodging period, the format of the sessions consisted of a presentation on the proposals by policy officers, followed by the opportunity to ask questions.

Information sessions for all on-island health and care professionals:

- Wednesday 24 April 2024, 5.15pm to 7pm, Town location
- Wednesday 1 May 2024, 7pm to 8.30pm, Online

Information sessions for all Health and Community Services staff:

- Wednesday 17 April 2024, 6pm to 8pm
- Friday 10 May 2024, 12pm to 1pm

**Engagement with disabled islanders and islanders with long-term health conditions:**

- Planning of targeted engagement in partnership with organisations who support disabled islanders and islanders with long-term conditions, including recruitment of participants and development of discussion guide
- Engagement process – 4 group discussion sessions, one 1-2-1 interview and one open meeting
- Drafting and lodging of feedback report

**2.22 Deputy D.J. Warr of St. Helier South of the Minister for Justice and Home Affairs regarding criminal offences by those under the age of 18. (WQ.185/2024)**

**Question**

Will the Minister provide the annual number of criminal offences by those under the age of 18 that were reported to the States of Jersey police during the period of 2018 to 2023; and will she provide a breakdown of the types of offences reported?

**Answer**

Please find below a table which includes criminal offences and breakdown of offences by those under the age of 18, between 2018 and 2023. (To view table please follow this link: [wq.185-2024.pdf](http://wq.185-2024.pdf) ([gov.je](http://gov.je)))

**2.23 Deputy I. Gardiner of St. Helier North of the Minister for Children and Families regarding the Corporate Parenting Board. (WQ.186/2024)**

**Question**

In relation to the Corporate Parenting Board, will the Minister detail:

- (a) the dates and agendas for 2024 meetings;
- (b) the Board priorities for 2024; and
- (c) what training, if any, members of the Board have received during 2024?

**Answer**

(a) The dates for the 2024 Corporate Parenting Board meetings are as follow, Thursday 4th July, Wednesday 25th September and Wednesday 4th December. The agenda and minutes of each Board meeting are published on the Boards website on gov.je

(b) Ministers will be participating in a facilitated workshop later this month to develop a shared mission and workplan for the Board for the remainder of 2024 / 2025. This work will build on the themes and priorities identified by the previous Board. For example, children missing from care and school.

(c) Ahead of the Corporate Parenting Board meeting of Wednesday March 27th Ministers received a briefing on the role and function of the Board and its legislative framework.

The chair of the Corporate Parenting Board is planning to visit similar Boards in the UK to experience how they work and to build supportive alliances that may assist the Board deliver on its priorities in the future.

Work continues to explore suitable training options for Corporate Parenting Board members.

## **2.24 Deputy I. Gardiner of St. Helier North of the Minister for Children and Families regarding the Greenfields secure children's unit. (WQ.187/2024)**

### **Question**

Will the Minister confirm the current plans for the Greenfields secure children's unit, and the Government strategic vision for the operation of this facility?

### **Answer**

Greenfields remains operational as a Residential Secure Care unit. Work is ongoing to determine long term future need as part of the departments continuous review of capacity and estate requirements. This is a core part of the Care Reform Programme.

The Ministerial team conducted an on-site visit recently and I am exploring opportunities for the site.

## **3. Oral Questions**

### **3.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Chief Minister regarding the development of a strategy for older people. (OQ.92/2024)**

Will the Chief Minister advise the Assembly whether there are any plans by the Government to develop a strategy for older people before the end of the Government's term; and if not, why not?

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

The Government are focused on delivering practical actions and have no immediate plans to develop a new overarching strategy. Over the next 2 years, Ministers will be working with representative groups to ensure that the policies in relation to this subject are properly co-ordinated. This includes liaising closely with the Older Persons Living Forum and the Older Persons Cluster, both of which raised pertinent issues. To give some examples, the Older Persons Living Forum has currently been discussing new healthcare facilities, eligibility for free T.V. licensing, dementia strategy, disability and inclusion, C.L.S. (Customer and Local Services) pensions and care hub, closer-to-home events, women's health preview, community transport scheme, and assisted dying proposal. The Older Persons Cluster met in January and are doing some important work. Impact Jersey are launching a £2 million grant programme aimed at encouraging businesses from Jersey around the world to develop and deploy technology for older persons and their carers. The officer group on Ageing Well is looking at financial security and economic participation, healthy ageing and access to services, diverse housing choices, participation, social inclusion and accessible environments. That is an example of some of the work going on. We are going to stick with that programme rather than introduce a new strategy at this stage.

#### **3.1.1 Deputy H.L. Jeune:**

I thank the Chief Minister for that long list. But how will the Chief Minister ensure that Government is maximising impact and not wasting money if there is no strategic vision that can unify the approach of also its partners and with no mechanism to identify needs that are not being met?

#### **Deputy L.J. Farnham:**

I think there is a strategic vision; that vision is shared by the Council of Ministers. The responsibility for senior citizens is cross-cutting across a number of Ministries. I think just picking up on some of the work started in the previous Government, especially with the Older Persons Forum, is the way forward. We have an officer group that is working to co-ordinate all the work, and I think that will be more effective and deliver support more quickly than spending time on a new strategy.

[9:45]

Having said that, I will undertake to ensure that the Assembly will be updated and progress will be addressed in the annual report on the Common Population Policy, to keep Members informed and up to date.

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

Let us play some policy bingo for the moment. Will the Chief Minister, from that great long list of things he wishes to achieve, name his own priority personally on the list?

#### **Deputy L.J. Farnham:**

I did not read out a list of things we are hoping to achieve. I read out a list of work being undertaken by the organisation and groups who are taking responsibility for supporting older people on the Island. I would have to think about it, but I think off the top of my head right now the most important thing we need to do, not just for the elderly but for all Islanders, is to work on the health service and deliver our new hospital.

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

There is no strategy coming but there is a strategic vision, according to the Chief Minister. Can the Chief Minister summarise that strategic vision?

#### **Deputy L.J. Farnham:**

I think the vision is for us to make sure we provide the appropriate support to make sure senior citizens, as we do with all Islanders, are properly supported, which is why we are picking up on the work that established the Older Persons group, the cluster group, and the officer group, which co-ordinates all the work. The vision is to make sure that work remains co-ordinated and we start delivering. We start putting some of these actions and these aspirations into practice, rather than spending time on what could be an expensive new strategy.

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

It is absolutely correct that different Administrations can choose to prioritise different sections of society. Previous Assemblies and Ministers have decided to prioritise, perhaps, putting children first. We are seeing legitimate questions about older people now being raised. Does the Chief Minister recall that earlier in his term I asked about an Equalities and Human Rights Commissioner and does he think that it is time that we had somebody who is perhaps slightly arm's-length from Government that we could refer to who would look out for all of the sections of our community, not simply the ones that come up perhaps sometimes politically conveniently and disparately?

#### **Deputy L.J. Farnham:**

I do have some - I am not sure if sympathy is the right word - but I do understand the request for that. I am also minded that with statutory bodies and commissioners, we tend to run the risk of making heavy weather of things. It is the responsibility of this Assembly and the Government to ensure Islanders are properly cared for and looked after in every aspect of life, so while I understand the Deputy's question, there is no plan for this Government to introduce something like that at this stage. But that is not to say that the door will for ever be closed on it, and we continue to monitor the progress we make as an Assembly and as a Government.

### **3.1.5 Deputy M. Tadier:**

I understand the position that the Chief Minister finds himself in, but would he then perhaps give consideration to giving more overt Ministerial responsibility to perhaps one of his Ministers or Assistant Ministers to look at the whole piece around communities, human rights and equality and



how it affects everyone in our society, and what Government could be doing more if that does not exist? But if it does, could he give more scope to that individual to bring that forward?

**Deputy L.J. Farnham:**

Yes, and we have started discussions in that direction with the Assistant Minister, Deputy Alves, and we will update Members in due course.

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

The Chief Minister referred to providing an update as part of the Common Population Policy. Does he believe that this is the appropriate place to provide such an update and a strategic vision on the work being undertaken for older people in our community, especially when older people are often referred to or phrased within the challenges of an ageing population within such reports and discussions? Is that an appropriate place to provide such an update?

**Deputy L.J. Farnham:**

Sorry, was she referring to ... I said the Common Population Policy?

**Deputy L.K.F. Stephenson:**

Yes.

**Deputy L.J. Farnham:**

Because I feel one of the biggest challenges coming our way is the demographic challenges which are well understood, that is the certainty that we are going to see a growing ageing population. It is estimated that by 2040 there will be twice as many of us living into our 80s. So we are going to have to be prepared for that in society and that will be addressed in the Common Population Policy, in the first instance. I do think that is an appropriate place, but then I do not want to divert again from all of the work that is being done by the officer group and the cluster group and the Older Persons Living Group. That is gaining momentum, bringing forward some good ideas, and is leading to some action. But in relation to the growing ageing population, I think it is appropriate to update Members in that report.

**3.1.7 Deputy L.K.F. Stephenson:**

Does the Minister not accept this is about more than just a population issue? Later today or later this week we are going to be talking about dying well, should we not also be thinking about living well as people get older?

**Deputy L.J. Farnham:**

Absolutely, and that is what all of the work that is being carried out is aimed for. It is aimed at helping not just the elderly but all Islanders to improve the quality of life. As I said before, there is a multi-faceted challenge we face here. Part of it is population related, the other parts are improving the well-being of Islanders, especially our senior citizens. That is why we have the Older Persons Living Forum, the Older People's Cluster, and we have Statistics Jersey doing a lot more work so we understand the statistics and challenges better. We have Impact Jersey and, again, we have the officer group which is co-ordinating all of that work. I think it is good work, it is delivering and it is something we are going to continue with for at least the short term.

**The Deputy Bailiff:**

Do you have a question, Deputy Gardiner?

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

No, I had my light for some time; I thought that you had seen me. Apologies. I have my light for some time.

**The Deputy Bailiff:**

Sorry, I did not spot it. Do you want to ask a question?

**3.1.8 Deputy I Gardiner:**

Yes, please. Thank you for the Chief Minister saying that living well is important. Would the Chief Minister agree that the ageing process is predictable, gradual, and to follow this we can have an adaptation plan than to face a crisis in another 20 years?

**Deputy L.J. Farnham:**

Yes, I think that will be an essential part of the planning process. We want to make sure we are prepared to changes in demographics across the Island. I think at the heart of that work is to make sure we are prepared.

**3.1.9 Deputy I. Gardiner:**

To follow this, would the Chief Minister explain how to be prepared does not include a strategic vision, which will have a detailed planned phased approach? If the Chief Minister does not like the expression “strategic vision”, would he accept “strategic framework” to ensure adaptation for the population change in another 20 years?

**Deputy L.J. Farnham:**

We tend to have created a culture of strategy after strategy after strategy. We have so many strategies we do not really know where to begin. There are too many. They are not delivering. They are costly. What Islanders want to see are actions. What is currently in play now is action. Various groups and a co-ordinated officer group delivering actions. Now, of course, we have a vision and a strategic vision for the future, otherwise we would not have Statistics Jersey and the other groups looking forward to these challenges; so we know what is coming.

**3.1.10 Deputy H.L. Jeune:**

If there is no intention of building an older person strategy that in part would tackle stigma, indirect social pressure and ageism - and I did not hear this on the long list of the Chief Minister - can the Chief Minister advise how he will ensure there are safeguards written into the assisted dying legislation to guard against the concerns around indirect social pressure on older people who feel a burden on their family?

**Deputy L.J. Farnham:**

I think that this Island community will not accept or tolerate the sort of stigma and challenges that Deputy Jeune mentions. I think it can go without saying that we will always do whatever we can to ensure those do not exist or we push back hard wherever we find them. In relation to the assisted dying debate, I think I can make my points clear during the debate, but of course the legislation that we are going to bring forward to cover those issues, I cannot simply answer complex questions off the top of my head,. But we always rely on legislation in such matters. I know we are breaking new ground with this, should the States agree to go forward with it but, as I said, I think all of those important issues have to be dealt with following the debate.

**3.2 Deputy K.M. Wilson of St. Clement of the Minister for Infrastructure regarding the pedestrianisation of Broad Street. (OQ.97/2024)**

Will the Minister state what approach his department is taking to ensure the needs of the disabled and the elderly have been taken into account in any plans to pedestrianise Broad Street and in any other areas where future infrastructure improvements are planned and likely to affect these groups?

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

I thank the Deputy for her question. The 2023 Sustainable Transport Policy *Next Steps* document places disabled blue badge users at the top of the parking hierarchy. As set out in that document, the department will be starting a review of kerbside parking later this summer, which will consider how St. Helier's valuable kerbside parking is prioritised and distributed among its users; disabled parking, unloading bays, taxi and cabs, short stay pick and drop off and general usage. The purpose of the work is to support both Islanders' mobility needs and efficient commerce. As part of this work, the department will engage with key stakeholders within the disabled community and also work with the Minister for Social Security and her team. The output will inform how the town centre on-street is managed into the future in conjunction with public realm and movement strategy.

**3.2.1 Deputy K.M. Wilson:**

While it is welcoming to hear about the developments in St. Helier, can I ask the Minister to assure Islanders that this approach will be adopted to other parts of the Island where problems with access exist?

**The Connétable of St. John:**

I can give the Deputy that assurance where the land is in public ownership, but in many cases, sadly ... or not sadly, the land is not in public ownership so our ability to influence is less. I am actually due to meet with the blue badge holders at the end of June to discuss their views on current parking and their views on opportunities to improve the situation.

**3.2.2 Deputy S.M. Ahier of St. Helier North:**

When would the Minister expect the funding to become available to pedestrianise Broad Street?

**The Connétable of St. John:**

I would expect the work to start in Broad Street within the next 12 months.

**3.2.3 Deputy G.P. Southern:**

What access will the Minister maintain to buses in Broad Street and, in particular, the hopper bus, which is, I believe, finally being quite successful at getting people in and out of town?

**The Connétable of St. John:**

I am pleased that the Deputy raises the hopper bus. It is a facility I used on Friday, and I am delighted with the service and also with the disabled access to that service. It serves doctors around town, it serves the hospital, the market and the library. We are liaising with the bus company about alternatives to Broad Street. It is worth noting that if you live in St. John you are able to access a bus in Broad Street but if you live in most Parishes on the Island, you are not.

**3.2.4 Deputy M. Tadier:**

The Minister may be aware that traffic was banned in King Street, finally, in 1974. I am sure there would be very few people in the Island and the Assembly who would go back to that. But rightly, I think, concerns around access are legitimate, including for disabled people. But I would specifically ask about the one working music pub that we have on Broad Street, which is called the Blue Note for a good reason, which musicians, especially if they are carrying heavy drum kits, might need to pull up outside.

[10:00]

Does the Minister believe that there can be a balance struck here where pedestrianisation may, and I believe should, come but not at the expense of logical outcomes for those groups?

**The Connétable of St. John:**

Yes. In fact a fellow Deputy has made me well aware of the live music that takes place at the Blue Note, as if I had not been myself to enjoy some of that. On a serious note, unloading for all sorts of activities within the area will continue to be required, whether that is kegs to deliver the beer for those enjoying the music later in the evening or the musicians delivering their drum kits, so we will need to find a solution, as is the case around St. Helier.

**3.2.5 Deputy K.M. Wilson:**

Could I just ask the Minister if he would be minded to extend the approach that he is taking to parking and access to roads to other issues of access in relation to the infrastructure and the buildings provided by the States?

**The Connétable of St. John:**

I believe we have a legal duty to ensure that we provide access to our buildings. Some of them, such as this one, has restraints, but we need to do everything that we can to provide access to our public facilities.

**3.3 Deputy S.M. Ahier of the Minister for Infrastructure regarding legislation on the use of electric scooters on roads and pavements. (OQ.91/2024)**

Will the Minister advise the Assembly whether he intends to revise legislation regarding the use of electric scooters on roads and pavements, and whether such legislation would include provisions for the wearing of helmets and third-party insurance cover?

**The Connétable of St. John (The Minister for Infrastructure):**

I thank the Deputy for his question. At this time I do not intend to revise legislation to legalise electric scooters on our roads and pavements. I believe we have other priorities. While I recognise the potential benefits of electric scooters, significant concerns remain regarding safety, infrastructure and enforcement. I believe that further studies and careful planning are necessary to address these issues comprehensively. Ensuring the safety and well-being of all road and pavement users remains a priority. Therefore, I do not plan to revise the current legislation at this stage, but will continue to monitor developments, experiences and evidence from other regions to inform future decisions.

**3.3.1 Deputy S.M. Ahier:**

In regard to other regions, is the Minister aware that in Ireland the Minister for Transport brought in regulations, which came into effect yesterday, that children under 16 will be banned from using e-scooters in public places, the speed of those scooters would be limited, and there would be prohibition of passengers on the scooters, and that they had to be fitted with an audible warning device. Does the Minister believe that such regulations should be brought in here as well?

**The Connétable of St. John:**

I was not aware of the new legislation brought in yesterday in Ireland. My understanding is that electric scooters are currently illegal to operate on public roads and pavements in Jersey, and that remains the case.

**3.3.2 Deputy H.L. Jeune:**

Does the Minister recognise it is important for children to be wearing helmets when on non-motorised vehicles, such as bikes, inline skates, scooters and skateboards?

**The Connétable of St. John:**

I believe it is a legal requirement for youngsters, I think under the age of 14, to wear a helmet when they are cycling. I would highly recommend the use of a helmet for any other wheeled transport, not only for youngsters but also for adults. As a former competitive cyclist who never wore a helmet, I

will not get on my bike without one these days, and I highly recommend a good quality helmet to anybody.

### **3.3.3 Deputy H.L. Jeune:**

Can the Minister advise how he will encourage the use of helmets, especially with users of Jersey's ever-increasing stock of skateparks, and could the Minister explain what safety measures are being taken when designing skateparks in this regard?

#### **The Connétable of St. John:**

The best we can do is to educate people. We have signage up at our skatepark advising people of the importance of wearing helmets. Skateparks, in my experience, are not supervised and therefore it is very difficult to do much more than we do. We do have youth workers at the skatepark and I would like to think that they would encourage best practice as well.

### **3.3.4 Deputy M. Tadier:**

I am disappointed that the Minister is perhaps shying away - I do not know if it is on advice - from electric scooters, which are effectively being sold by businesses around the Island. We are being told that they can only be used on private property but good luck if you have property big enough to use an electric scooter on. Can the Minister answer what the fundamental difference is between a mobility scooter, which might have 3 or 4 wheels that can take up the whole of a pavement, which can sometimes be souped up and go at big speeds, or a very thin 2-wheeled mobility scooter which a youngster might nimbly be able to use and avoid any obstacles that come in its path?

#### **The Connétable of St. John:**

It is an interesting question. I would probably say the difference is choice. People that use a mobility scooter have little choice. I am sure they wish they could cycle or walk from A to B, but sadly they cannot and therefore need to use a mobility scooter. People using an electric scooter often will have choice. They could walk or cycle.

### **3.3.5 Deputy M. Tadier:**

From a legal point of view, where does that leave the suggestion of third-party insurance and helmets, given the fact that damage can be caused either by a mobility scooter or an electric scooter?

#### **The Connétable of St. John:**

The original question was about scooters. I would need to seek advice about mobility scooters.

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

We seem to be struck in a strange sort of bind here in the sense that we know that electric scooters are being used, but the Minister does not intend to do anything to deal with the way in which they are being used. What is his strategy for dealing with the fact that electric scooters are being used on the roads? What is going to be done about that?

#### **The Connétable of St. John:**

I believe that is a question for the Minister for Justice and Home Affairs because the policing of the roads is a policing matter rather than infrastructure matter. An area that I am working on with officers is to legalise electric bikes that can go over 15 miles an hour. I have seen this work very well in Switzerland where the bikes have a number plate, the rider needs insurance and a helmet, and that is where our focus is on at present; to try and make those people who are using bikes which are not currently legal to make them legal.

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

That is a very interesting piece of information from the Minister, and I applaud that work. Properly regulated use of more powerful e-bikes is to be welcomed. But is the answer with electric scooters not staring him in the face? Why not simply apply the same sort of approach to electric scooters as he is planning to do for electric bicycles?

#### **The Connétable of St. John:**

The question is around resource. My priority is to make those electric bikes legal. Then, as I said earlier, follow what is happening in other jurisdictions. We have heard earlier from the original questioner about what is happening in Ireland. I was not aware of that, and I will make myself aware of those developments.

### **3.3.8 Deputy L.K.F. Stephenson:**

Can the Minister confirm: are electric scooters allowed on the Les Quennevais Skatepark and around the track at Les Quennevais?

#### **The Connétable of St. John:**

That is a very good question; I wish the Attorney General was here to help me. I do not honestly know the answer to that question.

### **3.3.9 Deputy L.K.F. Stephenson:**

Could I ask the Minister if he would follow that up and perhaps let us know?

#### **The Connétable of St. John:**

I will gladly do that, thank you.

### **3.3.10 Deputy I. Gardiner:**

Would the Minister work with the Minister for Justice and Home Affairs to ensure that the enforcement and reality of using scooters day to day on Jersey roads will come together, and would the Minister engage with Home Affairs?

#### **The Connétable of St. John:**

Yes, and indeed I have met with the Minister for Justice and Home Affairs, the chief of police and the head of roads policing in the past, and on that very day that we met there had been some confiscations of illegal scooters and such like.

### **3.3.11 Deputy I. Gardiner:**

If enforcement would not work, and we have seen for years that enforcement did not work, would the Minister consider to find a way that electric scooters could be used on the Island while we have enforcement in place as well?

#### **The Connétable of St. John:**

I will repeat my earlier answer. The priority is being given to cycles while we monitor what is happening in other jurisdictions, particularly Ireland given the latest information.

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

The Minister makes reference to motorised electric bikes that can go over 15 miles an hour that require number plates and insurance and helmets in Switzerland. Are these not just called motorbikes?

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

The question was on electric scooters, but are you prepared to answer this question?

**The Connétable of St. John:**

I am prepared to answer that question. No, they are not called motorbikes, they do have a different name which I cannot remember what it is. They are like an old mobilet, Sir, which I am sure you and I can both recall. [Laughter]

**3.3.13 Deputy T.A. Coles:**

As we are in Alternative Transport Week, the Minister gave a briefing to the Environment Panel that if everybody used an alternative form of transport one day a week we would have the same amount of traffic on the road as during school holidays. Would it not be better to encourage these electric scooters as an alternative form of transport to get more people out of their cars?

**The Connétable of St. John:**

I apologise, Sir.

**The Deputy Bailiff:**

Not at all.

**The Connétable of St. John:**

It is Alternative Transport Week, and I would encourage all Members, if they are able to, to try and use alternative transport on at least one day this week. We have to make sure that things are safe, we have to consider all road users in the round, and that includes pedestrians. At this time if we are not able to get this across the line we will look for additional information. But as I said many times, my priority is to make the electric cycles legal.

**3.3.14 Deputy S.M. Ahier:**

Since it is Alternative Transport Week, would the Minister consider allowing a trial zone where the use of e-scooters on roads and pavements would be permitted, as has happened in other jurisdictions?

**The Connétable of St. John:**

I am not aware of another jurisdiction our size that has done that. I am aware of jurisdictions where they use geofencing where they can manage the speed of those scooters in a particular area. I am happy to consider all those ideas and happy to discuss with the Deputy.

**3.4. Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding growth expenditure in Government Plans. (OQ.89/2024)**

Will the Minister state the total amount of growth expenditure that has been agreed by the Assembly through the adoption of the last 5 Government Plans?

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

I thank the Deputy for his question. Growth has been set out separately in respect of Government Plans from 2020 to the current Government Plan for 2024-2027. Adding up those amounts gives a total of £276 million in revenue growth to budgets that have been agreed by the Assembly over the last 5 years. This amount relates to growth requests for new funding and excludes other movements from budgets, such as pay awards and inflation, which are also set out separately in Government Plans.

**3.4.1 Deputy L.K.F. Stephenson:**

Last week, the Minister told Scrutiny that there would be no growth bids as part of the Government Plan process. Can Members therefore assume that if this question is asked again next year, the total number will have not gone up?

**Deputy E. Millar:**

No, I cannot say that because there will be ... the Council of Ministers have agreed that there will be growth bids only in relation to the delivery of the C.S.P. (Common Strategic Policy), which we will be debating later today. There may be some growth bids. There will also be growth for inflation and things like pay awards and central costs, but we should not see significant growth. The C.S.P. is clear that we are going to try to constrain the growth in public spending, to reduce spend on consultants, and to reprioritise budget so far as possible. So we are very much committed to limiting growth in the future or certainly for the next 2 years.

**3.4.2 Deputy L.K.F. Stephenson:**

I appreciate the answer from the Minister, but I would also point out that she said in her first answer that inflation and pay awards were not included as part of the figure, so to say that they may be part of it I do not think adds up entirely.

[10:15]

What would the Minister define as significant growth, given that she has just said that there will not be significant growth? What is the definition of significant growth?

**Deputy E. Millar:**

No, I cannot give you a definition of “significant growth” because it very much depends on what we need to deliver the C.S.P. However, we will be seeking to control expenditure, to reprioritise and to stay within our means.

**3.4.3 Deputy J. Renouf:**

Putting together what the Minister said at Scrutiny last week and today, what I am understanding is that growth bids will be allowed in relation to the Common Strategic Policy but will not be allowed in relation to any other government department or bids from other departments. Can she confirm that this is the case and that all Ministers have signed up to this plan?

**Deputy E. Millar:**

Yes, I believe that Ministers have agreed to that.

**3.4.4 Deputy I. Gardiner:**

Would the Minister clarify whether the subsidy for the businesses to meet the commitments for the living wage would be included in the bid gross, and they will be relevant?

**Deputy E. Millar:**

I am not sure that that is supplementary. The question was about the last 5 years, so we are now looking at the coming year, so I am not entirely sure that is supplemental.

**The Deputy Bailiff:**

Yes, do you have another question to ask instead?

**Deputy I. Gardiner:**

No, it was a supplemental for the answer of the Minister for Treasury and Resources. It is a question because of the answer that the Minister for Treasury and Resources gave.

**The Deputy Bailiff:**

I will allow the question then.



**Deputy E. Millar:**

I believe that funding will be met from existing budgets, but we are only just starting the Government Plan process, and I cannot discuss every possible initiative that may be on the table.

**3.4.5 Deputy I. Gardiner:**

If I understood this correctly, the subsidy for the businesses to meet the commitment for the living wage should be met from the existing departmental budgets, and, if yes, does it mean that we will cut services within the existing department budget?

**Deputy E. Millar:**

We are talking about 2025 onwards. We have talked about reprioritising funding and making sure that we are using the best use of our funding and not necessarily creating new funding. As I say again, we are only just in the early stages of the Government Plan process, so I cannot give you answers because we have not had those detailed discussions.

**3.5 Deputy H.M. Miles of St. Brelade of the Minister for Education and Lifelong Learning regarding the International Baccalaureate programme delivered by Hautlieu School. (OQ.90/2024)**

Will the Minister provide an update on the status and future of the International Baccalaureate programme delivered by Hautlieu School?

**Deputy R.J. Ward of St. Helier Central (The Minister for Education and Lifelong Learning):**

I thank the Deputy for her question. In October 2023, after reviewing the suitability of the curriculum, Hautlieu School made a decision to discontinue the International Baccalaureate, the I.B., due to there being fewer students interested in the course. However, students who have enrolled in the I.B. diploma in September 2023 - current year 12s - and September 2022 - current year 13s - will complete their I.B. diploma, but there are no current plans to restart the I.B. programme at this time.

**3.5.1 Deputy H. Miles:**

I thank the Minister for his response. Does the Minister think that a potential reason for the lower take-up is the policy of some secondary schools to allow students to give up a modern foreign language at G.C.S.E. (General Certificate of Secondary Education) level?

**Deputy R.J. Ward:**

There are numerous reasons why the I.B. is not popular. One of them may well be linked to languages, but it also may be linked, for example, to what keeps giving so much to us, which is Brexit, because that has changed, for example, the cost of going to university in Europe. It used to cost 2,000 euros to go to one of the Netherlands universities. Post-Brexit, we are all foreign students now, and that has gone up to around 12,000 to 15,000 euros. There are numerous reasons. I would also say when we talk about languages and schools, we have to be very careful about what we can supply and looking at the curriculum itself, which is very, very full.

**3.5.2 Deputy I. Gardiner:**

Following the announcement of Hautlieu that they will not continue with I.B. back in October 2023, there were initial informal discussions with the secondary heads of other A-level colleges; it was initial informal discussions. Obviously, we did not have time to progress. Would the Minister consider to speak with the secondary heads and to find out if there is any way to save I.B. on the Island and to allow students to do I.B. if they wish on the Island?

**Deputy R.J. Ward:**

I do thank the Deputy for that. Yes, the initial informal discussions could mean anything. A letter was not sent to heads at that time. A recent email has been sent to headteachers to ask their interest.

Yes, I would encourage headteachers from across our post-16 provision to look together as to whether there is a way to provide the I.B. One of the numbers I have in my head ... I am not an expert in I.B. I do have a friend who is though, so he sends me lots of messages. But really you need between 50 and 75 students undertaking the I.B. diploma, which is the more academic, although a combination with the I.B. career progression may help. To get those numbers of students really would require, I believe, co-operation across our 6th-form providers.

### **3.5.3 Deputy I. Gardiner:**

I am grateful for the Minister for his answer and it would be really helpful to also engage with our European communities who live on the Island, that we do have high numbers, and they are able to study at European universities, and because the I.B. would not be possible we are taking this choice from the young people to go to Europe. Would the Minister also engage with the European minorities on the Island and to see the views of the student and the parent?

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

The I.B. is not the only route to European universities. A-levels are a very popular route as well and they are accepted by universities across the world. So not having the I.B. does not stop that route. But we get back to the main point, which is we need to be able to provide the I.B. in a sustainable way. Hautlieu School has a significant number of students, has their staff, the A-levels that are there. The only way this will happen is to work across our 6th-form provision. That is not happening as much as we would like it to at the moment. It does happen, and that is not a criticism of the schools, but that is a way forward with the I.B. The enrichment parts of the I.B., though, can be used across our curriculum, and they are very, very useful. But I do not think not having the I.B. stops access to European universities. As I mentioned before, I think the biggest problem has been Brexit for U.K. (United Kingdom) students. For European students, that is not as difficult.

### **3.5.4 Deputy M. Tadier:**

Does the Minister perhaps agree that one way to look at the demise of the I.B. is that that is a symptom of a wider problem and that we have a fragmented 6th-form provision in Jersey, and that perhaps the only viable way of bringing back the I.B. were to have a 6th form college in Jersey where I.B. is the only syllabus that is provided post-16?

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

That is a very interesting thought. One of the first things I did when entering the Assembly as a chair of the Children and Education Scrutiny Panel was produce a post-16 report that recommended a 6th-form college because of the nature of the type of provision. However, to have a 6th-form college that offers only I.B. would be a really significant step. We need to think that through very carefully. Personally I believe it is not just about I.B., it is about A-levels, it is about B.T.E.C. (Business and Technology Education Council). We have to be cognisant of what happened in the U.K. with T-levels, which are academic vocational qualifications, because if they take hold we will need to respond to them. The landscape in education and qualification changes constantly. What we need to do is be aware of it and adapt to it, but we also need to be proactive in getting those 6th-form providers to work together.

### **3.5.5 Deputy M. Tadier:**

Does the Minister agree that fundamentally the benefit of the I.B. is that the A-level system, which is effectively a U.K. model applied in Jersey, does demand specialisation and very narrowing of the syllabus very early on compared to most countries, including European countries around the world? Would he take steps to look at whether there are mechanisms to bring back the I.B. in a manageable and sustainable form?

**Deputy R.J. Ward:**

I do not think A-levels are just the U.K. here. A-levels are used worldwide. Yes, there is a need to make choices at A-level early on. It does depend what A-level you do. Some teachers of A-levels would say they are certainly not narrow, they are very broad. The balance between academic and vocational and other education is always going to be an issue that we have to address. Yes, I would like to take steps to ensure that the I.B. is possible, but partly we have to have young people wanting to choose that route for their education. That needs to be proved as the most valuable route for them. The only way we are going to be able to do that is to get our 6th forms to work together, and we are working on that and I would encourage that. That is one of the things I will take forward in the short time we have left in this Assembly.

**3.5.6 Deputy J. Renouf:**

I wonder if the Minister is disappointed about the loss of the I.B., particularly in the context of a sort of trend towards homogenisation in higher education offer, and that Jersey really could see itself, if it wanted, as a place that offered variety rather than homogeneity? I appreciate that that might be a longer-term project, but I am just interested in his philosophical approach, if you like.

**Deputy R.J. Ward:**

I am very happy to talk about philosophical approach. I believe this is all due to what I would refer to as the G.E.R.M., the Global Educational Reform Movement, that has commoditised our education. By commoditising, it just means that you can put things in tables, and you can make it something to buy and sell, like a bag of crisps. We want to move away from that, and true education does include revision of things such as the I.B., B.T.E.C.s, H.N.D.s (high national diplomas), those wonderful qualifications that serve our communities, and indeed A-levels. A-levels, too, are a great qualification, a proven qualification, but what we need to do is have the right qualification available at the right time, and that will mean that we perhaps, in the long term, and perhaps it is not for this Assembly but for the future, have to break down some of the barriers that exist in our education system in terms of the provision that we have.

**3.5.7 Deputy J. Renouf:**

I might almost feel a strategy coming on, but perhaps that will have to wait until the next Assembly. Could I urge the Minister to stick to those principles and ask him to continue to argue for those cases and argue for that approach in the further education of our students?

**Deputy R.J. Ward:**

I would actually say, I think what we have had in the past are too many strategies and not enough principle in our education system. Educationalists around the world, particularly in the U.K. actually, have suffered from strategy after strategy telling them how they should deliver, what they should deliver, rather than respecting the profession and allowing to deliver the right thing at the right time for the right people for the right reasons. So I would want to do that, thus I have added the lifelong learning part to the Education Ministry because we have to take it not just in post-16 but throughout the lifetime of people on this Island as we change course sometimes, as all of us have done in our careers.

**3.5.8 Deputy H. Miles:**

I thank the Minister for his very comprehensive answer to the questions. There are Members in this Assembly that have actually studied the I.B. diploma and, as a parent, both of my sons studied the diploma very, very successfully. Really, my final question is: what reassurance can the Minister give to parents who are really concerned about the lack of educational choice at 6th form for those students who are looking to progress to higher education?

**Deputy R.J. Ward:**

That is a very, very good point to make. There are 2 things here. First of all, I am not going to stand and say that there is not a range of provision in post-16. The work that is done, all of our post-16 providers, is of an excellent quality and teachers work incredibly hard to deliver. But what we do need, is we need to break down some of the barriers that we have that have been set up over many, many years because of the structure of our post-16 education and indeed before that. If we want to work that way together, we will need a conversation of this Island to talk about whether we want to change some of the things that have been deeply embedded on this Island. The way I see it, is that that will become as a reaction to the needs of this Island for its education into the future. At some point, what we do now will simply not fit, and we will have to change. We do that in one of 2 ways.

[10:30]

We do it reactively or we do it proactively. I assure the Deputy and parents, we want to try and do that proactively and provide everything that we possibly can and every choice for the young people on this Island.

**3.6 Deputy M. Tadier of the Minister for the Environment regarding the reported presence of E-Coli bacteria found in the water at Grève de Lecq. (OQ.93/2024)**

Further to the reported presence of E. coli bacteria found in the water at Grève de Lecq, will the Minister provide the Assembly with an update and advise whether the cause has been established; whether any responsible parties will be held accountable; and, if so, how this will be achieved?

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

It will not be a surprise to the Deputy and to Members to know that the regulation directorate in my department have undertaken and started a full investigation into this incident. I have to say to Members that that investigation is still ongoing. So providing further information at this stage is difficult. But I can say and advise that the cause has not yet been established and therefore the responsible parties cannot be held accountable. But as an update, I can give Members a very hot-off-the-press, and literally in the last few minutes, the results of yesterday's standard seawater testing which happens on a weekly basis. But before I do that, I would just say last Monday the level taken in the sea at Grève de Lecq was 3,300 C.F.U. (colony-forming unit) per 100 ml. Last Wednesday it was 1,800, but the figure taken yesterday, and as I said, has come to me just in these last few minutes, is 780. Anything under 500 is regarded as good, so the message and update to Members this morning is things are improving. There is still work to do, and once the full investigation has been completed we will know more about the source.

**3.6.1 Deputy M. Tadier:**

Has the Minister been in conversation with the Minister for Sustainable Economic Development about the potential impact or the real impact that this might be having on the tourism sector and the confidence in that.

**Deputy S.G. Luce:**

I do not need to be in contact with the Minister for Sustainable Economic Development to know the impact. It is a great disappointment to me personally - and I am sure to everybody - that we have these incidents on our beaches. Any adverse publicity of this nature is never great. We monitor 16 beaches across the Island on a weekly basis from May until the end of September. Generally, Grève de Lecq being a typical example, it is excellent and it is good that we test regularly because we do pick up on these sorts of incidents and we can then act on them. But yes, I fully understand the implications, not only on tourists, but the very large number of locals who swim on a regular basis all the way through the year.

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

Is the Minister able to at least give us a little information about the cause of the incident, in the sense that is he able to say whether it is likely that it comes from the stream coming in or is it likely to have been a source from at sea, if you like?

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

I cannot obviously say anything specifically, but I think it will be quite obvious to most Members that the stream which goes on to the beach at Grève de Lecq is the most likely cause. I cannot say definitively that it is, but we know we have mains drains in the area, there is a pumping station at Grève de Lecq, we also have a number of properties in the vicinity which will rely on boreholes and septic tanks and soakaways. All will be investigated. I can assure Members of that and I can only come back to the Assembly with results once the investigation is completed.

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

I wonder if the Minister has given consideration to whether the testing of beaches should be done all year round, given the rise of all-year swimming, but also in the case of Grève de Lecq, it is used as a winter surfing location - not least by my own son - and whether the time is now right to consider extending those tests through the year.

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

I will certainly consider it. It did occur to me as I was making my answer a couple of minutes ago about the number of Islanders that, since COVID, have taken up sea swimming on a daily basis 12 months of the year, and the fact that we only start monitoring our bathing water in May and conclude that in September. I take the point of the Deputy on board and I will certainly consider it.

### **3.6.4 Deputy L.K.F. Stephenson:**

Can the Minister confirm that the test which did show the very high levels last week was the first one taken this season at Grève de Lecq? Therefore, does he accept that the levels could have been high for some time, especially as we now know that local residents have been reporting foul smells from the stream for a number of weeks.

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

I can confirm that last Monday's test was the first of our weekly tests this year and, as I said, those will continue until the end of September. It is quite possible, as the Deputy says, that these levels may have been high. I was not aware of complaints from members of the public until this incident came to light, but she makes a good point. It is possible, and obviously hindsight is a wonderful thing, but given my last answer to the Deputy, we may well have to consider testing on a more regular basis.

### **3.6.5 Deputy L.K.F. Stephenson:**

I was going to ask the same question that Deputy Renouf has, so I am glad that has been answered. Will the Minister commit to going away and perhaps trying to find out why the complaints of residents about the smell perhaps had not been looked into when perhaps they should have been? Especially given that testing was not that far away either.

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

I will commit to do that. I am not aware or sure of which department was informed or whether it was just locals chatting among themselves, but if people were informed I will find out who was informed and why action was not taken sooner.

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

Can the Minister confirm that it is safe now for residents of the Island to swim in Grève de Lecq Bay?

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

I am not sure if I am going to go as far as to say that it is safe because, of course, the test that was taken and the results I have just read ... the test was taken yesterday and something may have happened overnight or even this morning to say that swimming in Grève de Lecq may not be. It may be even better. I cannot give the Deputy that assurance. All I can say is that to qualify as an excellent water sample, it needs to be below 250; to qualify as good it needs to be below 500; and poor results are classified as over 500. Yesterday's sample at Grève de Lecq was 718 so, while it is poor, I can say that last week's results also had poor results in La Haule and Victoria Pool. Rozel was good; all the other beaches around the Island were excellent. But we do have occasional blips and that is usually caused by excess rain and runoff from fields and leakages from soakaways.

### **3.6.7 Deputy M. Tadier:**

My question about who will be held accountable has not really been answered, but I would like to use my final supplementary to ask about the efficacy of testing more generally, given the fact that in Jersey our seawater gets changed twice a day, and that is not by the Minister, but by the tides. The fact that we have got any poor water in Jersey, I think, is shameful. Does he think that it would be more effective to test the water going into the sea, i.e. the streams and here, which I think is effectively a sewage outlet - it has become that anyway - because that is where the issue is, not the seawater coming in from the Channel.

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

I can assure the Deputy that not only is bathing water tested on a regular basis, but streams, reservoirs, public water supplies are tested even more frequently and more religiously. But he has a good point. It may well be that streams entering bays where people swim could be tested more frequently. I imagine that they are; I cannot say definitively, but I imagine that they already are. There is also the case that some of these bays which are tested will not have streams entering them, Archirondel for example being one, Anne Port being another. But I will take his point on board and ask the question.

### **3.7 Deputy G.P. Southern of the Minister for Social Security regarding the implementation of the Ethical Care Charter. (OQ.101/2024)**

Will the Minister explain what priority she has given to the implementation of the Ethical Care Charter, which has been adopted twice now by the Assembly, but which has yet to be implemented? When will there be engagement by her department on this topic?

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

I thank the Deputy for his question. As the Deputy will be aware, my manifesto does commit to seeking the implementation of an ethical care charter and also, within my work plan as Minister for Social Security, I am prioritising on delivering Assembly decisions that have already been made. The main actions in this area do fall within the remit of the Minister for Health and Social Services. The Minister for Health and Social Services and I do work closely and well together and we also have regular meetings, so I do commit to raising this at my next meeting with the Minister for Health and Social Services.

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

Supplementary?

**Deputy G.P. Southern:**

No, thank you, Sir. I think that is a perfectly satisfactory answer.

**3.8 Deputy J. Renouf of the Minister for Health and Social Services regarding improving the clinical standards and governance in the delivery of health services. (OQ.95/2024)**

Will the Minister provide an update on any plans he has to improve clinical standards and governance in the delivery of health services?

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

Following the release of the Mascie-Taylor report and subsequent Royal College reviews, a great deal of effort has been expended by H.C.S. (Health and Community Services) to improve clinical standards and governance. In June last year, they implemented a policy that mandated staff to follow N.I.C.E. (National Institute for Health and Care Excellence) guidelines and Royal College guidance. A good deal else is going on in this area so, in answer to the Deputy's question, I have to report that I have not added any further requirements to this already substantial body of work. Given all of the other pressures involved in catching up with a long period of underinvestment and a leadership that has not kept pace, I did not think that would be helpful. What I am trying to do is to ensure that the organisation is properly resourced and that it is provided with as much support as possible to implement the objectives that are already in hand.

**3.8.1 Deputy J. Renouf:**

It has been reported this morning that the clinical lead of the turnaround team has resigned. This is surely a significant blow, coming as it does after the departure of the chair of the board. So can the Minister outline what concrete steps he plans to take now to improve clinical standards?

**Deputy T. Binet:**

I genuinely do not think I have got anything to add to what I have already said. There is a great deal of work going on within an organisation that needs a fair amount of attention and some restructuring. I think the body of work that they have got - that they are involved with now - to implement the governance that they have chosen to adopt is going to be a job in itself, so I am certainly not planning to add anything to that.

**3.8.2 Deputy L.K.F. Stephenson:**

During a debate on P.20 last month, the Minister stated: "I am afraid to say that for me it is all about money and precious little else." Today we read on the front page of the *J.E.P. (Jersey Evening Post)* that the clinical lead for the turnaround team has left, citing a lack of support from the Minister and his department to improve standards. Does the Minister believe such a narrow focus on money risks him failing to prioritise improving clinical standards and governance within his department at what is a critical time? If not, can he provide examples of how he is working to stop it doing so?

**Deputy T. Binet:**

There is quite a lot in that in that question. I have said that it is all about money, because at the end of the day without money you can do nothing; I stand by that. If you have not got money, you cannot. The Deputy herself at the last Assembly proposed I.V.F. (in vitro fertilisation) treatment and that is going to add something in the order of £1 million to the bill. There are a huge number of pressures of a financial nature and without money we can do nothing. But it would be wrong to say that I am only focusing on the area under discussion; I am also doing a lot of work with Public Health on illness prevention and I hope to come back to the Assembly on that in due course. Of course, dealing with the £18 million deficit and the additional expenditure that we keep laying on to the health service has to be dealt with. The digital situation at the moment requires a lot of attention because we are trying to bring digital up to date and make it suitable for working with the new hospital facilities. It is a big

body of work in itself. On looking at it, I think there is some restructuring of the entire health service that needs to be done. There is a lot of work going on apart from governance.

**3.8.3 Deputy L.K.F. Stephenson:**

I am pleased to hear that £1 million will be invested in I.V.F. healthcare. It is certainly almost double the figures I have heard being talked about, but £1 million would be excellent, thank you, Minister. Can the Minister therefore state what is his number one priority for health during his term of office? Is it balancing the budget or is it improving clinical standards and governance?

[10:45]

**Deputy T. Binet:**

I would suggest it is a combination of both.

**3.8.4 Deputy H.L. Jeune:**

Could the Minister explain the reasons for the departure of the clinical lead and how the Minister intends to improve clinical standards in the absence of this lead in the turnaround team?

**Deputy T. Binet:**

I am not entirely sure, if I may, that that relates to the nature of the question, what am I doing to improve clinical standards and governance? But if you would like to allow the question, I am ...

**The Deputy Bailiff:**

I think it is relevant to the question and it is a development which is relevant to the question, so I allow the question.

**Deputy T. Binet:**

I have to say I am quite bemused by the departure of this particular individual with whom I have only had one proper meeting at his request. There were 5 people in the room at the time and the other 4 are equally bemused, so I really do not know what lies behind his decision. I would be perfectly happy for him to stay on; I have offered to meet him on Friday for that purpose. The offer has been refused. He was planning on reducing his hours, in any event, because his contract ends at the end of the year and he wanted less time. We will simply be looking to replace him.

**3.8.5 Deputy H.L. Jeune:**

Could the Minister provide some words of comfort to the remaining members of the turnaround team and their H.C.S. board that he has confidence in them to deliver the necessary improvements in clinical standards and governance, and does he have full confidence in the board - executive and non-executive members - to do this?

**Deputy T. Binet:**

Yes. I think I said at the last Assembly that I had a full confidence in the board and the board opened their last meeting by confirming that they had full confidence in me after the departure of the short-term chairman. Yes, I think relations are good with the remainder of the team. Only time will tell - we are only 16 weeks in - but I have to say at this point time, yes, I am comfortable.

**3.8.6 Deputy I. Gardiner:**

The Minister mentioned the deficit and the finance of the department. What work is ongoing to deliver the financial recovery plan that could deliver vital savings while maintaining clinical standards?



**Deputy T. Binet:**

There is a great deal of work going on, and I make the point that I know 16 weeks might seem like a long time, but it is not, so I spent a considerable amount of time with the people dealing with the finances trying to build with them a complete picture as to where the deficit arises from. The truth is, if we make the £18 million worth of cuts that we would need to meet the budget at this point in time I think it would do severe damage to the health service. I think I will be coming back to the Assembly at some point in time to address that, but it is early days.

**3.8.7 Deputy I. Gardiner:**

Thank you to the Minister for his reassurance that he is working on the recovery plan. He mentioned early days - we have 3 months - and when will the Minister be able to share with the Assembly recovery plans or any other plans that he has in place? But they should be practical ones for clinical standards and financial recovery.

**Deputy T. Binet:**

I think that will have to be done in stages over the course of time. It is a big body of work and I cannot certainly put it ... in terms of where we are complete with the finances, I can only come back to the Assembly when we are ready to do so, and I will make that as soon as possible.

**3.8.8 Deputy J. Renouf:**

The Minister has several leadership posts to fill in H.C.S: the chair of the board, of course, the H.C.S. interim H.R. (Human Resources) director also left recently and now, of course, the clinical lead. They are all critical to improving clinical standards and governance. What would he say to prospective applicants to attract them to these roles, to reassure them that they will find working with the Minister a rewarding experience and that their professional opinion will be respected?

**Deputy T. Binet:**

I do not think there is anything particular I could say, other than that we are in exciting times and there is a good collection of people working together with a determination to improve matters. I would just remind Members that one or 2 people might leave over the course of time, but I deal with dozens of people, possibly hundreds, and by and large I get on very well with them. I do not think there is a systemic problem of any sort.

**3.9 Deputy L.K.F. Stephenson of the Minister for Infrastructure regarding plans to boost the capacity of Jersey's mains drains network. (OQ.98/2024)**

Will the Minister provide an update to the Assembly regarding plans to boost the capacity of Jersey's mains drains network to accommodate the development of further housing? Particularly in relation to any sites that have already been rezoned for housing, but where the development is currently delayed due to a lack of drain capacity.

**The Connétable of St. John (The Minister for Infrastructure):**

Much of the Island's foul sewer network is nearing maximum capacity. We have managed to secure significant additional funding for 2024 and 2025, totalling £15.6 million to start the key infrastructure projects to address some of these wider network issues. In the short term, these projects will include the West Park surface water separation - an outfall project - due for completion by December, Maufant, St. Peter and the airport, and the West Hill key infrastructure project, which is due to be completed ... the first part is due to be completed by December 2025 to tie in the proposed developments at J1109 and T1404. In order to meet the long-term needs, the department is requesting additional funding from 2026 onwards, approximately £10 million per annum, to address further infrastructure improvements to give the Island greater foul sewage capacity where it is required. Further local sewage network upgrades may be required to be implemented by the developers to meet

the specific needs of each of the development sites. My department is fully committed to delivering the required infrastructure, provided that we can assure further funding in 2026 onwards.

### **3.9.1 Deputy L.K.F. Stephenson:**

I thank the Minister for his answer. Could he provide some more details about plans for the St. Peter facility, which I believe is to be to the north of the airport, including when the work will start and finish and how that will be paid for? Is that coming out of the money that has already been allocated?

### **The Connétable of St. John:**

There are a number of proposed developments at St. Peter's. One of those developers is in discussion with the department about extending the network to near the Parish Hall, which will be a requirement of the developer. The discussions are ongoing with potential sites with landowners and I am advised that those discussions are very positive. I do not believe that any of the developments have been delayed; the first of the plans were approved last week by the Planning Committee and the Planning Committee was given assurance by the department that the connection would be in place in time for those completions.

### **3.9.2 Deputy S.M. Ahier:**

The Minister just mentioned the Planning Committee last week which discussed Field J1109 at Sion and the main concern was the drainage problem. One of his officers said that more funding will be required to ensure that the sewage system does not exceed capacity in 2026. Does the Minister believe that funding will be available to carry out that work?

### **The Connétable of St. John:**

I believe that the West Hill works will be done in 2 phases, and I believe to connect the 2 new proposed developments, that will be part of phase one. Therefore, I believe that will be done in time by the end of December 2025.

### **3.9.3 Deputy S.M. Ahier:**

Is it not true that to complete these drainage works that the Minister will need alternative funding streams? Is it not his intention to bring in a waste charge before 2026 to ensure this happens?

### **The Connétable of St. John:**

There is no decision been made as to how we achieve additional funding for 2026 onwards; those discussions are ongoing and obviously would be subject to a debate in this House. But there is absolutely no decision on how we would get that funding at this time.

### **3.9.4 Deputy H.L. Jeune:**

I think my question was a little bit answered by the previous question, because the Minister mentioned that he needs £10 million per annum extra from 2026, yet the Minister for Treasury and Resources said that only business cases in the C.S.P. would be increased in some questions earlier. Given that the infrastructure is not mentioned as a C.S.P. priority, is the Minister confident that he will convince the Council of Ministers to agree to this extra funding?

### **The Connétable of St. John:**

I think you will find that the public realm is part of the C.S.P., which is part of the infrastructure. The sewage treatment works at Bellozanne had significant investment and has got plenty of capacity. Hindsight being such a wonderful thing, perhaps the sewage treatment works should have been built in phases and we should have spent more time working out how we were going to get the sewage to Bellozanne, rather than how we were going to treat it when it got there. We heard in an earlier question about the challenges at Grève de Lecq, the importance of having a robust network. In addition to the capital works that I have described for the new project, we spend over £6 million a

year maintaining our existing network. So I think it is vital, not only that the Council of Ministers understands the importance of having good infrastructure, but also this Assembly.

### **3.9.5 Deputy H.L. Jeune:**

I just remind the Minister that the public realm in the C.S.P. is only mentioned in relation to St. Helier, and of course this question was related to the rezoning of houses in other places around Jersey, and affordable housing at that. Would the Minister not agree that it would be important for the C.S.P. to also recognise affordable housing being developed in other parts of the Island, and that not providing the correct infrastructure ahead of affordable housing will act as a blocker rather than an enabler?

### **The Connétable of St. John:**

We discussed this very subject at my recent Scrutiny Panel hearing when we discussed why there are only 12 priorities in the C.S.P.; I said there could have been 120. The drainage infrastructure is vital. We have to have it. It is not a nice to have, it is not an aspiration, it is essential for this Island. I do not believe that any of the sites rezoned in the bridging Island Plan have been or will be delayed due to my department and its ability to provide the infrastructure.

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

In an earlier answer, the Minister mentioned that some developments would rely on delivering improved drainage through planning obligations. Does the Minister accept that for some relatively small sites with, say, 130 or 60 units, covering that cost as a result of planning obligations in addition to the other items that are required of them by his department will only seek to increase the costs of those homes to the ultimate beneficiaries who are people who are seeking affordable homes?

### **The Connétable of St. John:**

A lot will depend on the price paid for the land and whether the person buying the land understood the full requirements when they undertook that purchase. I am not sure of the details of the price of the land at St. Peter's in question, but I am aware of the land at Sion, where the purchaser paid well over the odds for affordable home provision. It is in the round. The planning obligations that go on to each home go right to the bottom line on what the Islander pays for those homes or the housing provider pays for the rental property. It is up to us all to work together to ensure those prices are as low as possible, but I do believe there is also a responsibility on the people that purchase the land and pay the price they do, and they understand their responsibilities when they do so.

### **3.9.7 Deputy L.K.F. Stephenson:**

I would just like a little bit more clarity about the funding from the Minister, if possible, please. Am I right to interpret his answer that the £15.6 million that is currently allocated for 2024-2025, will that cover the 4 - I believe it was - listed projects: West Park, Maufant, the airport and one other? If that was West Hill or not. Will that cover those in their entirety or will some of those projects require further funding? If so, have any discussions taken place about what funding mechanism will be used to pay for them?

### **The Connétable of St. John:**

It is too early to say, because the work is underway. Some £1.9 million has been spent on preparation work. We need to survey what we currently have; we need to spend a lot more time and effort on separating surface water from sewage. If we are successful in that, as we are doing at West Park, we will need less in terms of attenuation tanks than if we do not do that. The civil design and tender documents are currently being prepared. Once we receive those tenders back, we will be in a better position to answer that question.

[11:00]

### **3.10 Deputy A.F. Curtis of St. Clement of the Minister for the Environment regarding reviewing the Residential Parking Standards. (OQ.94/2024)**

Will the Minister advise what consideration, if any, is being given to reviewing the Residential Parking Standards?

#### **Deputy S.G. Luce (The Minister for the Environment):**

I can advise the Deputy that a review of Residential Parking Standards is not under active consideration.

#### **3.10.1 Deputy A.F. Curtis:**

Last week the Planning Committee unanimously approved the first of the rezoned housing sites, which provides 40 parking spaces for 37 houses, yet no garages. There were several concerns raised, including by the Connétable of the Parish. Given it is unlikely this site will be occupied before many other sites come before the Planning Committee, how will he assure himself that the standards are appropriate for all of the rezoned housing sites?

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

The Deputy will know, as well as everybody else, that supplementary planning guidance, which sets out the standards we are discussing now, has only recently been revised. It was only published in October last year and that followed public consultation and engagement with States Members and the development industry. The latest guidance, as again the Deputy will know - as we all know - it was the first time these standards have been updated since 1988, which is a considerable amount of time. But it did bring everything in line under the sustainable transport policy, which was agreed in 2020 in this Assembly. All I can say is the interpretation and application of these standards, like all other planning policy and guidance, will be kept under review. I understand the Deputy's concerns. Parking is always an emotive issue; people never think they have enough of it. But we have set these new standards; I believe we need to give some consistency to the development industry so that they know where they are. At the same time, we need to continue to review them. So if they do need to be changed again, we bear that in mind.

### **3.11 Deputy G.P. Southern of the Minister for Social Security regarding compliance with the terms of the Employment (Jersey) Law 2003. (OQ.102/2024)**

Will the Minister advise what actions are undertaken by Social Security officers to enforce compliance with the terms of the Employment (Jersey) Law 2003, in particular the requirement that contracts of employment are accurate and issued promptly, and how many inspections are conducted as part of that work and at what intervals?

#### **Deputy L.V. Feltham (The Minister for Social Security):**

The Employment Law contains a criminal sanction for the failure of an employer to provide written terms and conditions; that is in Article 9. There is a dedicated employer compliance team within Revenue Jersey which deals holistically with employers' responsibility under tax, social security and employment law. That team prioritises its work on a risk basis, rather than via routine visits, and will generally tackle any issues with an employer at the same time. This does include prosecutions in the most serious cases. While the last prosecution was late last year, I understand that further cases are being worked on by the Attorney General's team. The team at Revenue Jersey will respond to and resolve any specific instances involving employers, including under the Employment Law when Islanders bring these to their attention.

#### **3.11.1 Deputy G.P. Southern:**

I thank the Minister for her answers so far, but is the reality that, for example, there are no random tests of whether an employer has issued the correct terms of reference for a work employment

contract, and that when errors are discovered in the system there is no sanction taken apart from requiring the employee to take a course to the tribunal? Nothing in the system says we will enforce the law as it stands.

**Deputy L.V. Feltham:**

In relation to cases going to the Employment Tribunal, I am aware that there were 31 claims for a breach of employee statutory rights according to the 2022 annual report of the Employment and Discrimination Tribunal. That level of breaches is clearly not acceptable and I have discussed with the Jersey Advisory and Conciliatory Council how we may improve communications to employers and employees around rights and responsibilities of both parties. I am also expecting a report from the Employment Forum on potential changes to a compensation awards regime in Jersey, and I will consider the Forum's recommendations very carefully in that respect.

**3.11.2 Deputy T.A. Coles:**

Does the Minister believe that her team are adequately resourced to deal with the compliance of the terms of reference, especially in regard to gender pay disputes?

**Deputy L.V. Feltham:**

It is an area - with regard to resourcing - that I have not been briefed on, so subsequent to this question I will go and receive further briefing around resourcing of that particular area of Revenue Jersey and report back to the Deputy with my findings.

**3.11.3 Deputy G.P. Southern:**

Is it not the case that some employers, willy-nilly, are putting their workers on zero-hours contracts, even though that denies them certain rights of employment?

**Deputy L.V. Feltham:**

It may well be the case. However, there are recent changes to the Employment Law, and I am working with the Jersey Advisory and Conciliatory Service in order to ensure that employers have the right level of communication to them, as well as free training available, so that they can understand their responsibilities under the employment legislation.

**3.12 Deputy L.K.F. Stephenson of the Minister for Health and Social Services regarding a childhood vaccination programme. (OQ.99.2024)**

Following the news that the Joint Committee on Vaccination and Immunisation has recommended a vaccine against varicella, commonly known as chickenpox, should be added to the U.K.'s routine childhood immunisation programme, can the Minister confirm if Jersey will be following the advice and introducing a vaccine to its own childhood vaccination programme, and if not, why not?

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

The Joint Committee on Vaccination and Immunisation have recently reviewed updated evidence and have subsequently made recommendations to support a 2-dose vaccination programme using a combined vaccine with measles, mumps and rubella. The committee has submitted its recommendations to the U.K. Department of Health and Social Care, who are going to make a final decision on whether to implement a programme. As for all such vaccination programmes, we look to the joint committee as our principal source of information for decision making. As soon as the final recommendation is received from the U.K. Department of Health and Social Care, the matter will be discussed by Jersey's H.C.S. and a decision will be made at that time. But I have to say that it is highly likely that we will follow suit.

### **3.12.1 Deputy L.K.F. Stephenson:**

I thank the Minister for his answer. Can the Minister confirm why we look to the J.C.V.I. (Joint Committee on Vaccination and Immunisation) on such matters? Is it because they are experts in their field and they have had the opportunity to undertake detailed research and assessments before making their recommendations, rather like N.I.C.E. does?

### **Deputy T. Binet (The Minister for Health and Social Services):**

I am led to believe that that is the case.

### **3.13 Deputy J. Renouf of the Minister for Infrastructure regarding the disposal of Government-owned property or land. (OQ.96/2024)**

Will the Minister provide an update on what plans, if any, he is considering for the disposal of Government-owned property or land?

### **The Connétable of St. John (The Minister for Infrastructure):**

A number of sites are currently subject to disposal, as identified in the recently published *State of the Estate* report. These include Aviemore, St. Saviour's Hospital, and office space that is going to be freed up with the move to the new headquarters. Any future consideration for site disposals will be supported by the development and delivery of property asset management plans, which will set out the future property needs of all our key services across all directorates and reflected in future Government Plans. Any disposal will then be subject to Standing Order 168 in the normal way; I have committed to Scrutiny that any significant disposal I would plan to brief States Members before lodging a 168.

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

Just a clarification, really. I heard St. Saviour's Hospital mentioned there; my understanding was that that was being developed as an Andium site. Is he saying that that is a disposal to Andium, or is it a disposal away from Government altogether?

### **The Connétable of St. John:**

It is highly unlikely that it will be a disposal away from Government altogether, but we will look at one of our A.L.O.s (arm's length organisations) to develop that site.

### **3.13.2 Deputy A.F. Curtis:**

I welcome the Minister highlighting that he will consult or brief the Assembly and Scrutiny ahead of any Standing Order 168 on strategic sites. In doing so, will he be able to provide clear evidence of the cost-benefit analysis and the long-term implications on the economic and social standing of the property estate in those briefings?

### **The Connétable of St. John:**

There is a lot to consider before we dispose of any assets. You can only sell the family silver once and if you do sell the family silver, you need to be sure it is the right thing to do. But we do have property, we do have land, that is not a strategic asset to us and there are properties and land which could become a strategic asset. I hope to discuss with the Minister for Treasury and Resources soon the potential to set up a fund where we could release property that is not of value to us but may be of value to someone else, but we could use those monies to buy more strategically important sites.

### **3.13.3 Deputy A.F. Curtis:**

I note the Minister points back to non-strategic sites, but with regard to those strategic sites will the Minister be including within any briefing the economic value, for example, existing rental, potential rental a site has and the longstanding uses or the future uses a site could have for the benefit of the Island?

**The Connétable of St. John:**

I certainly would, because I would need to be convinced in the first place that releasing a property or an asset was the right thing to do. In order for me to be able to believe that, I would need that very detail the Deputy has mentioned.

**3.13.4 Deputy K.M. Wilson:**

Could the Minister assure the Assembly that prior to any sale that assets will be revalued so that we get the optimum return on those?

**The Connétable of St. John:**

I thank the Deputy for her question. I do not plan for us to enter into a fire sale; there is absolutely no need for us to do that. What we are doing is taking a strategic look at our assets. If we are going to release any of those assets, we will want to get the best value from that asset and clearly that would need up-to-date valuations of that asset.

**3.13.5 Deputy M. Tadier:**

Would the Minister look very carefully at whether in selling and disposing of properties we may inadvertently be encouraging a cycle of bad governance, where we let the depreciation of States assets occur because we have not provided for them? We let properties fall into disrepair, they become less valuable, and then we sell them off under value, when what we should be doing is properly maintaining properties and then deciding on an even playing field how and whether we need those in the future.

**The Connétable of St. John:**

The Deputy raised a very valid point about maintenance of our assets. I look forward to the day when a Minister for Infrastructure can walk around our whole estate and be proud. Sadly, that is not the case today. Only yesterday, I visited a local school which is in need of some significant work. We need to ensure that we invest in our assets that we have. One of the key performance indicators I have asked the team to develop is I want to know how many empty properties we have each month, because that is a lot of revenue; that revenue could be going into maintenance. We have to manage our properties in a more commercial manner, in my opinion, and I take the Deputy's point on board.

**3.13.6 Deputy M. Tadier:**

Where property does need to be disposed of - and I do not like talking in these very clinical terms - would consideration be given to maybe a hierarchy of partners that we could seek to deal with, which might include Parishes, arm's length organisations, who may themselves be looking to swap or unload properties that they also cannot maintain?

**The Connétable of St. John:**

Again, a very valid point from the Deputy. I know in the case of Aviemore that was certainly the case, where discussions were held with the Parish in the first instance.

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

I do not suppose, Minister, that the sale of our valued assets has anything to do with funding the new multi-hospitals site. Could you clarify the situation there?

[11:15]

**The Connétable of St. John:**

No, I am looking at looking after our existing estate and the potential to buy strategic sites. I have spoken in the past about the need, in my opinion, for additional car parking in St. Helier, for example,

and I think there are other assets which would benefit from additional space. This is about the Jersey Property Holdings' existing portfolio, and adding to that portfolio is nothing to do with the hospital.

**3.13.8 Deputy J. Renouf:**

I think I heard correctly, but can the Minister just confirm that no sites of strategic value will be sold on his watch?

**The Connétable of St. John:**

That is not correct. Everything has got a value, whether it is strategic or otherwise. We will need to look at everything in the whole and if it is of strategic value, then the price for any asset would have to be exceedingly good to even consider releasing that site. But I would say that I would not give the Deputy that assurance.

**3.14 Deputy A.F. Curtis of the Minister for Infrastructure regarding mapping services. (OQ.100/2024)**

Will the Minister advise what plans there are, if any, for the renewal or retendering of mapping services at the next point in the contract?

**The Connétable of St. John (The Minister for Infrastructure):**

Access to free public interest maps and geospatial data is in place using the Government of Jersey web mapping application on the gov.je website, and the mapping team are constantly updating the service to provide a wide range of free-to-use public interest maps. The team are working directly with Jersey Library to install the Government's public web-mapping application so it is easier for Islanders to access aerial imagery and the wider range of public interest mapping layers, such as school catchment areas, the bridging Island Plan, countryside access and recycling points that are already on gov.je. I share the Deputy's views in terms of access to mapping and I would be more than happy to discuss those further with him.

**Deputy A.F. Curtis:**

If I may, I do not think my question was answered. I asked specifically about the mapping services we procure which are contracted through 2 companies which I can name, which are public names if it is benefited. The Minister has quite rightly responded about free data. I am looking for an answer regarding the commercial relationships to the 2 entities who sell our data.

**The Connétable of St. John:**

It is not an area that I have spent much time looking at but in a previous life I used to use that data, so I would be happy to discuss with the Deputy ideas and suggestions on how we could improve things in this area.

**Deputy A.F. Curtis:**

Can I have a supplementary now?

**The Deputy Bailiff:**

Have you answered the question? Has your question been answered, do you think?

**Deputy A.F. Curtis:**

The answer, as to my understanding, is that the Minister is not aware of enough detail about the contracting arrangements at this point in time.

**The Deputy Bailiff:**

Yes, well the question is, Minister: are there any plans for renewal or retendering the mapping services and your answer is that you know of no plans, which you answered the question?



**The Connétable of St. John:**

That is correct.

**Deputy A.F. Curtis:**

A supplementary?

**The Deputy Bailiff:**

Well you have had one but you will get one at the end.

**Deputy A.F. Curtis:**

If I may, that was a clarification that you agreed that the Minister had not answered his question originally and that was a re-chance for him to answer.

**The Deputy Bailiff:**

All right.

**3.14.1 Deputy A.F. Curtis:**

Okay, thank you. [Laughter] It is the last Oral Question. A single-user yearly licence for L.I.D.A.R. (Light Detection and Ranging) data alone costs £2,845 per annum. Combined with base layers and aerial photographs, this will cost a single-person business such as an architect a minimum of £7,904.95 per year. Does the Minister consider this aligns with the proposed C.S.P. of keeping government fees, duties and charges as low as possible, as well as the C.S.P. reducing red tape and enhancing opportunities for business, given greater use of this currently commercialised data would enhance the productivity of the construction and architectural professions, to name a few?

**The Connétable of St. John:**

I have to apologise to the Deputy that I am not fully aware of the current details and costs, which I should be so I do apologise. I do believe that we should be making it as easy as possible for people to access this but I also am fully aware that the service has got to be funded in some way, shape or form. I am happy to discuss alternatives to the current arrangements but I am minded that the service has to be funded.

**3.14.2 Deputy J. Renouf:**

I think this raises an interesting philosophical point really because it is about the business model that the States adopts. Currently we charge for services such as this so that they self-fund, however that means that we miss the potential upside of people being able to exploit that data and use it for their own commercial opportunities. I wonder whether the Minister will commit to consulting, either in public or with the Assembly, on the future business model relating to geospatial data ahead of any possible contract extension or renewal for these providers.

**The Connétable of St. John:**

Yes, I will have to make myself far better informed before I do such a consultation but I will commit to do that.

**The Deputy Bailiff:**

A final supplementary? No? That concludes that period of questions. We now move to questions for Ministers without notice. The first period of questions is directed to the Minister for the Environment and the first question will come from Deputy Andrews.

## **4. Questions to Ministers without notice - The Minister for the Environment**

### **4.1 Deputy M.B. Andrews:**

I have become aware that the Les Sablons development could be in jeopardy due to the amount of affordable housing that is to be allocated on the development. Is the Minister aware of this and what discussions have taken place between himself and the Minister for Housing?

### **Deputy S.G. Luce (The Minister for the Environment):**

In recent weeks I can say to the Deputy that I am aware that discussions have been taking place inside the department and outside the department about Les Sablons development. Obviously it is a site of huge importance and significance to St. Helier. The applicant, or the owner, has 2 applications, both of which were approved, and the most recent one is still subject to planning obligation agreements, which I believe still have to be completed. Further to that, I cannot really pass any comment, I am afraid.

#### **4.1.1 Deputy M.B. Andrews:**

Well I think for the developer and for many Islanders they want to be seeing more housing coming on to the market, so will the Minister ensure that he discusses with the rest of the Council of Ministers providing assistance to the developer to ensure that the project can go ahead when millions of pounds have been invested into the Les Sablons site?

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

One thing the Deputy can be assured of is that I understand 100 per cent the significance and importance of this site. As I said, it is in the middle of St. Helier, of great strategic importance in that factor alone, but also the approval contained a number of units - a large number of units - of housing which are vital. It also contained a hotel, vital to our tourist industry and to maintaining our lifeline links to the U.K. via air corridors, so it is a very, very significant site for a number of reasons. I will do what I can to make sure that the development on that site comes to fruition. I am sure others would agree with me the last thing we need there is to find that that turns into a car park, a service level car park, for the next 10 years.

### **4.2 Deputy H.L. Jeune:**

Will the Minister outline what plans he has developed to support businesses in their decarbonising journey and in accelerating the development of green skills?

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

I can say to the Deputy that very recently I had a quite long briefing on green skills, along with the Minister for Infrastructure. We found it extremely enlightening. We know that there is a considerable number of civil servants within various organisations who have had training about carbon and how they can reduce carbon within their departments. The Minister and I have both accepted an invitation ourselves to undertake that very same training so we can be more cognisant of areas where we might improve in that. Green skills will be very important, certainly something I am looking to see where I can help, for example; the plumbing industry where we know plumbers will come out and install your gas boiler or your oil-fired boiler. I am aware that we do need more training and more availability of people to come out and fit electric boilers so we can substitute away from fossil fuels. I am encouraging Skills Jersey, as is the Minister for Infrastructure, to go down any road which might help to retrain or get youngsters out of school interested in working in anything to do with carbon reduction.

#### **4.2.1 Deputy H.L. Jeune:**

Just to remind the Minister that my first part of the question was about supporting businesses as well in their decarbonising journey, and this relates to my supplementary. Can the Minister advise if he

will be providing further funds to support the voluntary switch from fossil fuel boilers and if he will specifically develop further support for businesses such as the hospitality industry in this regard?

**Deputy S.G. Luce:**

I have just received in the last 24 hours the results of the Island carbon emissions in 2022, and I know that might be 18 months away, but the Deputy will understand very well how long it takes to get these results out because they have to be verified by the U.K. and other bodies. I can report to the Assembly that, while there is no space for complacency, that our figures for 2022 are encouraging but we do need to, as the Deputy alludes, help everybody over the line when it comes to carbon emissions. We have a net-zero financing strategy which is being developed to see how from 2026 onwards we will fund this next stage of the Carbon Neutral Roadmap. We are doing most things we can to help but I appreciate that finding the funds to help all and everybody on the Island with reducing their carbon is challenging, but heating and transport have to be the places we put our priority as those are the 2 areas whereby far and away we are emitting the most carbon.

**4.3 Deputy J. Renouf:**

Can the Minister provide an update on the marine spatial plan and, in particular, whether he intends to reduce the size of the proposed marine protected areas from those that are included in the draft marine spatial plan?

**Deputy S.G. Luce:**

The redrafting of the plan is still in its final phases. We had 130 public comments, some very significant ones, most importantly from our local fishing communities, people who have responsibility for Ramsar, for the offshore reefs. We had a lot of correspondence from our French neighbours about the impacts of the marine spatial plan on their fishing industry. I have approved and suggested some further changes to that draft, and it is in the final stages of being drafted. I can say as soon as it is available it will go straight to Scrutiny where they will consider it, and then there may be some further changes to be made at that stage. But it is my intention at the earlier stage to get to the conclusion so we can bring it to the States to be looked at. I can say to the Deputy, yes, there will be a few changes to be made. I looked at the results of the consultation and when it comes to fishing there will be some changes to be announced.

**4.3.1 Deputy J. Renouf:**

The Minister was slightly coy using the word “changes”. Can he confirm that he is planning to reduce the area covered by marine-protected areas in comparison with the marine spatial plan and, if that is the case, will he explain how this will help further the long-term sustainability of the fishing industry?

**Deputy S.G. Luce:**

What I can confirm to the Deputy is that the areas identified in the original marine spatial plan will change slightly, they will not change enormously. I have listened to all areas of the fishing industry in particular, and in some corners we will make some small reductions in the restrictions on dredges but those are not yet 100 per cent confirmed. In other areas, I have agreed that we will spend some time doing more research so that we do not restrict areas without complete data on exactly what we are doing. There will also be some grandfathering, if I might use that term, whereby areas will be announced but will not be implemented immediately but will be phased in over a relatively short number of years.

**4.4 Deputy I. Gardiner:**

Would the Minister advise if he has any concerns about water safety specifically around Havre des Pas area and the bathing pool?

**Deputy S.G. Luce:**

I presume that the Deputy is talking about seawater?

**Deputy I. Gardiner:**

We have seawater and also we have seawater which is part of the bathing pool and kids' pool at the Havre des Pas area around Lido.

**Deputy S.G. Luce:**

Sorry, I am not quite clear what the Deputy means by safety. Is she talking about the quality of seawater, seawater ingress, storm damage and rising sea levels?

[11:30]

**The Deputy Bailiff:**

Yes, could you clarify the question you want answered?

**Deputy I. Gardiner:**

Yes, absolutely. The safety of the water; the water quality.

**Deputy S.G. Luce:**

Thank you, that is much clearer. I do not have any concerns as such. As I said in a question earlier this morning, we test bathing water around the Island on 14 different sites continuously on a weekly basis throughout the summer, and generally the quality of Island seawater bathing is regarded as excellent. I do accept that occasionally, usually due to adverse weather and high amounts of rainfall, we do get spillages on to beaches which may result very infrequently in reduced quality of bathing water. But I have to say to the Deputy, at the moment I am happy that the quality is good; in fact, excellent. We are blessed in Jersey with major changes in our seawater twice a day with our large range of tide, especially around spring tides, that the water flows very, very quickly and any pollution is quickly dispersed. I have to finally say that we do monitor streams, we do monitor bathing water on a regular basis, and if there are any instances of pollution as such they are investigated and acted on immediately.

**4.4.1 Deputy I. Gardiner:**

Would the Minister look into the Havre des Pas area as over the last 48 hours there were reports on social media, and I will read 3 of them shortly: "This morning my swim was lovely and surrounded by rubbish." Second one: "I heard holiday makers make comments, turn around and leave" and: "The kids' pool needs cleaning, it is too dirty." So would the Minister look at this area to ensure that the area, the water quality and kids' pool are safe and it is clean?

**Deputy S.G. Luce:**

I certainly will. Now that has been highlighted to me I will ask officers to investigate it. I would say to the Deputy that cleaning beaches is something which does not come under my remit, but I am aware through emails and correspondence that certain beaches have been quite dirty from a point of view of seaweed for a number of weeks now. As the Minister for Infrastructure will know, he has pressures from all directions and I do not think it is right to ask him to spend money cleaning beaches 12 months of the year. Certainly Havre des Pas is very popular with tourists, and why would it not be? It is important to keep beaches like that clean so people can go down there when they finish work or if they are on holiday and enjoy the beach.

**4.5 Deputy A.F. Curtis:**

The Minister will no doubt be aware of the increasing number of appeals against enforcement notices on development which has been undertaken without permission. Does he have any plans to address

this, including addressing the fact that once an appeal is lodged the site user is allowed to continue their operation until the outcome of their appeal?

**Deputy S.G. Luce:**

I thank the Deputy for the question. I have to say he usually knows far more than me about planning matters but in this instance I am a little confused because I certainly know of one instance quite recently when after the appeal had been put in and the fee paid and the paperwork submitted the Judicial Greffier issued a notice saying that whatever was happening on site should stop. I am not sure that the Deputy is quite correct to say that once an appeal is in whatever is going on on site can continue, but certainly I am aware of a number of appeals which have happened recently. Members may remember back in 2018 we changed the appeal system to make it far more accessible to the man in the street, far cheaper, far quicker and far easier to use. As a result, the third parties and first parties have the opportunity to appeal much more easily and it should be no surprise that we get now or see now a larger number of appeals. Once the appellant submits his paperwork it is all handed over to the Judicial Greffe so they can take that forward completely independently. That can take some time. An inspector has to come from the U.K. to see the case, but I am aware of a number of appeals which have recently been submitted.

**4.5.1 Deputy A.F. Curtis:**

The Minister is right, in an appeal against a grant of planning permission that an appeal of a third party would require the ceasing but the appeal against an enforcement notice under 109 would require the suspension of any enforcement activity. So the concern is those who are deliberately not applying for permission are then immune under that part, whereas someone who did apply was granted it, and a third-party appeal came through, would be required by the Judicial Greffe to stop. So given that and that many of these appeals against enforcement are taken under Article 109(2)(h) which in essence says should I have applied for permission, which I did not, I would have been granted it, will the Minister consider reviewing that one clause of the Planning and Building Law?

**Deputy S.G. Luce:**

I am grateful to the Deputy for pointing out my mistake. Of course, he is quite correct; an appeal against an enforcement notice is very different to an appeal against an application decision. I have recently looked at this issue specifically around the advertising of it because appeals against enforcement notice are not advertised as widely as they would be against an application. In many cases people who object or support an application which goes to appeal are then not aware if an enforcement notice has been appealed itself. I can say to the Deputy, yes, I will go away, there are a few anomalies there with enforcement as opposed to the straightforward application, and I will look at that.

**The Deputy Bailiff:**

Thank you, Minister, that brings that period of questions to an end. We now move to the second period of questions for the Minister for External Relations and the first question is from Deputy Tadier.

**5. Questions to Ministers without notice - The Minister for External Relations**

**5.1 Deputy M. Tadier:**

Does the Minister for External Relations have full confidence in the International Criminal Court?

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

While I think the question is not relevant to my portfolio I, as an individual, believe in the work of the International Criminal Court and its independence.

### **5.1.1 Deputy M. Tadier:**

Yesterday's decision from the chief prosecutor relating to the I.C.C. (International Criminal Court) who is seeking the arrest warrant of both the leaders of Hamas and of Benjamin Netanyahu as the leader of Israel, does this decision to seek prosecution for those 2, particularly Israel, affect Jersey's relationship going forward with Israel?

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

As I have said, not strictly within my remit, there is that phrase "that is above my pay grade", but my understanding is that the warrants have not yet been issued, they have been requested. Jersey has the United Kingdom responsible for its foreign relations. As I understand it, warrants issued by the International Criminal Court would stand and be enforceable in the United Kingdom.

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

Can the Minister provide an update on discussions with France on a potential wind farm, particularly in the context of the possible need to sell electricity into the French market?

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

Discussions with our neighbours to the south are ongoing. He has been, in a previous guise, party to those. They are also being undertaken by the Minister for Sustainable Economic Development. I was in Paris last week speaking to the Europe Minister, and the issue was raised again there, and the barriers that currently exist to be able to sell energy into the European market. I expect those conversations to be ongoing because I think there are, and there is, mutual benefit which can be gained.

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

Can the Minister advise whether the Government has had any discussions with the U.K. Government about the possibility of selling power into the U.K. market and, if not, would he be prepared to do so?

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

So many conversations, so little time to recall them all. I do not think that I personally have had direct conversations with the relevant U.K. Ministers. I have had conversations more broadly with U.K. parliamentarians that there would need to be a choice in regard to where we were to sell our energy to probably. It is possible that we could sell both into the European market and to the U.K. market. I know that Shadow Ministers are interested in the latter sale into the U.K. market, and parliamentarians. That is a conversation which needs to continue.

### **5.3 Deputy L.K.F. Stephenson:**

Given the now Chief Minister's very public stance over the years on the Faroe Islands, is the Minister anticipating a situation in which next year's Island Games in Orkney will be used by the Government of Jersey to lobby the Faroe Islands on its grindadráp practices, especially given that the Faroe Islands have stepped in as the next host of the Island Games in 2027?

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

The Deputy is right to highlight the Chief Minister's view on this matter. He and I currently are concurrently responsible for the management of Jersey's external relations. While we share a view in regard to the death of these creatures, we perhaps do not or are not quite aligned on what the best policy approach is to seeing change be delivered. It would, for my part, be a shame if Jersey athletes were not able to take part in what I think is a premier sporting event and is a great experience for them.

### **5.3.1 Deputy L.K.F. Stephenson:**

I am grateful to the Minister for that response. Can he therefore confirm that no pressure will be put on Jersey's Island Games Association by the Government when it comes to making its decision on whether or not to give its final approval to the bid from the Faroe Islands at the next Island Games A.G.M. (annual general meeting) and, if not, why not?

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

I certainly will not put pressure on the Island Games Association. The Deputy had the ability ... sorry, the Minister for Infrastructure and also sports Minister was not on questions without notice so she could not have asked him but she will in a few merciful minutes be able to ask the same question to the Chief Minister, but I will not be doing so.

### **5.4 Deputy H.L. Jeune:**

Could the Minister provide an update on the work of the Jersey Brussel's office regarding Jersey's interest and what is currently on the agenda, especially in light of the upcoming elections and the potential change in the College of Commissioners?

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

I thank the Deputy for her question. I was in Brussels last week for 2 days. As she rightly highlights, there will be change in that place. I had meetings around financial services but also around the matters that Deputy Renouf just asked me about and about membership of marine region bodies. I think there is a great deal of uncertainty. Opinion polls are volatile. There is expected to be changes in the makeup of the Parliament and therefore changes in the makeup of the commission. We know that the president of the commission is seeking a second term. The general view is that she will be appointed, or elected to that second term, but I think we can expect that things will be much more difficult post the election.

### **5.4.1 Deputy H.L. Jeune:**

Would the Minister advise if those agenda items mentioned will be continued even with the changes that are foreseen and the difficulties also foreseen as well?

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

Yes, they will. It is important that we engage in Brussels, it affords us the opportunity to speak with both like-minded jurisdictions and countries, historically culturally-important jurisdictions and countries which we would like to see become more commercially and economically important as well. We also know that the European Union sees itself as, to some extent, a body that takes international standards and refines them for the European operation thereof. So engagement through our Brussels office, which is first class, I see we will need to continue that, if not enhance it with more Ministerial visits.

### **5.5 Deputy M.B. Andrews:**

Since the States Assembly reconstituted, what decisions has the Minister for External Relations taken to increase Jersey's gross national income?

[11:45]

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

That is a very good question. I think it has got to be said that virtually all of the work that is undertaken by the External Relations Department is either defensively or offensively seeking to ensure that our gross national income can increase. That is certainly the same for the other bit of the portfolio, which is financial services. Perhaps I could ... it might be a bit of a push because I am not

sure how many decisions I have made. Politicians do not like making decisions, I am not sure how many I have made, but those that I have made will have been made with that very purpose in mind.

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

I have noted that the U.K. Justice Select Committee has published their report on the relationship between the U.K. Government and the Crown Dependencies. There are some incisive and useful observations in that report and I wonder if the Minister - he has not said anything publicly about that report - could make a general observation on their report and perhaps in particular in relation to negotiations with free trade agreements.

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

I am grateful to the Deputy for that particular question because of course he was sitting where I currently sit when the committee were in the process of holding public hearings and compiling their report, and he attended upon them. It is in no small part to his good work that I think the Justice Select Committee chaired by Sir Bob Neill, yet again, produced a very important piece of work analysing the constitutional relationship perfectly, detailing clearly what the obligations of the United Kingdom Government ought to be towards the Crown Dependencies. All of its recommendations are ones that we will support the Ministry of Justice in seeking to deliver, which will strengthen that constitutional relationship but equally strengthen our autonomy.

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

Perhaps linking the previous question from Deputy Andrews with this question, it is very important, I know the Minister will agree with, that we have efficacious and deliverable outcomes from free trade agreements. The committee has made a number of useful observations of the challenges that all the Crown Dependencies have had. Could he kindly update the Assembly on that particular workstream and whether he thinks there is going to be some movement by the current U.K. Government, which of course will bind any future Governments as well, in relation to the constitutional arrangements and the fact of getting Jersey's voice heard and really resulting in more trade perhaps outside financial services?

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

I think, if I could just pick up one point there, the point about enhanced and further use of entrustments is a really important point that the committee make. It is one that I know the previous Minister made and it is one that I hope Members across this Assembly support whereby entrustments can be issued in short order to allow Jersey to negotiate bilateral arrangements. They are currently connected with either double taxation arrangements or bilateral investment treaties. I, for one, understand that it is not always straightforward for the U.K. Government when negotiating free trade agreements to navigate the requirements of the Crown Dependencies and its own Parliament. I think there is a conversation to be had that where perhaps we are not included to the full extent that we would like, this Assembly has said in previous guises that we would like to be included for goods and, where possible, services. If it is not possible that we can be included for services in these F.T.A.s (Free Trade Agreements) going forward, then I think the ability to allow Jersey perhaps with its other Crown Dependencies through the entrustment process to seek to negotiate would be a positive and good thing. I have not lost all hope that we can be included for services, so I must not jump the gun because of course again the committee quite clearly says that the United Kingdom should represent the Crown Dependencies and should represent Jersey. Our clear policy position is that we want to be in for goods, replicating our relationship with the E.U. (European Union) prior to Brexit, but also for services because that would go right to the heart of Deputy Andrews' question about increasing our G.V.A. (gross value added).



### **The Deputy Bailiff:**

Are there any more questions for this Minister before this period is brought to an end? Thank you, Minister, that concludes the questions for you. We now move to questions without notice to the Chief Minister and the first question is from Deputy Tadier.

## **6. Questions to Ministers without notice - The Chief Minister**

### **6.1 Deputy M. Tadier:**

It follows from my question to the Minister for External Relations. The Chief Minister should be aware that yesterday the chief prosecutor of the International Criminal Court was seeking warrants for the arrest of both the leaders of Hamas and the leader of Israel, Benjamin Netanyahu, and that more recently both France and Belgium have come out in support of the International Criminal Court, with Belgium saying that crimes committed in Gaza must be prosecuted at the highest level regardless of the perpetrators. I am sure the Minister is aware of this, can he give an indication of whether he will be following France and Belgium's lead and also affirming this Government, our Government's view that we respect the court's independence and that we wish to see perpetrators held responsible for their crimes whichever side that they occurred on?

### **Deputy L.J. Farnham (The Chief Minister):**

Yes, I can confirm, in line with the Minister for External Relations, we do respect the I.C.C. I understand warrants have not been issued as yet and ultimately it is a matter for the Assembly to express its views at the appropriate time. In the meantime, we are keeping a careful watching brief, liaising closely with the United Kingdom, and I will leave it there.

### **6.1.1 Deputy M. Tadier:**

Given that obviously prosecution warrants are being sought by the prosecutor, both for Hamas and for Israel's leadership, will the Chief Minister be taking any steps in the interim to limit any business that we are currently doing with Hamas or with Israel until this affair is concluded?

### **Deputy L.J. Farnham:**

There are no plans along those lines at this moment in time but I am being kept up to date by the Minister for External Relations' external relations team. We are keeping a watching brief and we will be ready to act if deemed appropriate upon further evidence and if there is cause to do so.

### **6.2 Deputy M.B. Andrews:**

I have become aware of the Les Sablons development. At the moment there is an affordable allocation of 15 per cent and unfortunately the project looks like it is in jeopardy due to no economic profit potentially being achieved. What does the Chief Minister have to say about this and has he discussed this with the Minister for Housing?

### **Deputy L.J. Farnham:**

We are aware of the Les Sablons situation and position. We received correspondence from the developers towards the end of April. I understand the Minister for Housing would like to discuss a bit further with the developers with the view to reaching a common position on the mix of types of residential. The Minister for Housing is away and I understand it is a high priority for when he returns. I shall certainly be urging him to work swiftly with this so we do not jeopardise the development, and provide a solution or good compromise as soon as possible.

### **6.2.1 Deputy M.B. Andrews:**

So far there is no mutual agreement in place and, in fact, the developer is rather concerned with the approach that has been taken by the Minister for Housing. In the Minister for Housing's absence, will the Chief Minister utilise his authority to ensure that he will use his executive powers to allow

the development to go ahead and it may mean that the affordable housing allocation of 15 per cent is reduced?

**Deputy L.J. Farnham:**

No, not at this stage because the Minister for Housing is due back imminently and I think it can be dealt with in an acceptable time to both parties. I have full confidence in the Minister for Housing that an agreement will be reached. Like I say, I very much hope the development can start as soon as possible.

**6.3 Deputy J. Renouf:**

Given multiple resignations in the leadership of H.C.S., does the Chief Minister have confidence in his Minister for Health and Social Services to lead in the raising of clinical standards and clinical governance and what evidence would he cite in support of this view?

**Deputy L.J. Farnham:**

Yes, I do, I have full confidence in the Minister for Health and Social Services and in the Ministerial team and in the management and in all of the front line staff in the health service. They are working under difficult conditions and circumstances and doing their very best. The very nature of the service means it is challenging and it is a service that has somewhere between 2,000 and 3,000 staff, so we will see people coming and going on a regular basis. I cite this because the evidence I have, and my own experiences with working with the Minister, experiences with the Minister working with other Ministers and colleagues and the vast majority of health staff, with some exceptions, as we have seen one or 2 resignations, I have full confidence in the working world with the Minister for Health and Social Services.

**6.3.1 Deputy J. Renouf:**

What efforts has the Chief Minister taken to ensure that the Minister for Health and Social Services has the confidence of the senior leadership team at H.C.S.?

**Deputy L.J. Farnham:**

Well I take efforts to work closely with all colleagues, in the Assembly and across the Government and officials, to ensure we have smooth operation and a productive working relationship across the board. Those are the efforts I make on a daily basis and I am not in receipt of any evidence or concern directly from the senior health management team with any concerns in relation to the Minister for Health and Social Services or the team. On the contrary, I am heartened and encouraged that the interim chair of the Health Board and the members of the Health Board have recently cited in an open meeting their full support for the Minister.

**6.4 Deputy H. Miles:**

We heard last week that the interim C.E.O. (chief executive officer) is on a planned period of absence for 8 weeks. Can the Chief Minister confirm if the interim chief executive officer is still in post and, if not, who is acting as the C.E.O. at present and what plans are in place for the appointment of a permanent C.E.O.?

**Deputy L.J. Farnham:**

The interim chief executive officer is currently not in post. Negotiations are almost complete, I hope, for an extension of his role leading to a new fixed-term contract. As soon as that is in place, if indeed it is put in place, I will let Members know. In his absence the deputy chief executive officer is currently acting as the chief executive officer.

## **6.5 Deputy L.K.F. Stephenson:**

What can the Chief Minister say to reassure the public that his Government takes the provision of safe, effective and quality healthcare seriously, especially given the pattern that appears to be developing with highly-experienced staff brought in to improve standards and governance leaving and citing a lack of support for that agenda?

### **Deputy L.J. Farnham:**

I do not believe, with the resignation of 2 people, that I am aware that that accounts for a pattern. I have said there are very, very big challenges facing the Health team and a large number of people involved with running the health service and we can expect to see people coming and going. I think we should be prepared to keep going to ensure we get the right team to deliver the health service we need. I hope I can give reassurance to Members, and I refer to the answer I gave to a previous question from Deputy Renouf, that I believe the Ministerial Health team, the health management front line staff are doing everything in their power to improve services. I would reassure Members that I have full confidence in all of them to deliver the job, albeit there will be bumps along the way.

### **6.5.1 Deputy L.K.F. Stephenson:**

The Chief Minister said that 2, although I believe it may be 3, people is not enough to warrant a pattern. How many people does it take to create a pattern for this Government to listen to those concerns? I would certainly argue that there is no room for complacency when it comes to healthcare within our Island.

### **Deputy L.J. Farnham:**

The Deputy's questions are not helpful.

[12:00]

They are politically motivated and they are not helpful for doing what we need to do to deliver the health service we need. I believe they are attempting to undermine the Minister. I have already said he enjoys my full confidence, as do his team, as do the management of the health service, together with all of the staff there. When we have a large workforce I am sure there have been many resignations since this Government took office and there have been many new people employed. I cannot answer, I do not know what a pattern is, but from my perspective it is never really pleasing to see good senior people leaving. But I say we will continue to push forward and keep working until we have the right team in place. To reiterate, the team have my full confidence and I would urge Members to get behind them so we can do what is important to Islanders, not argue among ourselves, but deliver the health service that Islanders deserve.

## **6.6 Deputy I. Gardiner:**

I am sure that the Chief Minister is aware there are 6 important components to any strategy; this comes from *BusinessWorld*: "(1) vision and objectives, (2) core values, (3) S.W.O.T. (strengths, weaknesses, opportunities and threats), (4) tactics and operational delivery, (5) resources and resource allocation and (6) measurement and analysis." If the Chief Minister and his Council of Ministers are not using strategies as it was stated, which of these components are we dismissing?

### **Deputy L.J. Farnham:**

I am sorry, I do not have the relevant textbook in front of me that the Deputy has been reading. I have not said we do not use strategies. We have strategies, we will create new strategies but where we need them. We need less strategies. We spend too much time writing and building strategies that we do not act upon. They are hugely expensive, they take up resources, resources that we need in the public sector to reprioritise and put to other purposes, to front line services, to helping people. Yes, strategic planning will always be of key importance in running the Government in the Island; I

am just saying that we are not going to have a strategy before we take an action. We are going to introduce a bit of common sense and we are going to focus on delivering, delivering quickly without procrastination. I want to reiterate that is not to say we are not going to have strategies. We will have strategies, we will develop new strategies, but I think those strategies have to be appropriate, that they have to be a higher level, they have to be more encompassing of the Government work rather than trying to get a strategy before we act on anything.

#### **6.6.1 Deputy I. Gardiner:**

I am now more confused. We do believe in strategy, we do develop strategies but we would not do the strategies. So what is right: this Government will have a strategic vision and delivery plan to get to the strategic vision or we will just get all this delivery result understanding where we are going?

#### **Deputy L.J. Farnham:**

To be clear, it is going to be less strategy, more action.

#### **6.7 Deputy K.M. Wilson:**

Could I ask, does the Chief Minister accept that to those of us who are familiar with management speak that the phrase “reprioritising” is indeed a euphemism for cuts or rationing and, if not, what assurance can he give us that there will continue to be investment in front line services where there is a clear need?

#### **Deputy L.J. Farnham:**

That is definitely not a euphemism for cuts. If we wanted to cut spending, we would say we were going to cut spending. We want to utilise the existing budget, the expenditure for the States, which is now considerable; well over £1 billion a year. We want to make sure that figure is being prioritised and spent where we need it most. I believe Government has grown too far in recent years and we tend to suffer from something called overreach. We try and do too much instead of focusing on the essentials. So reprioritisation does not mean cutting the budget, it means working with the existing financial envelope as agreed by the States for 2024, and saving money in areas where we do not feel it needs to be spent and redirecting that spend to areas where we do need it, such as Health.

#### **6.7.1 Deputy K.M. Wilson:**

Thank you to the Chief Minister; I think we would agree to disagree on the definition. Could I also ask him, in terms of reprioritising, can he show us how and in what way he has come to a position around what the priorities are for the Island given the fact that there are so many needs, particularly in front line services, and what it is he is going to do to meet the unmet need that has emerged from those assessments?

#### **Deputy L.J. Farnham:**

I am not sure I can quantify the meaning of the “unmet needs”. I think the Common Strategic Policy that we are going to debate shortly makes clear some areas where we want to direct spend to. Outside of that I use the phrase “business as usual”. It is about ensuring that our key services are properly funded: infrastructure, roads, health, education. The Government Plan process that we are about to start to embark upon will demonstrate the process we use and I am happy to share that with Members; in fact, we will have a debate on it later this year. We have agreed with Scrutiny that we are going to lodge our Government Plan much earlier this year and debate it earlier this year so it is done in a more manageable way. But I am happy to share processes with Members as we do that to try and build competence and reassurance that we are reprioritising properly and appropriately. We know from the surveys, public surveys and lifestyle surveys, what Islanders want: they want good services and they want us to focus on getting the basics right. We do not always do that.

## **PUBLIC BUSINESS**

### **The Deputy Bailiff:**

Thank you, Chief Minister. That brings the period of questions for the Chief Minister to an end. Turning to the Order Paper, there is nothing under J or K.

### **7. Reduction of Lodging Period**

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

Before we start consideration of public business as listed on the Order Paper, there is an item for which the lodging period needs to be reduced in accordance with Standing Order 26(7) if it is to be considered during this meeting. Deputy Jeune, as chair of the Environment, Housing and Infrastructure Scrutiny Panel, do you wish to make the proposition that the minimum lodging period be reduced in relation to the second amendment to the amendment to the Common Strategic Policy now?

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

Yes, I would like to request that the Assembly accepts the late lodging of the Scrutiny Panel's amendment. After discussions with the Minister for the Environment on the Council of Ministers' amendment to our amendment, we came to an agreed wording that was represented in this new amendment and therefore the Council of Ministers withdrew their original amendment to our amendment.

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

Is that proposition seconded? [**Seconded**] Does any Member wish to speak on this proposition to reduce the lodging period in relation to this amendment? There are some lights on. Do those lights want to be ... Deputy Southern, your light is on. Minister, your light is on.

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

I would just like to support this proposition and reiterate what the chair has said. There has been a lot of work between Scrutiny and the Council of Ministers on this issue and we have come to a really good consensus on where we have ended up.

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

Does any other Member wish to speak on this proposition to reduce the lodging period? In that case, I call upon Deputy Jeune to reply.

##### **7.1.2 Deputy H.L. Jeune:**

I would like to thank the Minister. Again to reiterate that there were very good discussions between the teams, and I would like to ask the Assembly to support.

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

Those in favour of adopting the proposition, kindly show. Thank you very much. The proposition has been adopted and the lodging period has been reduced.

### **8. Common Strategic Policy 2024-2026 (P.21/2024) - as amended**

The next item is the Common Strategic Policy lodged by the Council of Ministers. The main respondent is the chair of the Corporate Services Scrutiny Panel. There have been several amendments lodged to the policy. Chief Minister, is the council accepting the amendments that have been lodged?

#### **Deputy L.J. Farnham:**

Yes, we are. Thank you.

**The Deputy Bailiff:**

Is it correct that the proposers of the amendments are accepting the amendments to their amendments?

**Deputy H.L. Jeune:**

Yes, Sir.

**Deputy I. Gardiner:**

Yes, Sir.

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

Yes, Sir.

**The Deputy Bailiff:**

Thank you. Are Members content to take the proposition as amended by all the amendments? Thank you. I invite the Greffier to read the proposition as amended.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion in accordance with Article 18(2)(e) of the States of Jersey Law 2005, to approve the statement of the Common Strategic Policy of the Council of Ministers as set out in the report accompanying this proposition, except that (a) on page 2 of the report in paragraph 3 after the words “Violence Against Women and Girls Taskforce report.”, there should be inserted a new paragraph as follows: “We will make preparations for our projected demographic changes including our ageing population, falling birth rate and rising levels of disability, to ensure the sustainability of our health provisions and to protect economic prosperity into the future”, (b) except that on page 2 of the report in paragraph 5, after the words “Carbon Neutral Roadmap.”, there should be inserted the words “and further build on the recommendations from the Independent Jersey Care Inquiry 2017 by delivering on our corporate parenting duties as set out in the Children and Young People (Jersey) Law 2022. As a statutory service provider, we remain committed to acting on the recommendations of all Jersey Care Commission independent inspections of Children Social Care and Child Adolescent Mental Health Services as required under the Jersey Care Law (2014)”, (c) in the table on page 3 of the report, for the words “Reform the planning service to get Jersey building” there should be substituted “Reform the planning service to enable sustainable development in Jersey”, (d) on page 3 of the report, at the end of the table there should be added the following new priority: “Meet the Island’s commitments to address the climate emergency through the implementation of the Carbon Neutral Roadmap”, (e) on page 5, after the last paragraph, should be inserted a new paragraph as follows: “We will provide adequate provisions and opportunities for lifelong learning, retraining and attractive flexible roles to ensure that age and disabilities are not barriers to Islanders continuing to participate in an evolving job market.”, (f) on page 8, after the last paragraph, there should be inserted a new paragraph as follows: “We will enable the design of homes for our ageing population to allow them to remain living independently.”, (g) except that on page 11 of the report, in the first paragraph, for the words “including schools and youth facilities” there should be substituted the following “including youth facilities and the modernisation of the whole of the school estate in town”, (h) on page 11 of the report, for the section entitled “Reform the planning service to get Jersey building” there should be substituted the following “Reform the planning service to enable sustainable development in Jersey. A more efficient, effective, and better value planning system is of fundamental importance to meet the community’s development needs and to deliver the Government’s priorities. We will reform our planning service to enable sustainable development in Jersey and the frictionless use of our existing laws and policies contained within the Bridging Island Plan. Changes will include developing and introducing a fast-track service process for minor applications and improving customer service throughout. We will also deliver improved planning guidance and explore the relaxation of planning control to enable Islanders to undertake more work

without the need for planning permission. When developing consideration must be given to sustainable growth, building quality, and the need to maintain and protect the natural environment. Without this balance there is a risk to the priority which will be placed on the obligations of government to maintain and protect the natural environment and, potentially, have an impact on longer term commitments to ensure growth and construction are sustainable” and (i) on page 11 of the report, after the existing text there should be inserted the following wording: “Meet the Island’s commitments to address the climate emergency through the Carbon Neutral Roadmap. We are currently facing a climate emergency and the States Assembly has committed to responding to the emergency ‘with energy and pace’, committed to an emissions-reduction pathway in line with the Paris agreement and net zero by 2050. In order to fulfil this commitment, we recognise that delivering the actions in the Carbon Neutral Roadmap must remain a priority for government.”

### **8.1 Deputy L.J. Farnham (The Chief Minister):**

This Council of Ministers is committed to delivering sensible, practical solutions during our term of office. In presenting this Common Strategic Policy, which I will refer to as the C.S.P. for brevity, we are setting out a clear plan for the next 2 years, one that will prioritise essential government services and tackle the most immediate challenges facing Jersey. In the C.S.P. we have identified now 13 priorities with the amendments that we believe will deliver meaningful and measurable progress.

[12:15]

These are not focused on the production of new reports and new strategies but on real outcomes and real actions that will benefit our community. The 13 priorities are aligned to the long-term vision set out in the Future Jersey Report and the 10 Island outcomes arising from it. As a Government we are committed to working towards that Future Jersey vision, which puts an emphasis on environmental, economic and community well-being. In developing the C.S.P. we have drawn on a number of important sources, including feedback from the Jersey Opinions and Lifestyle Survey. Our priorities reflect the issues that Islanders have identified as most important to them, including addressing the cost of living, housing, and of course health. We understand that the priorities for Islanders have not changed from those facing previous Governments and previous Assemblies, and I would like to acknowledge the work the previous Government began in many areas. We are pleased to continue that work. I would also like to acknowledge the input and engagement from Members and Scrutiny that have led to the 4 amendments that the Council of Ministers were pleased to accept. I do believe they are improving the plan. In the area of community well-being we are looking to address the issues impacting children, health and well-being and safety and security, benefiting families with young children. We will begin extending nursery and childcare provision starting with children aged 2 to 3 years old with additional needs but with the aim of providing universal coverage to that age group as soon as possible. This will require a co-ordinated approach and close work with the childcare sector. To that end, we have already agreed a rate with providers until the end of the 2027-28 academic year and initiated a review of early years qualifications with Highlands College. We will also provide school meals for every child in all States primary schools. Hot meal provision is currently available in 12 of the schools, I believe, with 2 more having started this new service in the last couple of weeks, and the service continues to roll out with great success. Our priority is to develop and deliver on the plan for all remaining state schools Island wide. We will also increase the provision of lifelong learning and skills development by promoting apprenticeships, creating a series of targeted skills development schemes and implementing sustainable higher education student finance. A new skills development scheme is scheduled for launch later this month following Assembly support for lifelong learning in the proposition P.116/2022. Further work has already been progressed following the proposition P.12/2024 to improve access to higher education. In the area of health, which is foremost in the minds of Islanders, the Council of Ministers are resolute that we will begin construction of the new hospital at Overdale during this term of office and continue to

develop longer-term plans for replacing other outdated healthcare facilities. The public consultation on the designs for the hospital at Overdale are also currently taking place and, subject to a positive planning application in this summer, is for development works to start this autumn with construction beginning in 2025 and a planned completion by the end of 2028. We will of course be coming to the Assembly to seek funding and financial approval for the full capital amount for phase 1 works, including the new acute hospital facility. We are also committed to keeping G.P. (general practitioner) fees low for all Islanders who are still being impacted by the high cost of living. Subsidised surgery fee for the Health Access Scheme have been reduced to £10 for adult consultations, which covers low income families and senior citizens. The cost of G.P. visits have also been reduced by £10, that is from yesterday, and a move that we hope will encourage more Islanders to seek early intervention for health issues. In ensuring a safer Island we are also committed to implement the recommendations from the Violence Against Women and Girls Taskforce Report. Work on the recommendations requiring changes to our laws has begun. We anticipate the lodging of all legislation in line with that before the end of 2025. Planning for internal independent review has also begun, anticipating delivery of a criminal justice review in 2025 and the review of the family court system in 2026. Turning to the important issue of economic well-being and given the continued pressures on Islanders' pockets, we have prioritised transitioning to a living wage, implementing the Assembly's decision by the end of this term of office. A phased approach will be taken and more details will be provided in the coming weeks and months and, where it is needed, support will be provided to employers and employees during the transition period. We also want to provide more affordable homes for Islanders, more confidence for the rented sector. The Minister for Housing has introduced a Rented Dwellings Licensing Scheme on 1st May and this will be followed soon by a new Residential Tenancy Law that will improve tenancy arrangements for both tenants and landlords. We are also committing to keeping government fees, duties and charges as low as possible to help Islanders with the cost of living and move into 2025. More detail on each of these proposals will be included in the Government Plan and accompanying budget, which will be lodged later this year. With the focus on improving productivity and supporting our industries, we will reduce red tape - and we can agree on the definition of that in due course - to enhance opportunities and make life easier for local businesses. This has already begun when in March the Minister for Sustainable Economic Development removed the minimum space standards for visitor accommodation to help modernise the industry and remove unnecessary barriers to business in that sector. In the area of environmental well-being, I would like to reiterate that we are committed to nurturing and improving both the natural and built environment of our Island. We will deliver a plan to improve town, which will improve the experience of resident Islanders and visitors alike. This will include improvements to the public realm to make it easier to walk and cycle into and around town and make town a more pleasant place to visit. We will improve the town centre and, in particular, ensure that the town markets are maintained and improved. We will make sure that St. Helier provides new homes, together with the community facilities and infrastructure that town residents need, including proper access to schools, youth facilities, parks and more open spaces. To achieve this priority we also need to reform the planning service to get Jersey building again. Our aim is to reduce waiting times and costs, improve the customer experience, work closer with industries and enhance the pre-application service. Our longer-term ambitions will explore changes to the current planning system, Planning Law, permit to development rights and the Island Plan review process and the way about how we go in putting that together. I would like to emphasise that while we have selected to build environmental priorities does not mean that we have dismissed our focus on the natural environment. As emphasised in the foreword to the C.S.P. and accepted in the amendment of Deputy Jeune, we recognise our ongoing need to meet the Island's commitment to address climate emergency through the Carbon Neutral Roadmap and that work will continue. These 13 priorities are substantial but they do not represent all that the Government will be prioritising and delivering over the coming 2 years. Alongside the C.S.P., the business-as-usual activities will continue across the public sector with focus on the day-to-day work where Islanders expect efficient, cost-effective and responsive service in



healthcare, in education, infrastructure, disability and inclusion, public safety and the environment, to name but a few. We will not create unnecessary and expensive bureaucracy to publish these Ministerial Plans but each Minister will prioritise a business-as-usual activity, including legislative plans which they will discuss with the relevant Scrutiny Panels. Underpinning all of our work is a steadfast plan to maintain sound public finances and prevent unnecessary expenditure. I have repeatedly made clear that we will reprioritise existing budgets where appropriate to deliver our objectives, ensuring the strong finances that are essential to our international competitiveness and long-term financial security for taxpayers. During the remainder of this year we will fund the C.S.P. within the envelope agreed by the Assembly for the current Government Plan 2024-2027. This will require us to prioritise spend and improve efficiency across the Government. We have also acknowledged that the Government has been over-committing in its attempts to spend capital monies and that our head count at the centre has also increased in proportion to the front line services. We will curb the growth in the public sector, rely less on external consultants and instead develop local talent within the Civil Service in which there is a great deal of talent and redirecting money saved to those areas where it is needed most. We will reduce spending at the centre, particularly within the Cabinet Office. Having come to office mid-term, I hope Members will appreciate that this plan is designed to meet the immediate needs of Islanders over the next 2 years within a tight timeframe. With that in mind I am pleased to make the proposition.

**The Deputy Bailiff:**

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

**8.1.1 Deputy I. Gardiner:**

I was thinking if somebody else will speak further but let us start. Following the Chief Minister, I am welcoming the Common Strategic Policy that we all need to understand where we are for the next 2 years. This Common Strategic Policy must be seen as an expression of the Council of Ministers' vision for the Island. When we look at it we need to ask the questions, how it relates to what we see as the requirements for the Island, how the policy was formulated, how these priorities were identified and considered and if there are any gaps within the policy. Each Council of Ministers is facing the same dilemma, do they concentrate on what they can deliver over the term 4 or in this case 2 years or they also have a duty to look forward for the case to ensure the long-term future for the Islanders by making preparations for the areas they know that future Governments will need to address? I would like to bring an example of what I see as a successful transition between 3 Governments, and it is about education reform and inclusion that was started by Senator Vallois in 2018, continued by Deputy Miles and Deputy Wickenden, myself and now it is continued by the current Minister for Education and Lifelong Learning with dedicated responsibility for Deputy Alves to look at the inclusion. This would never happen if we would not have a long-term vision that has gone through 3 Governments and the continuation and delivery is happening for the Island. This type of work I would expect also from the current Council of Ministers for the ageing population that we do need to put strategic plans, strategic vision - whatever it will be called - in place. If Members had a chance to read Scrutiny comments, which welcomed the priorities chosen by this Council of Ministers for their focus of the remaining terms, the comments include but not limited extension of nursery, in childcare provision, school meals, reduction in G.P. fees, implementation of recommendations of Violence Against Women and Girls Taskforce Report and we are welcoming an address and are welcoming the continuation of work. Also, I would like to raise some concerns and one of them, Ministerial delivery plans, are not due to be presented until July and this could have been presented at the same time as policy, that we will be very clear what is in and what is out for reprioritisation. But I hope it is coming in July and we understand a bit more details what the Council of Ministers is saying, what is business as usual and it will continue and what will be reprioritised. I have concerns that curbing public sector could impact our Island's long-term economy.

[12:30]

I would like to know if delivering a permanent solution to ongoing issue of recruitment and retention is possible without changes to our population policy or which service's jobs will be cut to meet commitment to subsidise private businesses to meet commitment to living wage. Clear for the public that listen in without any jargon explanations, would we continue business as usual and what will stop and what would continue and hope to see this? Really I hope to see these details in July, as the Chief Minister committed. Back to a very, very welcome from my perspective and I am grateful for the Council of Ministers' collaborative parts of this work around the Common Strategic Policy. I brought 2 amendments to this Common Strategic Policy and I think that we were able jointly to enhance each other's work for the Common Strategic Policy for the next 2 years. The first amendment I lodged is connected to the children's social care. This amendment was triggered by 2 parts, why it is felt it is important to bring this amendment. One part is a missing commitment to carry on with the Children's Services reform and a recommendation of the Care Inquiry within the Common Strategic Policy. It maybe would have been in the Ministerial Plan, but as we understand the Common Strategic Policy is what the funds would be allocated. It was really important that it will be at the same workstreams as any other commitment to continue with this reform. Second, within no time after the new Council of Ministers were elected was the cancellation of the therapeutic children's home after plans have been made very clear. Again, I am not disputing, I am saying if this is the decision, but what would happen if you do not have a therapeutic children's home? Does it mean that we would have professional fostering and when it will come? Does it mean that children would need to be sent off the Island to make sure that they do receive specialist services? I do not know and this is why it is important that it will be there, so we will have clear plans. Because in order to secure better outcomes for our future it is important to invest in children and we all agree on this. The latest inspection report that was published in February from the Jersey Care Commission on children's social care stated: "This is a pivotal moment for Jersey's Children's Services. Although children now receive a better service, there are some stubborn challenges that are tough to fix. While progress has been made, there is still much to be done in the area of Children's Services, for example, ensuring a stable workforce." Going back to the amendment, after 2022 elections and the Government ... and, again, I am welcoming that this workstream and the funding allocation hopefully will continue, that it was clear that Jersey did not take a whole system transformation, as it was suggested by the Independent Care Inquiry and the plans were put in place. The current Minister for Children and Families definitely has a big task on his hands to finalise what is happening with Greenfields, fostering, adoption, youth justice, and I hope he will get all the support from the Council of Ministers. The development of the infrastructure shows Jersey has the capacity required to implement change and reform programmes successfully, it must be done now. It cannot be postponed and we cannot leave it to another Council of Ministers the situation where the children are coming into care and we do not have places to put them in the care. Finishing this part of this amendment, I am grateful to the Minister who has political responsibility for the Children's Services for the last 3½ years and, hopefully, for the next 2 years. Within 5 years we will see transformation within the system and I am welcoming his amendment to my amendment, which I accepted, that extending this to all statutory services and acting as corporate parents, that means all Ministers will have this responsibility. I am looking forward to seeing delivery plans. My second amendment, again, I think is a really good and collaborative approach from the Government. The amendment related to the ageing population, a priority again that was missed within the Common Strategic Policy but now it is back. I believe to secure ongoing prosperity in Jersey, every Government has the responsibility to address the inevitable changes in demographics. In my view, now is the time to create a long-term framework plan and advised to postpone planning until the next Common Strategic Policy. Again, the ageing population is predictable and we can plan. We do not want to have a crisis in another 2 or 3 Governments. If we will not do it right now, it will happen to our future generations that they will need to deal with the crisis. Again, I am grateful to the Minister for Social Security about

accepting the principle of the insertion and extending to include a rise in age-related disabilities because it is important and this is how we can enhance each other's amendment in working together. It should consider as a part of demographics our decline in birth rates. I would also thank the Minister for Housing and the Minister for the Environment for accepting the insertion relating to design homes for the ageing population without further amendment; to the Minister for Education and Lifelong Learning and the Minister for Social Security for accepting in principle and embracing ageing population to lifelong learning policies, including disabilities. I am finishing. I believe we are now in a better place to work together to ensure that demographic considerations are not shelved and the necessary preparation for increase of ageing population is recognised and they will be addressed and planned during these next 2 years and will continue with the next Council of Ministers. I am looking forward to receiving further information from the Council of Ministers, how the updated policy and reprioritisation would fit into the already improved Government Plan 2024. One of the examples, £3.5 million was allocated for a therapeutic children's home, it will not be delivered, where this money will be spent and where it would go. I am not a fan of egocentric politics, a point of scoring and a position for the sake of opposition. I welcome joint work that we had between the Council of Ministers and Scrutiny. I would like to echo the Chief Minister's comments recognising the benefit of working together and I hope to see this more in the Assembly.

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Deputy Bailiff:**

The adjournment is proposed. Are Members content to adjourn now? The Assembly is adjourned until 2.15 p.m.

[12:38]

## **LUNCHEON ADJOURNMENT**

[14:17]

### **The Deputy Bailiff:**

We resume the debate on the Common Strategic Policy.

### **8.1.2 Deputy H. Miles:**

I wanted to talk briefly about 3 or 4 particular areas of the Common Strategic Policy and to follow up on comments that have been made by Ministers at recent Scrutiny hearings both by the Corporate Services Review Panel and by the Corporate Services Scrutiny Panel, of which I am the chair. The first is the stated aim to curb growth in the public sector. I am concerned that this will result in job losses, redundancies and, in particular, the impact that this will have on public services. The second area is recruitment and retention, and I would like to know what plans the Council of Ministers have in place to address this ongoing issue, particularly in front line services. I would like to see a very clear plan which details the impact of redundancy. The C.S.P. priorities rely upon a highly-trained motivated workforce, all of which are a challenge to us, given the declining population and the existing barriers to business and our housing restrictions. We know that we are competing in a tight labour market and I am really concerned that curbing growth on the one hand and recruiting on the other is giving a mixed message. Thirdly, given the Chief Minister's intention to focus on reducing Cabinet Office functions, I am also concerned about Public Health, which now sits within the Cabinet Office. There is no specific mention of Public Health in the C.S.P. but it is without doubt the underpinning factor in sustainable well-being, which is the aim of the Future Jersey vision, upon which the C.S.P. is based. Jersey spends less per capita on public health than most other jurisdictions but it has always seemed to be seen as a low-hanging fruit or indeed a target in terms of reducing budget. The Chief Minister has also talked about duty rates and freezing or fixing them to address

the cost of living. But this should be balanced by the strategic elements of public health policy and not solely on economy. We need to ensure that this vital function does not become a casualty of any aim to curb public sector growth. Finally, the Corporate Services Panel raised several areas of concern around the management of public finances. While we applaud the prevention of the mushrooming of public finances, we noted a lack of clarity on how any reduction will impact departments directly. We have heard that Ministers have agreed to no new growth bids outside of the C.S.P. priorities, but with no new growth bids permitted the lack of funding available for new services is likely to impact existing ones. Stability and operating quality services is a clear stated aim of this policy. I would like to understand what processes are in place to consider and prioritise the risks associated with any reduction in services to the public?

### **8.1.3 Deputy H.L. Jeune:**

I am inputting to this debate as chair of the Environment, Housing and Infrastructure Scrutiny Panel. The Scrutiny Panel felt it needed to submit amendments to the C.S.P. because, in the panel's view, there needed to be a better level of prominence given to longer-term targets and commitments, which we felt was lacking in the C.S.P. and which a number of Members have raised their concerns on in the debate so far and in questions earlier to the Chief Minister. We added the section on the climate emergency and implementation of the Carbon Neutral Roadmap as, though it was considered it was business as usual by the Council of Ministers, the panel felt it needed more prominence across all Ministerial portfolios. The panel was concerned that policy and work, which is vital to addressing the climate emergency, would not receive the attention and resourcing it will need as part of the Government Plan process. We were also concerned that the priorities provided by the Government were silent on natural environment and sustainable resources; 2 out of only 3 of the Future Jersey's environmental well-being outcome and these were not included. Therefore, that is why we accepted the Council of Ministers' proposed amendments to our wording regarding the Paris Agreement and we are really pleased to see it as the 13th priority in the C.S.P., and we would like to thank the Council of Ministers to accept that. Our other amendment that was specifically being subject to discussions with the Minister for the Environment regarding the 12th C.S.P. priority, to ensure that long-term sustainability is considered in any forthcoming reform of Jersey's planning service. Because as the panel noted, this amendment that the panel put forward aligns the priority with the intent of the Planning and Building Law 2002 which: "To provide the means to establish a plan for the sustainable development of land." Because the panel was concerned that there was no recognition that there needs to be a balance between the natural and the built environments focused solely on building and we wanted to ensure a more balanced sentiment that considered sustainable growth, building quality and that balance with the natural environment. Again, I would like to thank the Minister for the Environment and, by extension, to the Council of Ministers in accepting the wording and the compromised wording, and it reflects the collaborative nature of the new panel, the Scrutiny Panel. This is something we hope to build, not only with the Minister for the Environment but with all Ministers that we are scrutinising in the future. But I do invite any of my panel members, if they wish, to add to the elements that I have raised here.

### **8.1.4 Deputy A.F. Curtis:**

Following quite quickly on after the chair of the E.H.I. (Environment, Housing and Infrastructure) Panel, I thought I would add a few touches both on what Scrutiny has and then I will explain when I am talking purely as an individual Member. I, like the chair, am very glad that we have been able to work alongside the Council on amendments that, therefore, have meant that this C.S.P. is brought to us as amended with no further debates. Reflecting on the latter point that the chair of the Scrutiny Panel mentioned, I am very pleased that we have been able to agree on a change of wording that I believe represents the intended outcomes that the Council of Ministers wanted. Firstly, it addresses the fact that the planning service only has limited powers in getting Jersey building and any priority that the Government sets from an evidence-based perspective we would want to see something that

it could deliver on. Secondly, we are not sure from the definition of “get Jersey building” what that type of building infers. We have heard in Scrutiny meetings from the Minister for Infrastructure that the level of the quantum of development in building that can be undertaken by the A.L.O.s, the S.O.E.s (States-owned enterprises) and the Government of Jersey itself has a potential power to overheat the construction market at certain times, so the intent behind building was not clear. As the chair has mentioned, the Planning and Building Law opened with a phrase to describe: “A law to manage and regulate the sustainable development of Jersey’s land.” Aligning the priority towards the Planning and Building Law is a good move, not least because we have heard from the Minister that it is his intention through the life of this C.S.P. to maintain the Bridging Island Plan as the policy base and, therefore, I assume to maintain the Planning and Building Law. Looking forward, looking optimistically, the C.S.P. turns towards rejuvenating and revitalising town, and this is where we can look at the definition of the word development as really positive. Development is more than just building. Development infers changes of use. It changes how we use land. The Planning and Building Law requires development for any of these material considerations and I am sure when we look at the Ministers, the various Council’s approach to rejuvenating town, they will want to see greater changes of development that are sustainable. An example would be last week the Planning Committee decided to approve a change of variation of planning control on Brooklands Farm. This is something that has been reported on in the news. The Planning Committee did this in accordance with the Bridging Island Plan. It is something that has been widely reported very positively as how to create sustainable economies and sustainable communities. But this, again, in the term of the definition is development and not building. Lastly, this also aligns with recent changes in Ministerial titles. The Minister for Economic Development, Tourism, Sport and Culture indeed changed his title to the Minister for Sustainable Economic Development because who would not want to recognise any form of development as not sustainable? Moving personally on to some of the key priorities that are in the 12, now 13 priorities, I wanted to provide my own touch to help hold the Government to account during these 2 years. On transitioning to a living wage for Islanders, I, like many other Islanders have highlighted through questions, await details as to the mechanisms that will be provided. We have heard data about perhaps a fixed quantum that will be there to support coming from existing budgets. But I am really concerned that any mechanism does not enable and promote businesses who have failed to invest in their people over those who have already chosen to do so. We have limited data on the business market and it is not clear how right now we will discern between businesses who are able to quite flexibly pay a fairer wage but choose not to for greater profits. On providing more affordable homes, I hope that this Government recognises that affordable homes includes an affordable open-housing market. The perpetuation of the affordable housing solution being a 2-tiered system between that of shared equity or provided loans or an Andium system is to me not sustainable. We have to recognise that the price of housing in the open market for long-term living is something that should be affordable to Islanders when compared to their net income to purchasing power. On keeping government fees, duties and charges as low as possible, I hope the Government will look more closely than previous ones in how costs can often be a disproportionate burden to smaller businesses and organisations. Many costs incurred are fixed and, therefore, disadvantage those who may want to be innovators and start small. I hope the Government looks at some simple wins by rebalancing charges and fees to help a diverse business environment and new entrants prosper. On delivering a plan to revitalise town, I think we need to see action quickly. We know that infrastructure takes time and that if this Government is to prove delivery in 2 years, work has to start now. The Minister for Infrastructure has highlighted some simple options for winning, such as easy painting of lines on roads. If these are so simple I am sure we will see them come. I personally would like to think that in revitalising town this is beyond the Minister for Infrastructure’s portfolio and that the Minister for Sustainable Economic Development will both bring amendments to this Licensing Law and bring a new events law within this term. Finally, talking about what might still be missing, searching the C.S.P. the word “digital” only appears once. This Council is ambitious in addressing spending and reducing bloat and reducing that mushrooming bloat, to use a word used

by the Minister for Treasury and Resources. However, when we look at how new services have been introduced in departments over previous years we have often faced new regulation but used the same analogue approaches to solving them. This Island will still face new challenges and I want to know, how is this Government ready to adapt to solve these without doing it just the same way?

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

Producing a C.S.P. is the first requirement of any Government and I am pleased to say that the Council of Ministers have been able to produce this document in a shortened timescale, which is appropriate, given the changes we have been through and we must look forward.

[14:30]

I thank all Members who accepted amendments of amendments so that we could accept the amendments; I got that sentence right. I am also pleased that the first 3 items on the C.S.P. are from my area of responsibility, and I take that very seriously. I will do all I can to deliver these priorities. There is still day-to-day ongoing work that goes forward; this is not the be-all and end-all this C.S.P. Indeed, so I will just address the recruitment and retention, for example. That has been an issue in education for many years and it remains an issue in education. One positive thing is that we are no longer in dispute and we have settled that dispute for the next few years; that changes the dialogue with our teaching profession and the trade unions, et cetera. The ongoing education reform programme is seen as day-to-day work, which means that we can, again, improve that relationship and the conditions that we have, giving hope that we can fill our vacancies and retain our staff as we train them. There are still ongoing capital projects, such as the town school, which is such an important one for me personally and for every single child in St. Helier and beyond. I have not thrown away what has come before because that is not right for the future of our Island. There are a few points I will make on that. I recognise previous Ministers' commitment to school meals in schools. I will continue and accelerate this commitment to deliver our government-provided primary schools by December. I have made clear to those who have worked so hard behind the scenes for so long how pleased I am with their work. Should there be any delay in any one school or 2 schools for any reason, I will be open to the Assembly about what it is and why. If any Members want to come to a school with me to see the meals in action, just let me know because it will be a lovely part of your day. I want to thank the school staff who have bent over backwards to enable this project and the staff who deliver the meals and the project team at Education who have had and continue to overcome many hurdles to implement the meals across so many schools. Probably one of the most important areas of the C.S.P., in my opinion, is the extension of nursery provision. This is also one of the most challenging to fulfil; the creation of places, the staffing provision and the ongoing training and support to staff to keep them in the sector is a huge challenge but we are working very hard to achieve this. I am pleased that we have a settled position regarding the level of the Nursery Education Fund for the next 4 years, which allows nurseries to plan and give certainty to funding levels. I am also pleased that we have a positive dialogue with all providers; private, third sector and States. The key will be the collaborative working we can enable that is built into the long-term structure of our Island-wide provision. I will state again that I will not make promises for free provision of hours until I know that we have the provision available. Families need consistent and honest information about what is available, not false hope or good headlines from me. The third area from C.Y.P.E.S. (Children, Young People, Education and Skills) is around lifelong learning, and since introducing this to the Ministerial title I have had numerous conversations around the topic, and I have enjoyed them. This is because the Government and the Assembly must come together in this area. I have spoken to Members across all of this Assembly and beyond. I want us all to talk about any spending on education and training as an investment, not cost. This small distinction changes the narrative and enables us all to consider how we educate, train and provide the skills our Island needs to continue to be and become a stronger more sustainable and varied economy. We will work across Ministerial portfolios to try as best we can to enable that to happen. We are working at pace to look at where we

can make rapid changes to how we can address the critical skills training provision, how this can be an adaptive and responsive approach to where we direct training support. I am certainly working with the Minister for Social Security who has some very good ideas on that. I will state again that we must address the false dichotomy between academic and vocational education, along with ongoing updates on how and what we support in the realm of higher education. I want to acknowledge the work of all those providers in this area, so much good work is going on and we have so much more to do. I commit to working across Government to identify, address and deliver the skills training, the ongoing education provision and the lifelong learning opportunities that our population needs, whatever your age, your level of ability or any disability you may have. I want to take this opportunity to say to businesses who may be listening, please consider giving opportunities to those who have learning disabilities or other neurodiversities. We have organisations that are enabling people in our communities to be ready for work; they just need opportunity. I have spent my life in education and I am hugely privileged to undertake this role. It has my total commitment and this initial document is a starting point and I hope Members can be supportive of that.

#### **8.1.6 Deputy M. Tadier:**

I will be speaking partly with my Scrutiny hat on as the chair of the Economic and International Affairs Scrutiny Panel. First of all, can I thank our officers and also government officers and Ministers, as well as my panel and the Scrutiny Liaison Committee? Because there really has been a great deal of scrutiny going on, both with individual Ministerial portfolios in the departments but also collectively. I think what we have seen from this new iteration of scrutiny across the board is that Scrutiny has really hit the ground running, I think, with these reviews. I think it is fair to say that the Scrutiny Liaison Committee tried something a bit new and a bit different, and I think we have achieved something successfully in that we did a collective piece of work looking across all the departments, in addition to the quarterly hearings, which of course would have taken in and did take in the C.S.P. questions within part of our regular work. I have a few specific comments first of all to do with how our panel was questioning. We did have some hearings with the 3 Ministers that are allocated to our area, which, just for the record, are the Minister for Sustainable Economic Development, the Minister for External Relations and of course the Minister for International Development. But we did separately speak to the Chief Minister in the joint hearing that we had with S.L.C. (Scrutiny Liaison Committee). So easy sometimes to get the 4 of them confused, although, hopefully, because they are all pulling in the same area and have overlapping portfolios. The first thing I would say and this is probably a personal reflection, is that I am coming to the point of view of questioning whether or not the C.S.P. in future needs to be something that is lodged with the Assembly in the form of a proposition. I am coming round to the point of view that it might be something that in the future could be lodged as a report. The reason I say that - and I have shared these thoughts with the Liaison Committee - are that in many ways, and I think with an element of truth, in the past the C.S.P. or whatever it was called in previous Governments is, effectively, a motherhood, an apple pie type of document. Really what we are deciding here and what Government is deciding is whether you serve that apple pie with a side of ice cream, a side of cream or whether you just have it plain. I think what we are seeing here is very much a stripped back variety of that apple pie and it is probably being served cold as well; it has not even put in the microwave for 2½ minutes per portion. That is because we know that the current Government thinks that Government tries to do too much and that Government wants to strip it right back to make sure that it is delivering the essentials. I think what we have been trying to ascertain both in the formal scrutiny process but also, I think, in question time in the Assembly - and it is not just limited to us, I have heard the questions coming from different parts of the Assembly - as to what the areas that Government does not want to deliver are going to be. It is fair to say that the Chief Minister has not really put too much meat on the bones or if we are going to stick with the analogy, too much cream on the pudding at this point. He has told us, if you like, the skeleton of what is being put forward. He has not really told us the areas that are going to be cut back. But what we do know is that one of the key elements

certainly that relates to economic development is that there is a significant section which talks about reducing red tape, enhancing opportunities for business and strengthening Jersey's international reputation. But what I think we do need to put on the record here - and I think it has been recognised by some of the amendments that are being put forward - is that Jersey is in a very different place to what it was in previous terms of office. This is what relates to some of that red tape, is that we see some of the red tape that has automatically been taken for granted in Jersey over the years, really relates to a position where Jersey's economy and its population, the 2 of which have been interlinked, are at a point where we are trying to suppress the population and, rightly or wrongly, we have tried to introduce mechanisms that, if you like, seem critically - if we are looking at it like that - to prefer jobs for local people at the expense of people who are coming in and to limit who can access the open job market and also to limit who can access the open housing market. What we are seeing now - I think most people are acknowledging and certainly businesses recognise that - is that they are having difficulty in recruiting. You could say that also Government, to a certain extent, is having some difficulty in recruiting in certain sectors too. Therefore, the barriers or the red tape, which we might have put in place and taken for granted in previous years about restricting people to come to Jersey and access those jobs, may no longer be fit for purpose. What I would say is that we have not really seen that in this C.S.P. that has come forward. It has been, by and large, business as usual. I think there is some acknowledgment about the future economy and the changes that are coming forward. What I would say to the Minister for Sustainable Economic Development is that while there might be disagreement about the existence of red tape, what colour that tape is and to what extent it is a barrier to business. I think that we all recognise the fact that the 5-year rule, for example, needs to be reviewed. I would encourage all Ministers to look at that. We also know that this comes in a particular context where there has been a Scrutiny review, which I think we are still waiting for renewed answers. I know Ministers are working on those answers too about the work permit holders and their experiences in Jersey. We have this crazy situation where we have people in Jersey who live here already, so they are taking up, if we can use those terms, accommodation space but they are contributing to the Island as well. They work here, live here, they want to do work and often they cannot work. There are many people with less than 5 years of residency who would like to work, there are employers who would like to employ them, yet we see a strange situation where there is red tape, if you like, which is real. It is not benefiting anybody on the employee or employer side. I also welcome comments that have been made from the Minister for Sustainable Economic Development showing that he is working in tandem with the new Minister for Social Security on a living wage, that a living wage does very much remain part of the core policy of this new Government. It will not be allowed to let slide and I would look forward to hearing some comments from any Ministers who wish to talk about their prioritisation of the living wage and how they are going to support those industries and the workers in them, in particular in terms of sustainability. Because, let us face it, words are quite easy but we know that Jersey does not have the same access to the mechanisms that bigger countries can in terms of subsidies and maybe tax breaks that we might wish to give to those industries or any meat that the Ministers can put on to the bones in those areas would be welcome. There is obviously lots that one could talk about in this area. I am going to limit my comments to those areas. I would simply say again that I very much feel that the C.S.P. is a Government document. This is about their way to present some of their priorities. I would highlight the fact that there is of course lots that is not in the C.S.P. that we, as individual Members or collectives, might wish to see in there. From a personal point of view, what I would say and this did not necessarily merit an amendment on my part because we could all put amendments in, could we not, for each of each of our pet projects? I am glad that there has been some element of restraint in that. But what I would hope to see is that there is no mention of culture in the C.S.P., apart from as part of "agriculture" and I do not think that really counts. There is no direct mention of the arts and heritage in that. I hope to presume that is not because they have fallen off the agenda because the Government recognises that there is already great work going on in those areas, that Government recognises that the 1 per cent for arts, heritage and culture, which the previous Assembly adopted, is making great gains, both in



terms of its soft, local and, I hope, international diplomacy efforts that it can do, it ties into the work of External Relations. It ties into the work of International Development and the economy but also that there is a very tangible economic driver.

[14:45]

We are very much seeing the fruits of that coming through from the likes of ArtHouse Jersey and also the other arm's length organisations which are like our Arts Centre in Jersey, the Opera House, which is having up to £13 million spent on a new redecoration. I would hope that any Ministers thinking of tweaking or tampering with the 1 per cent revenue funding for arts in the same year that we might be opening a brand spanking new and beautiful Opera House - by the way our panel went to see it last week, there is a great building there - we just hope that the arts, culture and heritage offering that is being put forward for the Island when that reopens will not be tampered with. I know that the absence of those 3 key words in the C.S.P. are not because the Government does not value them but because they take it for granted, like I do, and that they will be supporting it for the next 2 years of their Government.

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

The first thing I want to say is that I welcome the Common Strategic Policy. I know some people have said ... I know there has been some commentary, I think, over the weekend about whether it is really necessary. Deputy Tadier has raised the question of whether it is necessary to debate it, whether it could be a report, but I think it is necessary. A Government does need a political programme and our system means that Governments are coalitions; almost by design they have to be coalitions. That means that their programme of government is put together to a significant extent after they have been formed. It is right that a new Government should set out its shared ambitions and that the Assembly should get a chance to comment on them. But it is difficult, I remember that from a couple of years ago, Ministers of varying, sometimes opposing, political persuasion have to find common ground across the vast range of issues and in pretty short order. Add to that, because of the particular circumstances of this Government's formation there are a number of contradictions you might say at the heart of this Government. It is a Government, as we know, that is made up of left and right, a Government that wants to make a difference but it has not got much time, a Government that wants to do less but confronts huge challenges. What should we expect from a Common Strategic Policy? At its most basic the C.S.P., I think, should give the Island a guide book to the Government's approach, to its central philosophy, its main aims. You can break it down into 3 things; it is pretty obvious really. It is a Common Strategic Policy, so it must be agreed by all Members of the Government. There should be a strategy of some sort, the strategic bit. It should include the policies that will get us to those strategic outcomes. How does this C.S.P. stack up? On the first point, yes, it has been agreed. But how has this been achieved? I would argue it has been done by reducing ambition. The central idea behind the C.S.P. is that the previous Government was too ambitious and that this C.S.P. has been promoted by the Chief Minister as a back-to-basics approach. It might be understandable to have a strategic policy of doing less if there were a clear mission statement behind it, a blueprint by which we could judge, for example, whether a policy was likely to be supported by the Government or not. But I cannot see any real guiding hand. We are, on the other hand, finding out by experience what the Government means by too much. Funding I.V.F. (in vitro fertilisation) along N.I.C.E. clinical guidelines is too much but funding the assisted dying service is not. Helping the Island's only shared bike service provider is out but support for businesses who cannot or will not pay the living wage is in. Extra money for students living outside Jersey is out but cuts in the Cabinet Office are on the table. You can argue the rights and wrongs of any of those but what I think is very hard to argue is that there is a clear guiding thread through them all. Instead I think there is a bit of a sleight of hand which hinges around the idea of business as usual. All the things to which the Government are predisposed to do are core parts of the programme, business as usual. All the stuff that they do not support fits in the trying-to-do-too-much bucket.

This does not seem to me to be a coherent strategy. It is just the personal preferences of key people at the top of Government. The C.S.P. attempts to outsource the vision to Future Jersey but that only works if the plan draws clear lines between the C.S.P. and Future Jersey, if it offers clear guidance on what will be a Ministerial priority and what constitutes business as usual, what connects the Future Jersey to those things. It seems to me that it is more that the focus on doing less is a tactical necessity because there is relatively little on which this Government agrees, all of this Government agrees. It is a C.S.P. to a significant extent of the lowest common denominator. I would argue that as a result it is a C.S.P. that in strategic terms fails to rise to the challenge of our times. Almost all the big issues facing the Island are either ignored or tiptoed around. Any strategic vision has to start with a clear outline of what is not working and why, and it is not there. The C.S.P. has little, beyond the promise to improve town, to say about the deterioration in the public realm. What about the failure of real incomes to rise for a quarter of a century? What of the funding and safety crisis in health? What about the ageing population? What about the steady long-term decline in productivity for 25 years now? What about the relatively low levels of skills in our workforce? These are some of the big defining challenges of our time, which you would not know it from the C.S.P. A focus on a small number of discreet policies is fine if nothing needs fixing but the roof is leaking, the foundations are creaky and the furniture is threadbare. As Deputy Gardiner said, the risk is that without setting out clear thinking on the longer-term challenges time will be lost. Maybe this is the way it has to be, maybe this is what can be accomplished when a new Government takes over halfway through a term and has to try and find some common ground. I do not want to be too harsh about that. This C.S.P. is a reflection of political realities and that is fine. Realism is not a flaw. If the Government achieves its 13 objectives, then considerable progress will have been made. As I say, it is not the worst approach in the world but it does create its own problems. The lack of policies in the C.S.P. means that an awful lot of autonomy, it seems to me, has been given to Ministers to pursue their own agendas. Sooner or later that autonomy will conflict with the need to agree common positions around the Council of Ministers' table. The risk is that we will see a return to a deeply siloed Government as Ministers pursue their own policies without reference to a common strategic framework because their points of agreement are relatively limited. I wanted to say a few words about regulation and red tape, which are one of the key themes of the Common Strategic Policy. I would say it is easy to play a populist tune when it comes to cutting red tape and getting Jersey building. The C.S.P. in its original version presented, I would say, a one-sided version of the regulation problem; too much red tape. But it is, as we must surely all recognise - and I think probably it does now in the C.S.P., thanks to the amendments - more complicated than that. While business complains about too much red tape, for many people the failure of regulation is not a failure of too much regulation. Ask people what is wrong with regulation in Jersey? They will probably talk about too much pollution in our soils and streams, the failure to deal with empty and derelict properties, the way that the super wealthy have been allowed to take over many prime coastal locations, the lack of enforcement of planning conditions or speed limits and so on. A positive conversation would acknowledge that what business sees as red tape can easily be the kind of environmental, safety or employment protection regulations for which there is considerable public support. It would be useful to see some examples of what the Government considers to be red tape, so that we can see whether they are really examples of a necessary over-regulation, of which there will undoubtedly be some, or whether the attack on red tape is an attack on protections that the public might see as hard-worn examples of environmental and social gains. It is always worth reviewing regulations and laws to ensure that they are necessary and proportionate but it is important to acknowledge the importance of good regulation to maintaining standards, protecting the public and creating a level playing field for businesses. I was going to make separate comments on planning but most of the points I would have made have been made by Deputy Jeune and Deputy Alex Curtis. I would just say that we should recognise that the Planning Department is short-staffed, and has been for a long time. Processes do need to be improved and the department's computer system, for example, was woefully inadequate but it has at last been upgraded. But I would say this, we want smart, ambitious people to work in Planning. Let us talk

about Planning in a way that shows respect for the complexity of the issues that are involved in trying to work out what we give planning permission to and what we do not. I will end positively. There are some encouraging signs in this C.S.P. It is good that the Government has accepted the amendments, a welcome sign that it is prepared to listen and not get dragged into pointless arm wrestling over what we might consider minor points. They are not minor, but you get my point. I am particularly pleased that achieving net zero has been reintroduced as a priority. We have in this Assembly, over several Governments now, achieved a welcome consensus, hard won consensus, on the importance of the Carbon Neutral Roadmap and tackling climate change. I hope that the Government is able to build on the opportunities tackling net zero will bring, rather than seeing it as a problem. The language of co-operation and respect that has come from Ministers today is also welcome. There is much missing, as I have outlined, in my view at least, in terms of vision, and a lack of clarity about what is likely to be in and out as we go forward. On the basis that there is nothing significant with which I disagree, except some of the working around planning, I will support the C.S.P. I hope that it provides a good foundation on which to build and we go much further than its relatively ambition.

#### **8.1.8 Deputy L.V. Feltham:**

I am speaking firstly as a deputy leader of Reform Jersey. I would like to make the point that when we put our manifesto together, we deliberately put together clear, costed and tangible pledges that we felt that we could deliver as the cornerstone of our platform. We are pleased that the C.S.P. follows a similar format in highlighting key priorities that this Government can deliver in the remainder of the term. By focusing on clear things that Islanders can recognise the impact of and see the impact on their day-to-day lives, we can demonstrate a better kind of politics, one that is based on delivering outcomes for Islanders. Reform Jersey Members were pleased to support the formation of this Government under a Chief Minister that has shown, by his deeds and his actions so far, that he is inclusive. Our Ministers are playing a constructive role around the Council of Ministers table, where we are able to be effective, because we are well used to doing politics as a team. Speaking personally, at the end of January I was honoured to be included in the new Council of Ministers and become Minister for Social Security. The Council of Ministers does include people from different political backgrounds, but I am pleased that so far we have been acting collaboratively and have agreed some key ambitions within this Common Strategic Policy. I was especially pleased that the first area mentioned in the C.S.P. document is a positive response to the cost-of-living pressures that Islanders face. I am pleased to have the support of Ministerial colleagues as we work towards delivering a minimum wage that is more of a living wage for Islanders. I know that in order to deliver that I need to work collaboratively with other Ministers. I have already commenced that collaborative working with the Minister for Sustainable Economic Development and also the Chief Minister, so that we can provide targeted support for key industries that would need support with this transition. I am also pleased with what we have so far achieved in delivering reductions to the cost of seeing the G.P. for Islanders. This is a long-term ambition of mine and one of our key principles within our party manifesto. I am pleased with what we have been able to achieve so far within this first 4 months of taking office. I look forward to working with my Ministerial colleagues, with Scrutiny and with all Members across this Assembly as we continue to deliver better outcomes for Islanders.

[15:00]

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

Does any other Member wish to speak on this proposition? In that case, I call upon the Chief Minister to reply.

#### **8.1.9 Deputy L.J. Farnham:**

Can I start by thanking all Members for their contributions? I first wanted to start by reassuring Members that we will not be excluding other key areas of what we term as “business as usual”. That

is a rather generic term. We will continue to work with all the workstreams and agendas in place. Like I say, the important thing is we keep delivering and, in fact, start delivering more than previous Governments have delivered. That is not being critical; it is a fact. Which is one of the reasons why this Common Strategic Policy was set out as it is, because we decided to set what we consider to be a realistic and deliverable list of key priorities for the 2 years of this term that we have left. I also want to talk about how we are trying to consolidate. A small example of that is around Ministerial plans and departmental plans. We are going to combine as much work as possible. That just makes sense to do so. I look at expensive looking glossy brochures of both sets of plans lying around in Broad Street and in this building that nobody ever reads. I do also undertake, as Deputy Gardiner asked for, to make sure those come through by July at the very latest, so there is time to give them full consideration. A number of Members have talked about their concerns about how we might cut the public sector. We were very careful not to use the word "cut". We use the words "curb the growth", because the public sector has been growing at an almost exponential rate and if we do not curb the growth it becomes unsustainable. We will simply not be able to afford the cost if we do not curb the growth. It is not cut; it is sensible, focused, reasonable growth. It is about right-sizing our public sector. It is about making sure that it is adequate to serve the community in the key areas that this Assembly and then Government have deemed to be the priorities. Of course, we have differing population challenges now. Up until 3 or 4 years ago, we were wanting to curb, if not almost freeze, our population and growth because it was growing exponentially. That was a lot to do with the open borders and free movement in Britain and Europe. In many ways that served our Island well, insofar as helping us to develop the economy, but it did not help us grow productivity and it gave us a problem with our housing infrastructure and other facilities. Suddenly now we find it going in the other direction, to the point where our biggest concern is the size of the working-age population. If anything, we are going to have to come up with, and this is where I use the word "strategies", in the future. This is where I think a strategy will be important in relation to managing population and ensuring society we are economically viable. We might find ourselves, in the not too distant future, having to encourage young people to come to the Island. Solving some of the problem we are addressing now, such as affordable housing and the living wage, will hopefully encourage more young people to stay on Jersey and not move away to seek a better life elsewhere. Deputy Miles mentioned the Cabinet Office and her concern particularly about public health, which I will address. Some of our thinking behind the Cabinet Office is to perhaps put some of the functions back into the departments. Some of the functions we can reduce in size and we can reprioritise the spending to areas where we need it. I do not wish, of course, to be critical of any of the hardworking civil servants that deliver the Cabinet Office functions for us. However, in some areas we are creating new budgets where previously expenditure had been in departmental budgets and now new departments have created ... when you have more departments you have more budgets and more bids for growth. The Council of Ministers would like to see some of that work pushed back into the departments, retaining a much smaller Cabinet Office. I will also be seeking, with Council of Ministers approval, to return the department's name to the Office of the Chief Minister, which is more in line with what it is; we can discuss that at a later date. We are trying to find a better mix, where we have a central department, which is the right size and appropriate in cost, and then we put back some of the Cabinet Office in departments and those costs into the departmental budgets, which will make them have to reprioritise as well on their own departmental expenditure, rather than creating new costs. Public Health was taken out of Health and put into the central department because it was often found that when, in the quest for health cuts or reprioritisation of health spending, public health would often get reduced to an extent, as the Deputy quite rightly points out, that our spending per head on public health shrunk to an unacceptable level. That has come back recently and will continue to grow. There are no plans to cut that right now. Unless we get amendments or something to the Government Plan, we are aiming to retain the public health function. I would say to the Deputy that it is better off in the centre than as part of the Health Department, because the Health Department when it is looking at tough priorities, life and death priorities, versus public health, I can see why public health often got hit. I

would like to assure the Deputy and Members that it is better situated in the centre where it is not low-hanging fruit. Duty rates and public health, there is a bit of a juxtaposition there, but again our duty rates have grown significantly, to the point of where certain aspects of our economy will just become unsustainable and too expensive. The public health argument, of course, is important in relation to consumption of alcohol and tobacco. Tobacco is less likely to be protected in duty costs, but we have a disparity between on-sales and off-sales. The hospitality industry is ... when you are drinking in on-licences and enjoying wine with a meal, you are in a regulated area, where perhaps some of the problems are coming from off-sales and consumption of alcohol at home. The Minister for Treasury and Resources and I have talked about how we can perhaps look at duty rates and perhaps have different duty rates for on and off sales. That is a piece of ongoing work. I do not need to declare an interest, because I no longer have a technical interest in hospitality. I do know a bit about it and I know enough about it that we have moved to a much higher minimum wage or a living wage, as we are calling it. Continuous high duty rises are putting an untenable pressure on many businesses. Hospitality is important, not just for Islanders, but it drives ... it is so important for our visitor economy, because if we stop becoming an attractive place and we stop becoming good value for money our visitor numbers will decline and our air links and sea links will follow. Those are really important for our long-term development and growth. I want to talk briefly about planning challenges that Deputy Curtis rose. This is by no way a criticism of the Planning Committee, Planning Ministers or officials in the department, all of whom have incredibly tough jobs. However, we have a situation now where Islanders have become exasperated with the complexity and time-consuming nature of the planning process. There are a number of consequences, delayed development and lengthy planning processes, which can result in significant delays in development projects. This can be particularly problematic in times of economic uncertainty, because it leads to considerable additional costs for businesses, individuals and developers in legal fees, consultancy, bank interest, and so forth. That can, in turn, hold things up and can hinder economic growth. The longer the planning process takes, the higher the costs will become. Lengthy planning processes introduce uncertainty and risk for developers. The longer it takes to obtain approvals and permits, the greater the chance of changing market conditions. Now potential developers are really, really thinking hard about the processes and the length of time it will take to get permission. We have seen it in a number of instances where a project that was viable when they started is no longer viable in the form for which they have received permission because of changing economic circumstances. Of course, when you start to see that falling away, it leads to inefficient land use. We have a lot of land that is in limbo at the moment and that is inefficient. That leads to frustration and public dissatisfaction. It is important for planning authorities to strike the right balance between thoroughness in what they do and efficiency. That is the job that the Minister for the Environment has been tasked with and which he is starting to address with the help of Ministers and, I hope, with support and constructive input from Scrutiny. We have to build back public confidence in our planning processes. Deputy Tadier was comparing the plan to an apple pie, if I remember rightly, which is quite right. We are looking to make a nice homemade apple pie with a good filling and a nice pastry. We are not bothered about the cream and the custard and the ice-cream and the sprinkles on top. We just want something that is appropriate. That may not answer the question, but I hope I am addressing the point, that we want to make sure that we are the right size and what we deliver is appropriate and the best use of our funds. Deputy Renouf shared his thoughts with us and finished on a positive note, although I was slightly disappointed that he referred to our plan as being the lowest common denominator. However, we are damned if we do and damned if we do not. In my time in the Assembly, I have seen numerous reports of hundreds of pages that serve no purpose whatsoever other than to confuse and delay. The size of this plan was deliberate. It was not that easy to create a shorter and more succinct plan, because everybody wanted to put a lot more in it. However, what it did do is force the Government to think very carefully and drill down into the real key authorities. There are a lot of other things we would have all liked to have put on the list, but then the list gets too long and you end up not really doing much. As Deputy Renouf said, if we can tick off the 13

items or the vast majority of them, we would have been very successful. That is what we are going to try and do. I thank Deputy Feltham for her input. She is right about the plan, although we do not have the detail of the costings. We have done some estimations; the estimations are positive, which show what we are aiming to do in here are achievable, within the existing Government Plan envelope with reprioritisation, which we will share. We will share the process and we will share the detail with Members. Of course we will lodge the Government Plan. There will be ample time for scrutiny and ample time for input from Members and we will have a debate on it, with amendments, I hope. I would like Members and Scrutiny to come to us with amendments, discuss amendments. If they improve the Government Plan, we will accept them and work collaboratively on that. I would like to echo her words about for the first time in a long time, I believe, we have an Assembly and a Government that is a more representative group of people. We are a broad church of views. So far we are working extremely well together, in a courteous, respectful and professional way, which I hope will permeate across the Assembly. If we work in that way, we will deliver better outcomes, more efficiently and more productively for the people of Jersey. I believe, in closing, we have developed a plan based on the best practice of strategic planning, with focus on delivery, rather than extensive, unproductive narrative.

[15:15]

It is a specific plan. It is achievable, measurable, realistic and deliverable within the remaining term of this office. I would ask Members to give the plan their full endorsement and continue to work collaboratively with the Government as we deliver the much needed progress that Islanders quite rightly demand and deserve. I say to Members, if we are missing something, they think something is missing, if they have ideas they would like to pursue, they have policies they would like us to look at, they have ideas for, dare I say it, strategies, talk to us. We might need persuading on new strategies, but please always welcome to hear Members' views. I want to say thank you to Ministerial colleagues, to Members and to officials who have all contributed to the plan. I will say to the Assembly, judge us not on what we say we are going to do, but judge us all on what we deliver. With that, I make the proposition and ask for the appel. Thank you. **[Approbation]**

**The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. Greffier, have the remote voters voted? If all Members have had the chance of casting their votes, I ask the Greffier to close the voting. I can announce the Common Strategic Policy has been adopted: 42 votes pour, 2 votes contre and one abstention.

<b>POUR: 42</b>		<b>CONTRE: 2</b>		<b>ABSTAIN: 1</b>
Connétable of St. Lawrence		Deputy K.M. Wilson		Deputy P.F.C. Ozouf
Connétable of St. Brelade		Deputy M.B. Andrews		
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 S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F Stephenson				

**The Deputy Greffier of the States:**

Those Members voting contre: Deputies Wilson and Andrews, and Deputy Ozouf abstained.

**9. Channel Islands Lottery Distribution of Proceeds 2024 (P.15/2024)**

**The Deputy Bailiff:**

The next item is Channel Islands Lottery Distribution of Proceeds lodged by the Minister for Sustainable Economic Development. The main respondent is the chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion – to agree, in accordance with the provisions of Regulation 4(5) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, to allocate £1,097,800 to the Jersey Community Foundation and the Association of Jersey Charities, divided equally between them, for onward distribution in support of the Island community; with the

proceeds allocated to the Association of Jersey Charities to be distributed solely to registered charities, and with the allocation to the Jersey Community Foundation to be distributed on the following basis: 35 to 45 per cent of the allocation to arts, culture and heritage; 35 to 45 per cent of the allocation to sports and active lifestyle; and 15 to 25 per cent of the allocation to applied science or applied research in the fields of engineering, biology, ecology, physics, chemistry, mathematics or health, provided that the funds are either to be used locally or for the direct benefit of Jersey, including any education from which local residents may benefit.

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

I am pleased to bring this proposition once again to the Assembly. As Members will be aware, this is an annual proposition that is brought by the Minister for Sustainable Economic Development to approve distribution of the proceeds from the Channel Islands Lottery. I am pleased that the amount available for distribution from the 2023 lottery is £1,097,800. Importantly and pleasingly, this is higher than we have seen for the previous 2 years. Last year there was £633,458 and the year before £977,709. This means we have over £1 million to distribute to good causes on the Island. As with previous years, the proceeds are to be divided equally between the Association of Jersey Charities and the Jersey Community Foundation. Each will receive £548,900. They will then distribute that onward to local charities and organisations. As the Greffier stated at the beginning of this, the Jersey Community Foundation are reallocating their funds in the following way: around 35 to 40 per cent will be allocated to arts, culture and heritage; another 35 to 40 per cent to sports and active lifestyles; and 15 to 25 per cent will be allocated to applied science or applied research in the fields of engineering, biology, ecology, physics, chemistry, mathematics or health. The proceeds allocated via the Association of Jersey Charities will be distributed to registered charities only and all funds must be used locally or for the direct benefit of Jersey. The keen-eyed among Members will notice that we have slightly adjusted the percentages distributed by the Jersey Community Foundation to allow greater flexibility. So rather than it being 40 per cent, 40 per cent, and 20 per cent, we have widened these boundaries to 35 to 40 per cent and 15 to 25 per cent, which allows a greater element of flexibility. Finally, I would like to recognise the excellent work done by our local charitable sector and by the Association Jersey Charities and the Jersey Community Foundation. There is no doubt that their work supports a huge range of good causes. Those good causes have a huge impact and valuable impact on all aspects of our community. I would like to thank all Members in advance for partaking in this debate. I will be pleased to answer any questions, but I do hope the Chamber will be able to give its full support.

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

Thank you, Minister. Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

#### **9.1.1 Deputy L.K.F. Stephenson:**

I will be very quick. It is a question for the Minister. One of the recommendations from the sport review that was completed last year was that the money that is set aside from the lottery for sports should go to Jersey Sport to be distributed. Is that a recommendation that he intends to take forward at any point? Is it still under consideration?

#### **9.1.2 Deputy M. Tadier:**

The first thing that I always point out in these kinds of debates is that the money that we are distributing is not ours. It is money that we have to distribute and the Minister has to distribute, but it is the hard-working money of the people who have gone out and decided to buy scratch cards, rightly or wrongly. They take their punt on they may get something back, but we know that on average they are going to lose money by gambling. That is fine, because they know it is going to a



good cause. What I would like to say to the Minister, and I raise this every time, is that from a consumer point of view, it is essential that when people are gambling, and scratch cards and the lottery is a form of that, of course, is that they do it completely with their eyes open. I would like to see greater transparency about the expectation printed on the front of the card, saying for example that when you buy a scratch card, if it cost £2, you have an expectation of getting £1 back. That needs to be clear, so that people can make informed decisions about where their hard-earned gambling money goes to. The second point is that I do note that the margins have been changed. We looked at that on Scrutiny. It seems sensible from the way the Minister has described it, because in allocating certain grants it may not always be the best way to distribute them bang on the 20 or 40 per cent. I am not sure if “bang on” is parliamentary, Sir; we are being pulled up for all sorts today, but exactly those amounts. What I would ask the Minister to keep an eye on is that if, for example, it constantly happens that one area is getting 25 per cent every year, year on year, then that could quite easily become distorted, especially to the extent where another section might only be getting 35 per cent year on year, where they should be getting an average of 40 per cent. I presume that those have been put in for flexibility, but that the idea should be, as far as possible, to make sure that the average of 20, 40 and 40 are respected over the period. We did have some questions, since the new category was introduced for technology and science, I am not sure if the Minister could, in summing up, give some examples of where that 20 per cent of funding ... remember it is 20 per cent of half of the overall funding so effectively 10 per cent of the lottery proceeds going into science and technology, which was an amendment, if I remember rightly, of Deputy Guida in the former Assembly. If we could find out some tangible examples, either now or in the future, when these reports are published, about some of the projects where this money is making a real difference in the community. That would be valuable going forward. Apart from that, I am happy to endorse and vote for the proposition as it is.

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

I am interested to note that the Community Foundation does not typically support capital projects. I am inquiring why this is the case. In order to support the community in a lot of respects, we do need a capital project. Life goes on, things change and we get to the point where we might have to interpret what a capital project might be. I would certainly be interested in the Minister’s answer to that. Likewise, as the Parishes, we very often get involved with community support in various guises and I wondered what the Minister’s views would be on Parish support for the various community projects which we have to develop.

### **The Deputy Bailiff:**

Does any other Member wish to speak on this proposition? In that case I call upon the Minister to reply.

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

I thank Deputy Stephenson, Deputy Tadier, and the Connétable of St. Brelade for their thoughts or questions. In response to Deputy Stephenson, I am aware of that recommendation about Jersey Sport. It is not one that I am particularly looking to take forward, though I have nothing against it. Although I am aware that Jersey Sport is going through a period of change at the moment, so I do think it would be worth seeing that period through before any extra responsibility is given to them. What is important is that whichever organisation distributes the lottery proceeds is that they are seen as entirely neutral and objective in the choices that they make with regard to grant-giving. With Deputy Tadier, I must admit, the Deputy is right. This money is not ours, but not money ever discussed in this Assembly, as far as I understand it, is ours. It is always the public’s money that we debate in this Assembly. In that sense, this is the same as all money. It is the public’s money that we are being entrusted to distribute.

**Deputy M. Tadier:**

Would the Minister give way?

**The Deputy Bailiff:**

Are you prepared to give way, Minister?

**Deputy K.F. Morel:**

Yes. Why not, Sir?

**Deputy M. Tadier:**

In the spirit of goodwill, does the Minister recognise that there is a difference here? This is not public money we are talking about, this is the money from a fund which is contributed to by people who gamble for the lottery. It is not the Minister for Treasury and Resources' money. It is simply distributed in a different way, whereas public money does temporarily belong to the Minister for Treasury and Resources.

**Deputy K.F. Morel:**

No, I do not see the public money as ever belonging to the Minister for Treasury and Resources, but I do accept that this is a subset of the public. Public money is always the public's. It is never ours. That is my view, certainly. I agree that it is the role of the Minister for Sustainable Economic Development to keep an eye on sectoral allocations. We certainly speak to the Jersey Community Foundation to assess how they feel things are going. Indeed, these more flexible boundaries for allocations came from their recommendation, which speaks to the other element that the Deputy asked about, which is the science element. This is for scientific research, and most importantly, this is for applied research and science. The applied part, I remember Deputy Guida was very keen on, did not want this being part of theoretical research, et cetera. I do believe they have struggled to attract applications in that area and that is one reason why we have given these more flexible boundaries. Indeed, it is my job, I believe, to keep an eye on those allocation boundaries, and it would be the job of the Assembly to agree any changes to that. Similarly, with the Constable of St. Brelade, it is the job of the Assembly to decide whether monies should be given to capital projects or otherwise. At the moment, I am content that the Jersey Community Foundation chooses not to and the Association of Jersey Charities, but that can always be reviewed.

[15:30]

To my knowledge, and I am happy to be corrected in this, but I do not believe there is anything to stop a Parish approaching certainly the Jersey Community Foundation with an application. I do not believe there is anything to stop them there. I do stand to be corrected if I am wrong. Before I sign off, Deputy Tadier also alluded to health concerns and the element of gambling that is involved in the lottery. I want to say that the Jersey Gambling Commission is very alive to the issue of difficulties in gambling and problem gambling, some people would say, and they do themselves, as the Gambling Commission, provide funding for support and resources to help Islanders in Jersey who do gamble to manage that gambling safely. That is promoted on the Channel Islands Lottery website as well. With that, I would like to thank the Assembly and make the proposition to call for the appel.

**Deputy M. Tadier:**

Sir, I do have a point of clarification, if I may?

**The Deputy Bailiff:**

Are you prepared to accept a point of clarification, Minister?

**Deputy M. Tadier:**

It is something that I did ask in my speech about expectation and just to clarify, the Minister did not answer that. I am asking in the future when people by lottery tickets they have a right to know how much of the money spent on that ticket goes back into the prize pool, which is effectively what expectation is. Will the Minister look into that area if there needs to be greater transparency put on the ticket around that?

**Deputy K.F. Morel:**

I am happy to clarify that; I am happy to look into that. I apologise for not addressing it, that was an oversight.

**The Deputy Bailiff:**

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting. If all Members have cast their votes, I ask the Greffier to close the voting. I can announce that the proposition has been adopted unanimously: 39 votes pour.

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
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 M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J Farnham				
Deputy P.F.C. Ozouf				
Deputy P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B.S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				

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

**10. Assisted Dying (P.18/2024) - as amended (P.18/2024 Amd.)**

**The Deputy Bailiff:**

The next proposition is Assisted Dying lodged by the Council of Ministers. The main respondent is the chair of the Assisted Dying Review Panel. Minister there is an amendment lodged by the panel. Do you accept the amendment?

**Deputy T. Binet:**

Yes, Sir.

**The Deputy Bailiff:**

Are Members content to take the proposition as amended? Thank you. I ask the Greffier to read the amended proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion (a) to request the Minister for Health and Social Services to bring forward primary legislation that permits assisted dying in Jersey and that requires the Minister to establish an assisted dying service in accordance with the essential provisions and safeguards outlined in the Appendix accompanying this proposition and to agree that assisted dying will only be lawful where a person meets all of the following eligibility criteria: (i) the person must meet the conditions set out in either paragraphs (b) or (c); (ii) the person must be aged 18 or over at the point at which they make a first formal request for an assisted death; (iii) the person must be ordinarily resident in Jersey; (iv) the person must have a voluntary, clear, settled and informed wish to end their own life; and (v) the person must have capacity to make the decision to end their own life; (b) to agree that, in addition to meeting all the eligibility criteria detailed in paragraph (a), the person must have been diagnosed with a terminal physical medical condition which is giving rise to, or is expected to give rise to, unbearable suffering that cannot be alleviated in a manner the person deems to be tolerable and that terminal condition must be reasonably expected to cause the person’s death within the timeframe specified in the Appendix, known as “Route 1 terminal illness”; (c) to agree that, in addition to meeting all the eligibility criteria detailed in paragraph (a) and if the person does not meet the eligibility criteria detailed in paragraph (b), the person must have an incurable physical medical condition that is giving rise to unbearable suffering that cannot be alleviated in a manner the person deems to be tolerable (which may or may not be a terminal physical condition), known as “Route 2 unbearable suffering”; (d) to agree that no person should be under a legal duty to participate directly in the provision of assisted dying and any such person will have a right to refuse direct participation; and (e) to agree that there will be a minimum timeframe between the point at which a person makes a first formal request for an assisted death and the administration of the substance that leads to that death.

## **10.1 Deputy T. Binet (The Minister for Health and Social Services):**

In this long-awaited debate, we will be making an extremely important decision for our Island. We will be deciding whether to proceed to legislate assisted dying or overturn a previous Assembly's in-principle decision to permit assisted dying. I am sure Members will agree that the complexity and sensitive nature of the proposals deserve a clear and comprehensive introduction. As a consequence, I feel obliged to inform the Assembly that this introductory speech will take quite some time in its delivery. I hope Members will bear with me as I seek to do justice to what I know we all consider to be an extremely compelling issue. The proposals presented today are the result of over 2 years' work. They set out the blueprint for an assisted dying service that is workable, well regulated, will minimise risk, and provide excellent safeguards. They are more comprehensive than any other assisted dying proposal in the British Isles to date. That is because in November 2021 the Assembly decided that fully detailed proposals should be brought back for consideration. I became Minister for Health and Social Services 4 months ago, at which point the proposals before us now were already drafted and being subjected to final review. My role has, to date, been limited to examining and endorsing, something I am very pleased to do, given my personal views on this subject. I will comment briefly on those a little bit later. In the meantime, I want to recognise my predecessors for their hard work in overseeing the extensive process of decision making, public consultation, and engagement with key stakeholders. I know they may have held differing personal views on assisted dying, but despite any personal conflict they may have felt, they oversaw a robust process of examination in the interests of our community. That is to their credit and I would like to offer them my personal thanks. These proposals set out what some might consider to be an unnecessary or potentially terrifying step into the unknown, but the reality is that hundreds of millions of people across almost 30 jurisdictions already have access to some form of similar service. The opponents of assisted dying and much of the media coverage naturally gravitates towards the flaws in other jurisdictions' legislation that can allow for things to go wrong. We hear of Canada and their slippery slope of ever-expanding eligibility criteria; of a perceived duty to die felt by some disabled people; of teenagers with anorexia ending their lives; and of road accident victims having an assisted death within days of learning that they have life-changing injuries. What we do not hear so much about is the peaceful assisted deaths taking place in Oregon and other U.S. (United States) states, New Zealand and Australia. About people who are suffering and in pain being afforded dignity and the support in care they want to safely and compassionately take control of the end of their lives. Jersey is not at the forefront of assisted dying. Today is not important because we are making the news, but because we are taking the opportunity to consider how best to provide Islanders with choice at the most difficult time in their lives. When the previous Assembly made the in-principle decision, we were the first jurisdiction in the British Isles to do so, but much has changed over the past 2½ years. Other jurisdictions are now moving at pace. Scotland and the Isle of Man are listening to their public and considering how best to give them choice. Further afield, assisted dying laws have now come into effect in Spain, Austria and all the Australian states. Most of us want to see a change in the law. Opinion polls and deliberate and democratic processes, such as our own citizens' jury, consistently demonstrate that the majority of the public here, across the British Islands, and beyond believe the introduction of assisted dying is the right thing to do. The momentum for change has never been stronger. That said, some of us in the Assembly do not support assisted dying. That is also the case across the Island. It is a simple fact that the majority of Jersey people do, along with the majority across the U.K. As representatives of the public, we should not be asking if but how. How do we provide an assisted dying service that meets the needs of people and works to minimise risk. The proposals before us today describe the how. They are the culmination of 2 phases of public stakeholder consultation, that include public meetings attended by Islanders who expressed hopes and concerns relating to assisted dying. The process included in depth research about assisted dying in other jurisdictions and conversations with both assisted dying practitioners, regulators, and opponents in jurisdictions that permit assisted dying. The consultation and development phase included extensive dialogue with

health and care practitioners. There were 10 public meetings, many of which were attended by on-Island health and care professionals, during 2 phases of consultation. That included 4 dedicated sessions for healthcare staff, as well as ongoing dialogue with professional leads groups, that included a list of top-level medical professionals far too numerous to recount. In addition, the team has worked with U.K. professional regulatory bodies to ensure these proposals will accord with their standards and requirements for health and care professionals. This includes the General Medical Council, the Nursing and Midwifery Council, the General Pharmaceutical Council, and the Health and Care Professions Council, who provided valuable feedback. In these discussions, we have moved beyond earlier concerns that these bodies would prevent their professionals from carrying out assisted dying. We are working with them on the how, not the if. The G.M.C. (General Medical Council) and other bodies have not indicated in any way that the current proposals would be unworkable for their registered professionals. Professional feedback has directly shaped all of these proposals. This includes, among many other matters, provisions relating to the following: the establishment of a multidisciplinary team; the development of a specific assisted dying capacity test; the requirement for an administering practitioner to work alongside another member of the assisted dying service. The requirement to provide welfare support for all health and care professionals caring for a person, not just those involved in the assisted death; the chain of control for the assisted dying substance; the requirement to protect any healthcare professionals who opt to work in assisted dying from discrimination; and, equally importantly, those who decline to do so. Notwithstanding all of this detailed engagement, when I attended a departmental briefing 2 weeks ago I heard anger expressed by some staff who were opposed to assisted dying, who feel they have had no opportunity to be heard. This is not the case. They have had every opportunity to be heard and they have been heard. It is a matter of public record that we have committed to undertake further survey work with health and care workforce after the Assembly has determined whether to proceed to develop an assisted dying law and when we better understand the role of health and care professionals in relation to Route 1 and Route 2 should either be adopted. This accords with the recommendations of the review authors who acknowledge the work already undertaken to engage health and care professionals, but also suggest a post-debate follow-up. The feedback from that survey would then be presented to the Assembly alongside the draft law. We know that doctors, nurses, and other professionals hold a range of views on assisted dying, much like the wider public and members of this Assembly. However, whether we support assisted dying or not, we must recognise the fact that we are here today because Islanders have demanded we address the issue. In 2018, there was a public petition demanding we do just that. In response, a previous Minister for Health and Social Services established a citizens' jury so that we, as an Assembly, knew what Islanders thought. He recognised the need to listen to the public, despite his own personal opposition to assisted dying. I thank him for putting Islanders first. Opponents to assisted dying criticise the jury process for including 19 Islanders who, at the outset, supported assisted dying in some degree and 4 Islanders who did not. Those proportions reflected the consistent levels of support for assisted dying in the British Isles. We were then told that the public support comes from a place of ignorance, of not knowing what assisted dying is or what it means. Even if we assume that to be true, members of our citizens' jury most certainly did understand the meaning of assisted dying by the end of a 9-week process. They still voted overwhelmingly in favour of permitting it in Jersey. Citizens have been at the heart of the decision-making process about what will happen in future. However, it is important to acknowledge that in the present some Islanders make arrangements to travel to Switzerland for an assisted death. Those Islanders are not afforded the same protections or support a domestic law could provide if we choose to legislate. In 1997, we grasped the nettle and legislated for termination of pregnancy, rather than continue to push women to the U.K., like a dirty secret to be swept under the carpet. Now we need to do the same for assisted dying.

[15:45]

I will provide an overview of the key provisions of the proposed assisted dying shortly, but before doing so I want to touch on the structure of this proposition, which has been constructed to allow the Assembly to vote separately on 5 key paragraphs. In summary, paragraph (a) provides a mandate to progress the law drafting and sets out the core eligibility criteria. It is taken alongside an appendix which sets out essential provisions and safeguards and the associated arrangements for regulation and oversight. Paragraph (b) is a vote for assisted dying for those with a terminal illness, referred to as Route 1. Paragraph (c) is a vote for assisted dying for those with unbearable suffering who may or may not have a terminal illness, referred to as Route 2. Paragraph (d) as amended provides the right for any person to refuse to participate in assisted death. Part (e) sets out the requirement for minimum timeframes in the process. The terms Route 1 and Route 2 refer to the different approval routes for an assisted dying request. Under Route 1, 2 doctors must, independent of each other, confirm the person's eligibility for an assisted death before that person's request could be approved. Under Route 2, a tribunal, which would be established by the court service, must examine and confirm or reject that approval. It is known that some Members of this Assembly and the public are concerned about the inclusion of Route 2. It is important to note that the previous Minister for Health and Social Services, in consultation with the previous Minister for Justice and Home Affairs and the Minister for the Environment, determined that Route 2 should nonetheless be included in the proposals in order to accord with the in-principle decision taken by the Assembly in 2021, but that it must be considered separately from Route 1. Some members of the current Council do not support assisted dying, others support Route 1 only, and some, like me, support both Routes 1 and 2. Collectively, this Council, like a number of previous Ministers, also agreed that Route 2 should be included in the proposition, because it is for Members here today to determine how to proceed. As Members will know, the lodging period for this proposition was extended to 9 weeks and, of course, it had to be reviewed by the Assisted Dying Scrutiny Panel. Given the subject matter, this was nonetheless a pressurised timeframe in which to review such detailed and lengthy proposals. Accordingly, I would like to thank the panel for their work and applaud them for completing what can best be described as a Herculean task in such a short space of time. That said, I remain puzzled as to why they question the rationale for inclusion of Route 2 solely on concerns expressed by the authors of the ethical review. I would remind Members that the review consisted of 3 ethicists, none of whom rejected the principle of assisted dying outright, but all 3 had known reservations about ethical limits of practice. The reason for inclusion of Route 2 is very simple; it is to uphold the integrity of our democratic process. It is what the previous Assembly voted for in 2021 and it is precisely what has been delivered, albeit with appropriate variations and refinements, which I will also address. In the proposition, paragraph (a) sets out who may be eligible for an assisted death. The law will be clear, only adults aged 18 and over, who have been ordinarily resident in Jersey for at least 12 months, who have capacity and whose wish for an assisted death is voluntary, clear, settled and informed. In this instance, voluntary means an absence of coercion or pressure by any other person. Clear and settled means that the person's decision is fixed, well-considered and not rushed.

**The Deputy Bailiff:**

Sorry, Minister. Whose device was that? That must not happen again. Do you understand?

**Deputy T. Binet:**

Informed means that the person knows about and understands the assisted dying process and, more importantly, is fully informed on all other care and treatment options that are available to them. If adopted, the law will set out a specific capacity test related to an assisted dying decision and mandatory training will ensure assisted dying professionals are robustly equipped to navigate this important safeguard. The presumption of capacity is a guiding principle of capacity legislation, but the proposals are clear, an assessing doctor must be satisfied that there is no evidence that a person lacks capacity in order to assess them as eligible. Where there is any doubt, this will also involve seeking an additional opinion from a psychiatrist or other specialist. Assisted dying is a choice that

only a small number of Islanders will make. It is not and never will be the majority. Using data from other jurisdictions, we can estimate that at most around 38 Islanders may have an assisted death and likely far fewer, possibly as few as 6. This is an option for a minority of Islanders, who for good reason believe it to be the right choice for them. Paragraph (b) Route 1 provides for assisted dying for those with a terminal physical condition and limited life expectancy. That condition must be giving rise or expected to give rise to unbearable suffering, which cannot be alleviated in a manner the person finds tolerable. Assisted dying will only be permitted for people with a physical medical condition, and this applies to both Routes 1 and 2. It will not be permitted for people with a mental illness alone. This does not mean that someone with cancer, for example, cannot have an assisted death if they also have depression, but they must have a physical health condition. Any mental health condition that they may have cannot interfere with their capacity to make an assisted dying decision. This applies to both Routes 1 and 2. Under Route 1, the condition must be giving rise to unbearable suffering in the here and now or there must be an expectation of unbearable suffering that is related to the medical condition. A person diagnosed with an aggressive terminal cancer, which is associated with pain, would not be required to wait until they are suffering extreme pain to have an assisted death, or so loaded with pain control that they are unable to engage with their loved ones. Similarly, a person with a terminal neurodegenerative condition will not have to wait until they are suffering from an inability to speak, swallow, or move before they have an assisted death. Route 1 was found to be ethically appropriate by the ethical review authors, who stated: “It strikes an appropriate balance between empowering and protecting people.” It is intended to provide for people who are suffering or expected to suffer and want to control the end of their life. We all know good deaths and we hope that we and our loved ones will have good deaths, but the reality is that even with the best care and treatment in the world, not all deaths are good. All too often there is pain or the terrible numbing effect of pain medication, suffering and fear in the weeks leading up to death. There is also a loss of dignity and control, which many people find unbearable, humiliating or terrifying. Nothing can alleviate that but the release afforded by death. To be eligible for an assisted death, it is proposed that a person must have a reasonably anticipated life expectancy of 6 months or 12 months in the case of neurodegenerative conditions, such as motor neurone or Parkinson’s disease. The 12-month provision goes beyond the Assembly’s initial in-principle agreement, recognising that neurodegenerative conditions are likely to result in significant deterioration in quality of life and unbearable suffering before the person reaches 6 months of life expectancy. For a person with motor neurone disease, the final 12 months is often a period of rapid loss of bodily functions, impacting the person’s ability to move, speak, eat, drink, and eventually to breathe. The proposals acknowledge the limitations associated with the accurate predictions around life expectancy, be that 6 or 12 months. We all know of someone who has long outlived the odds. These are the stories that we hear about, but in reality they are exceptions to the rule. Studies show that doctors are statistically more likely to over-estimate life expectancy in patients with advancing incurable cancer, not under-estimate. Reasonable predictions of life expectancy are made every day in our hospital and in healthcare services the world over. The introduction of an assisted dying law does not change that. We must also recognise that life expectancy is never the sole factor in a person’s decision to have an assisted death. People do not simply say: “I only have 6 months, so I will just go now.” They weigh up their suffering, their pain, fear, loss of control and dignity, not just a predicted timeframe. The proposed 6-month or 12-month life expectancy reflects the eligibility criteria in a number of countries where assisted dying is already lawful, including New Zealand, Australia and Oregon. It is also a feature of the current Isle of Man proposals. Some other countries take a different approach. For example, in Canada, the requirement is for natural death that is reasonably foreseeable and the Scottish proposals only require a diagnosis of terminal illness with no associated life expectancy. The ethical review noted the inclusion of timeframes as more objective and measurable, making the law more clearly defined and easier to apply. Paragraph (c) provides for Route 2, assisted dying for those with an incurable physical medical condition that is currently giving rise to unbearable suffering that cannot be alleviated in a manner that the person deems to be tolerable, for example, the person who



has suffered a catastrophic stroke or life-changing injuries from a motoring accident. Route 2 may also include a person who has a terminal illness that is causing them suffering in the here and now, but whose life expectancy is more than 6 or 12 months. We know there are concerns around Route 2, even among people who support assisted dying. Those concerns predominantly focus on 3 matters: the principle of assisting people to die when they are not terminally ill; the subjectiveness of assessing suffering; and fears that we may impose on disabled people a sense that they have a duty to die because they are a burden or their lives are of limited value. Some argue that Route 2 goes beyond assisted dying as a means to provide control over the manner and timing of an imminent death, or that it changes the trajectory of life and as such should not be permitted. Others argue the opposite; that Route 2 must be permitted if we are to be a compassionate society that provides people with choice when they are experiencing unbearable suffering with no prospect of being released from it. The proposals acknowledge that suffering is both subjective and multifaceted; that it can include mental, emotional, social and spiritual suffering as well as physical pain, and that it cannot be assessed objectively by a third party. Nevertheless, it can be subject to a thorough assessment process. If accepted the law will be clear. Both of the assessing doctors must determine that the suffering is the result of a physical medical condition. If a person is suffering solely as a result of external factors such as their living situation or anxiety, for example, they will not be found eligible. The assessing doctors must make a referral to a professional with the relevant skills such as a psychiatrist or psychologist if there is any doubt as to the reasons for a person's suffering. The assessing doctors cannot determine whether a person can bear their suffering, but they can determine whether they are satisfied that the person concerned deems their suffering to be unbearable. Assisted dying on the basis of unbearable suffering as opposed to just terminal illness has featured in legislation in the Netherlands and Belgium for over 20 years. It is a well-trodden route and our laws and guidance would work to ensure that the experiences of Canada cannot be replicated on our shores. We know that the ethical review team expressed serious reservations about Route 2, including concerns about it perpetuating ableist judgments on the value of the lives of disabled persons, a societal assumption that their lives are somehow less worth living. However - and is set out in the addendum to this proposition - against that we have to set the findings of officers who recently undertook additional targeted engagement with disabled Islanders and those with long term health conditions in order to better understand their views on Route 2. This was in addition to previous consultation on the wider proposals. Among the self-selecting group that participated views on assisted dying were mixed, but around half the participants supported Route 2. Some stated that Route 2 should not be rejected on the grounds of supposedly protecting disabled Islanders and that to do so was patronising and paternalistic. Others said that the introduction of Route 2 would have little impact as society already judges the lives of disabled people. Of course those views were not held by all, with others expressing their concerns about the potential negative effects on the lives of disabled people. The proposals provide for an assessment process that has been shaped by learning from assisted dying practitioners in other jurisdictions and by listening to U.K. regulatory bodies and healthcare practitioners here in Jersey. The process itself consists of 8 steps, from the first formal request for an assisted death through to the assessment, approval, planning and provision of the assisted death. The person moves through the process at their own pace with the ability to pause or withdraw at any time. This is not something that happens to them; they are in control of the process. For some this sense of choice and control has in itself a palliative effect. Other jurisdictions report that a significant proportion of the people whose request for an assisted death is approved do not go on to have an assisted death. Last year in Oregon, and in other Australian states, over 30 per cent of the people prescribed an assisted drug substance did not take it. Having the ability to end their suffering allows every qualifying person to judge for themselves how much pain they are able and prepared to tolerate. In some cases that pain never gets to the point of intolerability. Circumstances permitting, they can and sometimes do still die without assistance.

[16:00]

Paragraph (e) of the proposition provides for a minimum timeframe. This is the fastest pace at which a person could move through the process. It allows a period of time for reflection to ensure that a person's wish for an assisted death is settled and clear. For those with terminal illnesses that is 14 days; a balance between allowing doctors to be confident that the person's request for an assisted death is enduring, while not unduly extending any suffering and uncertainty for that person. That minimum timeframe is extended to 90 days for those eligible under Route 2 where the person's end of life is not imminent. A decision to end their life through assisted dying is altering the trajectory of their life in a way that is different to those who are terminally ill. This additional time allows for detailed exploration of all other possibilities for the person in terms of treatment, pain relief and other care options. In relation to Route 1, if the person is at the very end of life with a life expectancy of less than 2 weeks there will be no minimum timeframe. However, that person must still undergo the full assessment and approval process and meet all the eligibility requirements set out in law. A person may only be assessed as eligible if 2 assessing doctors are entirely satisfied that they meet all the eligibility criteria. The assessment is not a one-off appointment; it is a process. The assessing doctor must understand and document the person's motivations, ensure they understand what is involved and that they have had every opportunity to consider or try alternative care and treatment both under Route 1 and Route 2. The assessing doctors will be supported by a multidisciplinary team to provide checks and challenges, additional perspectives and expertise. In addition, the assessing doctors will be required by law to seek additional opinion or assessments from those with relevant skill and experience to inform their decision making, be that an opinion on prognosis and end-of-life expectancy from an oncologist, or a determination of capacity by a psychiatrist if the person also has a mental health diagnosis. For those eligible under Route 2 there is an additional step in the process, the approval by 2 doctors must be confirmed by a tribunal; an important additional safeguard protecting those who may be suffering unbearably but are not at the natural end of their life. This is yet another safeguard to ensure that only those truly eligible are approved for an assisted death. The law would also provide for appeals to the Royal Court for both Route 1 and Route 2. Other jurisdictions do not permit such appeals but they are proposed in Jersey to support public confidence, a position that is supported by the ethical review. Appeals are a further safeguard, helping ensure that people who are not eligible for assisted dying are not given access, and equally helping ensure that those who do meet the legal criteria are not denied the choice. A recent letter to the *J.E.P.* expressed concern that the reader had not seen any safeguards in our proposals that would prevent a person being coerced into asking for an assisted death. They are quite right; we cannot stop human nature and we cannot stop a vulnerable person being coerced into asking for an assisted death. Actually, they are quite right. We cannot stop human nature and we cannot stop a vulnerable person being coerced into asking for an assisted death. However, we can stop a vulnerable person from being approved for an assisted death. These proposals have safeguards hardwired throughout. They work to ensure that the dysfunctional relationships that sometimes exist in our society do not translate into a situation where people are coerced into having assisted deaths when they should not. Assisted dying professionals will be trained and will have the skills to identify potential coercion. They would be looking for it actively. Assessing doctors will be supported in this task by a multidisciplinary team consisting of nurses, social workers, speech and language therapists, and others with experience and knowledge to complement a doctor's skillset. Some have expressed concern about approving proposals without knowing the exact drugs and dosages that will be used to bring about an assisted death. This is as it should be and it is for good reason. It is only right that information about medications that bring about death should not be in the public domain; but further to this, we have not yet decided upon the drugs that would be used. There are constant developments in the availability and efficacy of drugs, hence there would be little sense in making a clinical decision today about substances that would not be used until the law might come into effect 3 years hence. The proposals provide that the Assurance and Delivery Committee would determine the substance closer to the time of the law coming into force, if indeed it does. These decisions would be subject to consultation with the relevant pharmaceutical bodies. What we already know is that the substances

used will most likely be drugs that are regularly used today. It is the combination of drugs and dosages which may be different. We also know that comparison cannot be drawn between assisted dying and the execution of prisoners on death row. There is a very significant difference between ending the life of someone who is very ill, and a strong, physically healthy person in detention. Stories abound about terrible complications when executing prisoners but we know from published evidence from Australia that complications have only been experienced in less than 3 per cent of assisted deaths, and in all of those cases the complications related to the time taken to die or difficulties with oral ingestion such as vomiting. They did not lead to a difficult or stressful end of life. In any event, our proposals guard against any remote possibility. Two members of the assisted dying service will remain with the person as they die to ensure all goes well. One of those is the administering practitioner who will have available all the medical equipment and resources needed to intervene in the highly unlikely event of any difficulties, including the vomiting of substances. The safeguards baked into the proposals continue beyond the person's death. Each assisted death will be subjected to review by an independent review panel ensuring adherence to guidance and the law in identifying any areas in the process that require improvements. It is not uncommon to find that talk of assisted dying leads to further discussion about palliative and end-of-life care. It is important to be mindful of the fact that assisted dying is not a replacement for existing care and treatment options. We know that over 85 per cent of people requesting assisted dying in other jurisdictions are also receiving palliative or end-of-life care at the same time as their request. The U.K. Select Committee inquiry into assisted dying looked closely at the matter and concluded that there was no evidence of palliative and end-of-life care deteriorating in quality or provision in countries that have introduced assisted dying. Indeed they noted that in many jurisdictions the services and funding had improved. The introduction of assisted dying rightly places a spotlight on all end-of-life services. Here we propose exactly the same. A request for assisted dying must not be a compromise. It must not be a forced choice taken only because the alternatives are not adequate. We already have a great hospice service but we need to be confident we are providing excellent end-of-life and palliative care across the board. In Jersey's case, the end-of-life strategy published last November, alongside the additional £2 million to £3 million that the Assembly committed, has already driven improvements. The baseline data needed to track improvements is being confirmed in the coming weeks and, from that point onwards, we will have a foundation for measuring success. Returning to Scrutiny; I have accepted the key recommendation from the review panel to evidence the quality and availability of palliative and end-of-life care in Jersey at least 2 months before the assisted dying legislation would be debated by this Assembly. As stated, I am confident that improvements are already being made. Furthermore, officers are working on the development of an adult safeguarding law which it is envisaged will place a statutory duty on the Minister for Health and Social Services to provide palliative care in Jersey. During the development of these proposals, we have also given detailed consideration to the impact of assisted dying on health and care professionals. Paragraph (d) as amended provides that no person should be under a legal duty to participate in the provision of assisted dying. This non-participation clause is much wider than that provided under the current termination of pregnancy, as non-participation can be on any grounds, for example emotional or practical grounds, not just grounds of conscience. Clearly, however, while any professional may choose not to participate, they must act in accordance with their U.K. professional registration body's existing conscientious objection guidance. That means they cannot refuse to provide normal or ongoing care to a person, they cannot humiliate or criticise them and they must not prevent them from accessing information about assisted dying. Health and care professionals must opt-in voluntarily to work for the assisted dying service. They must meet all the competency criteria and must undergo assisted dying training. We know from those with experience in delivering an assisted dying service that supporting people at the end of life can be extremely rewarding but also emotionally challenging, so we have accounted for the provision of peer and psychological support for assisted dying professionals and for other professionals who are caring for a person who requests an assisted death, even where they are not directly engaged in the process. This is in addition

to the therapeutic support for the person making the request, and counselling and bereavement support for their loved ones both during the assessment process and post-death. There have been detailed discussions with the U.K. regulatory bodies about the competency criteria, including the length of time a doctor or nurse has been qualified. The U.K. bodies suggested that a doctor or nurse who has undertaken the appropriate training and meets all the other competency criteria could work in service 12 months after qualifying as a nurse or doctor. Unfortunately this has been challenged in recent weeks by on-Island healthcare professionals, and during the law drafting process we would work with them to review that proposal. We would also work with professionals when developing the detailed forms, guidance and the training package that would underpin the law and collectively support all professionals to operate in accordance with that law. I would like to end with some of the concerns that have been raised by those opposed to assisted dying. First, the matter of this proposition being the start of a slippery slope. Here I would simply ask how, then why that would happen. During the consultation process much has been said about the apparent runaway assisted dying train in Canada; but we are not Canada, we do not have a charter of rights and freedoms that provides us a right to do. There is no equivalent under the European Convention on Human Rights and challenges to the European Court on matters related to assisted dying have not resulted in an expansion of eligibility criteria in European jurisdictions where assisted dying is permitted. The European Court - which has jurisdiction over countries that both permit and do not permit assisted dying - provides for a wide margin of appreciation in such matters of a moral and ethical nature. In layman's terms it allows jurisdictions to self-determine matters related to assisted dying providing they accord with Convention rights, which our proposals do. Canada is a false comparison. In Canada, the Supreme Court can effectively require their Parliament to bring forward legislation on the basis of their ruling. That is not the case here. The States Assembly has parliamentary sovereignty and is the supreme authority where we can create or amend any law, subject to Royal Assent. It cannot be compelled to do so by the courts. Any decision to change this law will be that of the Assembly alone. Furthermore, the proposals clearly state that the proposed law will not allow any regulation or order-making powers; and I think that is a point that Members should take into account. Any further changes to the Jersey Assisted Dying Law would require precisely the same degree of care and attention that this process has received. This is an extremely important point. Some opponents of assisted dying have said there are no safeguards in the proposals, and this is manifestly incorrect. Every element of these proposals is a safeguard. They are thorough. Some have challenged this as bureaucracy but the numerous requirements are there to provide the crucial balance between affording people the right to choose and protecting them from harm. For some opponents of this proposition there will never be enough to satisfy their concerns. The proposals set out the safeguards to ensure only those who meet the eligibility criteria set out in the law can have an assisted death. They set out safeguards to protect and support Islanders throughout the assisted dying process, but importantly also safeguards to ensure health and care professionals are supported and protected. What is more, the Jersey Assisted Dying Service would have robust oversight, it would be well regulated with good governance being hardwired in from the start. The core function of the Delivery and Assurance Committee is to ensure safety and good service. They would publish an annual report to provide transparency about assisted dying in Jersey, and each and every death would be reviewed by an independent panel. In addition, reporting on death certificates would be recorded in the same way as any other deaths in Jersey; that is to say openly and transparently, acknowledging both the assisted death and the health condition that made the person eligible. The ethical review noted there are strong arguments for the clear, consistent and accurate reporting requirements set out in these proposals. As a further provision, the Jersey Care Commission will register and inspect the service with the powers to sanction, and if necessary the power to deregister the service, effectively shutting it down. This is not a service where a Harold Shipman or Lucy Letby could hide in plain sight. Any professional with malintent would quickly be identified and exposed by the thorough oversight process.

[16:15]

If someone of bad intent really wanted to inherit early the very last place to start would be Jersey's Assisted Dying Service. What about the why question? Well, as a small and close Island community why on earth would the majority of us decide to take action that would not be in our best interest. If that were to happen, I would venture to suggest that a lot else would be going wrong. To the best of my knowledge, we do not have a history of that sort of behaviour in Jersey. Finally to costs. Indicative estimates are just over £1 million to set up the service, including the necessary oversight arrangements and potentially up to £1.4 million in annual running costs. These costs are indicative at this stage and will vary depending on the numbers of people who request an assisted death. It could well be considerably less, depending on uptake. In any event, updated costings would be presented alongside a draft law should the Assembly decide to accept this proposition. As far as my own views on this subject are concerned I have little to add. Just like overdue voting rights for women in times gone by, and the overdue acceptance of homosexuality in my own lifetime, I consider this to be yet another of those seemingly complicated issues that have to be dealt with if we are to continue to develop as a caring and compassionate society. I know that some Members of the Assembly will not agree with some or perhaps any of the proposals before us, but I am confident that despite the emotions that might surface during this debate we will navigate these tricky waters collectively with empathy, compassion, consideration and respect. I move the proposition, thank you.

**The Deputy Bailiff:**

Thank you, Minister. Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

**Deputy S.M. Ahier:**

May I take this opportunity to ask a question of the Solicitor General please?

**The Deputy Bailiff:**

Yes.

**Deputy S.M. Ahier:**

Currently if a Jersey resident accompanies a loved one to Dignitas in Switzerland could they face prosecution when returning to Jersey for assisting a suicide and is there any law against any individual trying to commit suicide in Jersey?

**Mr. M. Jowitt, H.M. Solicitor General:**

That is a very interesting question. I was somewhat taken aback when I thought I heard the Minister say that there have been occasions when Jersey residents have gone to Dignitas to assist a loved one there. I want, if the Deputy will forgive me, to speak as measuredly as I can in the circumstances because that is not something I have been aware of. The question is a very good one and it raises some very novel and uncertain questions around our ancient customary law. The situation by analogy in the law of England and Wales is that - and I do not mean to use the language pompously but Members will understand why I use the language I do - the situation in England and Wales is that the King's court, that is the Crown Court of England and Wales, can try the King's subjects if they travel overseas to assist in the death of another. That extraterritorial reach of the English courts arises now by virtue of a statute enacted as long ago as the late 19th century. That statute in turn codified an ancient principle of the common law of England and Wales, which was that the King's court could try one of the King's subjects who overseas took the life unlawfully of another of the King's subjects. The question of whether the King's court in Jersey, that is the Royal Court, has a similar ancient customary law power I do not think has ever been considered or determined and it is uncertain. I wonder aloud that it is the same prerogative power of the Crown to act in that way and the Crown of

England of course is the Crown of Jersey. I cannot, for my part, see any logical distinction to be drawn between a prerogative power that allows the King's courts in one of his territories to prosecute in those circumstances, but not the King's court in another of his territories. That is a long and convoluted answer to the Deputy's question. It is not a clear or easy area of law and it is one I would want to consider very carefully with the Attorney General. I would simply counsel on my feet that any Jersey person considering such an action would be well advised to think very carefully indeed before doing so about whether they may lay themselves open to risk of criminal sanction. I hope the Deputy will forgive me but I cannot remember his second question. Could I ask him to repeat it?

**Deputy S.M. Ahier:**

Yes, it was if there is any law against an individual trying to commit suicide in Jersey.

**The Solicitor General:**

It is undoubtedly the case that attempting to commit suicide was historically a criminal offence. It has not been prosecuted in, I think, north of 100 years. It is an offence that is sleeping very soundly and a prosecutor would be most unwise to wake it up at this point in history. The safer view is that it probably is not any longer an offence that the customary law recognises. The question then is would it be an offence to aid and abet someone else to commit suicide if suicide itself is no longer an offence. There is some doubt about that, notwithstanding that as recently as I think 1986 reference was made in the Homicide Law to aiding and abetting, counselling and procuring a suicide being an offence. There is some doubt about that, but if the thinking among any Members of the Assembly is that for those doubtful reasons that I have explained voluntary euthanasia is somehow recognised and acceptable under Jersey law I am very clear in my advice that it is not. If I am complicit in bringing about the death of another person I lay myself open to the risk of being prosecuted for murder or, to a lesser extent, manslaughter. It does not matter if that person wanted me to help them end their life. It is not defence to murder to say: "Well, they wanted me to end their life." So the criminal law as it is, most instances of helping someone else to end their life, out with the regulated process that you are debating, will attract criminal sanction. The fact that a person may have wanted me to help them die may be a consideration for a prosecutor to bear in mind when considering whether it is in the public interest to prosecute me for murder, but it is not a defence to murder. The D.P.P. (Director of Public Prosecutions) in England and Wales in similar circumstances has set out a long list of guidance to the public on what would be a public interest weighing in favour of prosecution, what would be a public interest weighing against prosecution. No doubt if the situation ever arose here where it were necessary to think about bringing a prosecution, the Attorney General would probably find himself very much assisted by looking at that guidance. I hope those are helpful answers.

**The Deputy Bailiff:**

I understand there are other Members who want to ask questions now of the Solicitor, so I am going to invite Members to ask those questions now and it may be, Mr. Solicitor, you want to reflect on those questions and answer them tomorrow morning. It is a matter for you.

**Deputy M.R. Tadier:**

In the first comparison the Solicitor General gave he said that there was customary law which was uncertain, and then he said it was very much likely that assisting someone with suicide is a criminal act currently and it might be considered murder. Could I ask him about the public interest test; at what point would that be applied? Also in the case of the first example that was given about helping someone travel, for example, to Switzerland to use Dignitas; what level of removal in terms of the actions taken by somebody assisting would be considered? For example, if one was simply giving somebody a lift to the airport in the knowledge that they were about to board a plane to go to Switzerland, would that be considered aiding and abetting? Accompanying someone on the plane to carry their suitcases, for example, is that aiding and abetting? Or are we talking more about being in

the same room, giving medication or actually putting tablets into somebody's mouth who cannot lift the tablets themselves? All of those things I think an answer would be welcome on, if not now, at some point during the debate.

**The Solicitor General:**

If I may answer them now while they are still fresh in my mind. The ancient customary law principle I was referring to solely relates to whether or not the Royal Court has a jurisdiction to try one of its citizens for taking the life of another person overseas. It is different from assisting someone to commit suicide within Jersey. As for the public interest, may I refer the Deputy to the English D.P.P.'s guidance. It is lengthy and I have not got time on my feet to refer to every aspect. In terms of what level of involvement would be sufficient for the criminal law, the criminal law takes a fairly wide view of participation in a way that is different, for example, from the narrow view that may be taken of participation in medical treatment. The reason for that, particularly where taking a life is concerned, is that the criminal law does not regard anything more seriously than it regards the taking of a human life. The Deputy will have to forgive me if I decline his invitation to descend to particulars as to all the various situations which may or may not amount to participating in a death for the purposes of the criminal law. I am not on my feet going to say things which might later be suggested amounted to any form of undertaking that the prosecution took a particular view of one form of participation as opposed to another. I hope he will forgive me for ducking the question; there is good reason for it.

**Deputy M.R. Tadier:**

So I guess I do have a supplementary. If taking your own life in Jersey is no longer considered a crime how is it logically that assisting somebody to take their own life should also be a crime?

**The Solicitor General:**

There are very good jurisprudential and policy reasons why no jurisdiction would want to encourage anyone, in an entirely unregulated and ungoverned by law situation, to involve themselves in taking another person's life. As I say, taking another person's life is as serious as it gets for the criminal law. The criminal law seeks at all turns to dissuade people from doing that and it cannot, in good policy grounds, turn a blind eye to someone who engages himself in assisting another person to die; not least because the taking of another person's life is so open to abuse, and no doubt that is a topic that will feature in this debate. It is so open to abuse that the criminal law must be ever astute to ensure that it does not simply turn a blind eye to people engaging in taking another person's life.

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

I just wonder if I could have a little bit more clarification about the Solicitor General's position because in response to the first question there was much discussion of an actual statute in the U.K., and as far as I understand it there has not been a statute here. Therefore, I think what is being said is that we would have to look at customary law and that there is no customary law ... then he started talking about the jurisdiction of the Royal Court to try murders by a citizen here outside the Island. I am afraid it just was not clear to me so I would appreciate a little more understanding there. Of course, murdering somebody is different to assisting them to kill themselves and we have heard what the Solicitor General said about suicide and the kind of niceties there. I would appreciate more of an expansion of this area because I do not feel I am quite clear on what the position is about the Royal Court's powers outside this Island. Perhaps also I just wonder where in the Minister for Health and Social Service's speech the Solicitor General heard a suggestion that other people have gone to Dignitas to assist people, because I certainly did not hear that in the speech and have looked at that.

**The Solicitor General:**

I may have misheard the Minister. Can I deal with the first request for clarification? Long before Parliaments existed and the ability to enact laws by parliamentarians existed, there was this thing

known as the common law in England and Wales, which we in Jersey call the customary law. That was law that was not written down but it existed by tradition and by convention and it was understood by all to be the law of the realm. In the ancient common law of England there was this extraterritorial power in the King's courts to prosecute the King's subjects for committing murder outside the King's jurisdiction overseas. That was codified in an Act of Parliament in 1861, the Offences Against a Person Act. It is often the case that Parliaments codified pre-existing customary law by passing an Act of Parliament. That is what has happened in England.

[16:30]

That, therefore, begs the question which is the one I was seeking to cover, as to whether Jersey similarly had an ancient customary law power of a similar nature to that enjoyed by the King's courts in England. Did the King's court in Jersey - the Royal Court - similarly have an extraterritorial reach? I cannot give a clear answer to that because I simply do not know. It has not, to my knowledge, ever come up for ruling by a court. The best I can do is try and venture the way the court might approach it. I can do no better than that. The second point the Deputy asked was whether murder is different from assisting someone to kill themselves. As a matter of law it may well not be. Murder involves an intention to cause another person serious harm or to kill them, and they die as a consequence. If you are helping another person to die and you do some act that brings about their death with the intention that that should happen you have committed the *mens rea* for murder and you have committed the acts of a murder. As I said at the outset, the fact that you may say: "Well, that person asked me to take their life" is not at the moment a defence to murder and never has been.

**Deputy M.R. Scott:**

If you have a medical practitioner who is administering morphine to a patient and there is a substantial risk that that morphine may kill the patient, does the medical practitioner have to allow that person to suffer if there is any risk of death, because otherwise it would be regarded as manslaughter or murder?

**The Solicitor General:**

Sir, I am in your hands as to whether we ...

**The Deputy Bailiff:**

Do you want to reflect on these questions?

**The Solicitor General:**

There is a short answer which I am content to give. Every case would turn on its own facts. As to whether or not there was a case to answer for murder or not would be a matter of reviewing the evidence and coming to a decision whether or not there was a realistic prospect of conviction and whether it was in the public interest. End-of-life palliative care is not to be confused with an attempt to kill or cause serious harm. That is as best as I can give.

**The Deputy Bailiff:**

If there are any further questions for the Solicitor General they can be asked today, or by email overnight. There is a question from Deputy Ozouf, who is online.

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

Sir, I probably will take your advice and email the Solicitor General if I may, and I apologise for my absence and perhaps not having got the precise detail but the Solicitor General kindly answered the question in relation to the jurisprudence of Jersey and the King's court. I just wondered; I do not see anything - and please forgive me if I have not seen it - but when the States are being asked to decide to effectively start the law drafting, that law is going to have to come with a European Convention on Human Rights certificate. I note the juxtaposition that we find ourselves in with the U.K. not



having put in place a statutory provision for what is euphemistically called assisted dying but in Canada the Canadian court - not the same King's court but a similar one - introduced medically assisted dying as the result of a landmark case in 2015. I just wonder whether the Attorney General might wish to consider some advice to the Assembly on how effectively the law that we are being asked to agree in law drafting can be made so that it is not at variance to our treaty obligations under the E.C.H.R. (European Convention on Human Rights) and indeed the convention of Jersey's customary law, which is similar to that of England. Maybe I have not explained myself very well but maybe the Attorney General's observations would be useful during the latter part of this debate. It is something I certainly wanted to raise when I spoke later.

**The Deputy Bailiff:**

Do you want to deal with that point now or later on?

**The Solicitor General:**

I am happy to deal with it now if you would like me to.

**The Deputy Bailiff:**

Yes, I think you can probably deal with that point now.

**The Solicitor General:**

Maybe it would help if I started by setting out the position which is taken by the European Court of Human Rights where assisted dying is concerned, because issues of complying with the Convention lie at the heart of this. The approach that the European Court of Human Rights has taken in the field of assisted dying, it seems to me, can fairly be described as cautious and conservative, which one would expect it to be. The European Court recognises that there is no consensus about assisted dying in Convention territories. It recognises that the topic is ethically and morally highly complex. It recognises that it is for individual jurisdictions to decide for themselves whether they do or do not permit assisted dying. Its focus in fact is on if you do allow assisted dying you must ensure that any system you introduce has built into it sufficient legal and procedural safeguards that it does not impact upon the Article 2 right to life. In other words, it has to strike a proper balance between 2 different and competing human rights. The first right is the Article 2 right to life; the States have a positive obligation to protect human life. But the second is Article 8, the right to private life, because the European Court of Human Rights has a number of times now said that the right to respectful private life under Article 8 includes a right to "avoid an undignified and distressing end to life". That is the case of *Pretty*. In the Swiss case *Haas*, the court accepted that: "An individual's right to decide what means and at what point his or her life will end, provided he or she is capable of freely reaching a decision on this question and acting in consequence, is one of the aspects of the right to respect for private life within the meaning of Article 8 of the Convention." So the question is would what is being proposed in this proposition bear scrutiny if there were a challenge in the European Court of Human Rights, which I take to be in essence the Deputy's question. My view is, yes, is the answer to that. The safeguards that are being proposed start at the beginning of the process, they exist all the way through the process, and there are even safeguards *ex post facto* in terms of lessons learnt and keeping data. It starts with the fundamental proposition that any decision must be voluntary, clear, settled and informed and with capacity. I imagine in practice that those 2 things will be of fundamental importance to the proper running of an assisted dying scheme. The European Court of Human Rights has recognised that both routes being proposed, 1 and 2, are capable of being compliant with the Convention. I come back to the point they make; their focus is not on whether there should or should not be assisted dying. The court's focus is on the safeguards that are in place to ensure that there is no impact on the Article 2 right to life. Members know what is set out in the proposed mechanism so I do not propose to repeat them, suffice to say that I am satisfied that in principle at least they would bear scrutiny if there were ever a challenge in the European Court of

Human Rights. I do not think that our customary law has any bearing on that. The Assembly is being asked to legislate ultimately to introduce a brand new system in which the circumstances in which it is lawful to help another to end their life will be prescribed.

**Deputy M.R. Scott:**

Can I just be clear please from the Solicitor General that there is no distinction in palliative care about the definition of murder; that if you have a nurse who is administering a substance, that nurse is constrained from administering it at a degree at which there is a substantial risk of causing death, notwithstanding if the patient is unbearably suffering?

**The Solicitor General:**

Gross negligence manslaughter can occur in the context of medical care; murder, sadly can occur in the context of medical care. There is no general point or rule which I can assist the Deputy with. Every instance would turn on its own facts as to what the evidence showed about the conduct of the suspect. That is as much as I can say.

**The Deputy Bailiff:**

We now turn to speeches.

**10.1.1 Deputy S.M. Ahier:**

On 25th November 2021, the Council of Ministers brought the proposition P.95 Assisted Dying for debate to this Chamber. The expectation at that time was that legislation would be made available for debate by the end of 2022. This timeline was successfully amended by Deputy Morel so that an extension was granted until the end of March of the following year. *Tempus fugit*. That proposition as amended was resoundingly passed by 36 votes to 10, which seemed to reflect the wider held opinions of the public at large. Although there has been a delay, we have to accept that a huge amount of valuable work has taken place to ensure that the provisions and safeguards incorporated within this proposition have been thoroughly considered after extensive consultation and engagement with the people of Jersey and with the publication of a meticulous Scrutiny Report from the Assisted Dying Review Panel. I believe that there are sufficient safeguards within this proposal which appear to be very tight and very welcome. In some quarters it has been suggested that Jersey should not be spearheading the assisted dying law within the British Isles, but I believe that this proposition may prove to be an exemplar and will eventually become a template which others can follow. The Minister and his officers should be congratulated for bringing forward such a well-researched and detailed proposal. It brings a welcome sense of pride that this Assembly will be able to meet the needs of those who are suffering immeasurably, with appropriate options being made available to them if and when they are required; a get-out clause to be used only when needed. This may lead to a change in societal attitude towards the final days of a person's life. Discussions about the topic of assisted dying will become more open and it will become common practice to confer with family members about such issues and to weigh up the pros and cons. These are questions that have always affected those who are suffering intolerably, but they previously did not have any options available to them. It is all about maintaining the individual's dignity and consequently reducing the trauma of loved ones. It is not so much about shortening a life as it will only be for those whose lives are already lost.

**10.1.2 Deputy B. Ward of St. Clement:**

May I first thank the Minister and his officers for all the hard work in preparing this proposition for debate, and the Chief Minister for enabling Members to exercise their free vote on such a sensitive issue. In all my 45-plus years as a nurse I never thought I would be standing up in a Parliamentary Assembly debating this highly sensitive and emotional proposition. Assisted dying - or in my view assisted suicide and euthanasia - it just goes against my professional code of practice and belief system. Yes, as health professionals we have assisted patients nearing the end stage of their life's

journey via palliative care and interventions with dignity and compassion. Just to answer Deputy Scott is that when you are using medication, if you maintain that pain care you can keep them pain free. Do not let them spike because that is when you have to use more, so you have to do good pain management with appropriate drugs. I hope that helps the Deputy. May I say, for me personally it has been a privilege to be part of a patient's end-of-life journey by ensuring the patients in my care were peaceful, serene, pain and anxiety free to the best of our ability, passing with appropriate medication, nursing care and compassion.

[16:45]

What this debate is about is the dispensing, delivering and administering a concoction that one knows is highly poisonous and kills the patient. It really worries me greatly. I wish to share with Members that early on in my health career I attended St. Christopher's Hospice that was set up by Dame Cicely Saunders, who sadly died in July 2005 of breast cancer. Dame Cicely Saunders in 1967 founded the first modern St. Christopher's Hospice in south-west London and more than anyone else was responsible for establishing the discipline and the culture of palliative medicine and care, which is established worldwide. She introduced effective pain management and insisted that dying people needed dignity, compassion and respect as well as rigorous scientific methodology and testing of treatments. She put paid to the notion that dying people should wait until their painkillers had worn off before they received another dose, and scotched the notion that the risk of opiate addiction was an issue in their pain management. Dame Cicely introduced the concept and belief that total pain included physical, emotional, social and spiritual dimensions of distress. She regarded each person, whether they were a patient or a member of staff, as an individual to the end. I was so inspired by this visit and interaction that Dame Cicely's teachings on palliative care approaches have been with me all my career as a bedrock on which to practice. It very much shaped my thinking at all stages of a patient's health journey. It is not just at the end of life; whether a person has cancer, physical or mental health disabilities and suffering. It is all about how we help patients manage their health journeys. In tandem with this belief I have practised in work embracing my codes of practice as set out by the U.K. registering body and Nurse and Midwives Council, and enshrined in U.K. law; that is, prioritise people, practice effectively, preserve safety and promote professionalism and trust. I cannot support this proposition as set out, as I believe this is wrongly titled. In my view it should be titled assisted suicide and euthanasia. We need to be honest and upfront. If this proposition is passed we will be saying to staff they can prescribe, dispense and administer lethal cocktails to end a patient's life. I have searched my conscience and had sleepless nights deliberating the pros and cons with the conclusion this is not assisted dying, but assisted suicide by bringing an end to a person's life via a lethal cocktail. If I am not prepared to knowingly administer a lethal cocktail myself then I cannot be party to agreeing to introducing a law that allows this to be carried out. I am further concerned, as Baroness Tanni Grey-Thompson and Baroness Jane Campbell, with Route 2, the long-term illness with unbearable suffering where they state the proposals would result in people with disabilities being considered eligible for assisted suicide, even when their disability is not terminal. This will put vulnerable people at risk of being pressurised to end their lives prematurely. This has been happening in other jurisdictions, for example Canada, where patients receive coercive suggestions when they enter the hospital, and that they should consider M.A.I.D. (medical assistance in dying) because of the high cost of ongoing hospital care. The Baronesses expressed their awareness and grave concerns regarding safeguards of the proposed Assisted Dying Law, which will not only have effects here in Jersey but could influence what happens in the U.K., especially relating to people with disabilities going forward. We should be investing our focus and priorities on the living by way of health system policies that integrate palliative care services into the structure and financing of healthcare systems at all levels of care. Palliative care improves the quality of life of patients and that of their families who are facing challenges associated with the life-threatening illness, whether physical, psychological, social or spiritual. The quality of life of caregivers improves as well. Policies for strengthening and expanding human resources, including training of existing

health professionals, embedding palliative care into the core curricular of all new health professionals, as well as educating volunteers and the public. A medicines policy which ensures the availability of essential medicines for managing symptoms, in particular the opioid analgesics for relief of pain and respiratory distress. Palliative care is explicitly recognised under the World Health Organisation Human Right to Health. It should be provided through person-centred and integrated health services that pay special attention to the specific needs and preferences of individuals. For me this proposition raises more questions that I cannot see the answers to at this time, some of which have just been discussed, but if I may go through those questions in my speech. Firstly, the quandary that if this proposition is passed it will be okay for a person to provide and/or give oral or injectable poisonous solutions to end a person's life, but if a person commits or is supported in the act of suicide - especially the younger age group of our society - this is seen or in some cases managed quite differently. How can this be right? I do not have the answer to that. Secondly, health professionals are registered with their U.K. registering bodies in a country where the law does not allow assistance in ending a person's life. But if the law is passed in Jersey the health professional must comply with their U.K. registration to practice in Jersey. I find it difficult to square the circle. The registering bodies allude that it falls under the "law of the land" but Jersey is a Crown Dependency of the U.K. so where does a health professional really stand; in the U.K. or in Jersey? I just do not have the answer. Thirdly, if this proposition is passed the Jersey primary law prepared and agreed, the primary legislation will need to be ratified by the Privy Council in the U.K. My question is how can the Privy Council on behalf of the Crown sanction a law that is not concordant with the U.K. on such a serious, life changing subject? Again, I do not have the answers to this. In summing up, if I may quote words from a 21 year-old parishioner: "If you are in doubt of whether it is ultimately the best way forward for the Island or have any concerns about the potential negative impacts then I would urge you to oppose. This issue can always be brought up again but once it is allowed there is no going back." I cannot support this proposition based on my comments set out in my speech today and I urge Members to reject this proposition as presented. Thank you for listening.

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

Firstly I would like to congratulate the Minister for Health and Social Services for his very well presented and thorough opening speech and for setting the scene of this debate so very well. I would also like to thank every member of the public who has made contact concerning this subject, and it is running into the hundreds when you speak to most Members. I have tried to reply to as many of them as I can but apologies to members of the public who have not had a response from me. All of the communications that I have received have been passionate, but also respectful and considered. It is good to see so much public engagement on this very emotive matter. I would like to acknowledge the great work also that has been undertaken by the 2 civil servants who have led this project and have done a fantastic job in their public engagements [**Approbation**] and the provision of accurate information on this subject. I think we all owe them a vote of thanks. Whichever side of the argument you are on we cannot deny that the communications have been balanced and unbiased, so while I still have reservations in relation to Route 1, terminal disease, I consider that there are merits in further investigating this part of the proposition. So it is important to remember at every stage of this debate that we are not talking about relatively healthy, suffering-free adults, nor those for whom there is possible alleviation. Route 1 is about people who are in the active phase of dying and are suffering unbearably and that suffering cannot be alleviated. Being eligible does not mean that someone will use the service. In countries where assisted dying is permitted, the statistics show that people only use it when they really need it, and having the option in itself can bring relief. The alternative of assisted dying, of palliative care, is not limited by funding, it is limited by effective medications. No amount of money proffered to palliative care will bring into existence a drug or drugs that can ensure that everyone is comfortable in their final days. Globally, the majority of assisted deaths are people with terminal cancer. The majority of the rest have terminal neurodegenerative conditions. The author of a letter to all States Members, which was recently published in the *J.E.P.*, who has motor

neuron disease, cannot fail but highlight the plight of those for whom we need to exercise compassion. I had the honour of visiting this gentleman's home a year ago when he invited me to his house, where I met him and his lovely wife. He showed me the challenges that he faced on a day-to-day basis. So I cannot stand here and say hand on heart that we should prevent assisted dying for terminally ill people who cannot have their suffering alleviated and are in their final weeks and months before they depart this mortal coil. The safeguards of having an assessment by 2 independent doctors to approve the process gives me comfort, as does the fact that only those who are over 18 years of age and have been ordinarily resident in the Island for at least 12 months prior to making an application would qualify. For these reasons, I will be voting for Route 1 so that more in-depth work, consultation, scrutiny, and law drafting can be allowed to take place before proposed legislation can be brought back to this Assembly and we can debate and vote on more-detailed draft legislation, with the ability to make further amendments along the way. In relation to Route 2, unbearable suffering, on the face of it this too might be something that some would see as a natural progression from Route 1. However, having spent time working for Headway Jersey, the brain injury charity that supports people who have acquired brain injury, either through stroke, trauma, or other illness, in my professional life I have gained valuable insights into people's journeys through life-changing and life-limiting illnesses. I would like to relay a story of just one of the members of Headway, and there are many more that I could draw upon, and the conversation that I had with her on the subject a couple of years ago. The topic of assisted dying came up in conversation shortly after it was approved in principle in the last States Assembly. While out in the minibus collecting members, I asked what people thought about the subject. One lady who had had a series of strokes, each one further reducing her ability to move and communicate, commented that she would take the option of an assisted death if it were available to her on the grounds of unbearable suffering that cannot be alleviated in the manner that the person deems tolerable.

[17:00]

I asked why and she responded by saying that, in addition to the pain, confusion, and loss of self-identity, she had felt that she was a burden on her family, her friends, and on Headway itself, as she relied on us so much to get through each week. I replied that we are here at the time as a charity to support both her and her family in any way that we can. That is exactly why the charity was set up. I noticed in my communications with this lady that she used what I could only describe as very colourful language. Every second word was a swear word. I addressed this with her family and I said: "Is this a product of her frustration or is it a product of her stroke that she uses language that I could never repeat in this Assembly?" Indeed that would be out of place in most of the roughest pubs around the Island. Her daughter said: "No, she pretty much always speaks like that", so it just shows sometimes how you can be so wrong about people. But, with the right support, this lady went on to find that she had an incredible talent for needlecraft and she has since regularly entered her works into the Eisteddfod, always receiving top prizes for her endeavours. While her stroke was indeed life-changing, with the help of Headway she was able to focus on her creative side and discovered that she had a latent ability. The joy that she brings to so many people by exhibiting her works may only be a small consolation for what she has been through, but it illustrates that people who are affected by life-changing circumstances can find new ways of living if they are properly supported and are allowed to rediscover and reimagine their lives and see life through a different lens. So, I pay tribute to the staff at organisations like Headway and the many other charities and support services for their dedication and commitment in facilitating a transition to new ways of living for people that need their help. If anyone ever wants to work in an environment where laughter and hope fills the air, look no further than a career in caring and support. It is an incredibly fulfilling and life-enriching experience. Adopting Route 2 would be a culture change for our Island and not one that I want to see. It risks normalising giving up on people and people giving up on themselves. Those who have encountered life-changing illness will still have dark days, but as long as we have organisations who can bring light back into people's lives, we should focus on telling the positive

stories of resilience and conquer. I do not see Route 2 as a slippery soap, as some have commented. I am more concerned with what is right for Jersey right now at this moment in time and what is a step too far until we have experienced all that Route 1 might bring if it gets adopted. I will be supporting Route 1 in part (b) of this proposition and rejecting Route 2 in part (c) of this proposition at this time.

#### **10.1.4 Deputy H.L. Jeune:**

As Deputy Ferey has said at the beginning of his speech, I would also like to extend my thanks to my constituents and Islanders that have contacted me regarding this debate. I have read all your correspondence, I have tried to reply to all of them, and I have taken your comments into account in my deliberations ahead of today's debate. I also extend my thanks to the officers and to the Minister for providing the many briefings and meetings to help us to discuss any issues that I have had while I have been reading through all the different documents and talked to different people in trying to get to the position I have today. It has been an excellent process that I think could be adopted in other matters as we go forward in other elements that we have to grapple with as the Assembly. Because this is not an easy decision, but one that I felt I had a starting point from the time of the election, my answers have always been consistent, when I was in the hustings, talking on doorsteps with potential constituents, and in writing submissions to the many different organisations that asked for our opinions while we were going through the election. I said that I would be supportive if I knew there were safeguards in place and that I needed to do more in-depth research around the finer details. Because I would like to have this choice for me and I recognise individual autonomy and the right to die with dignity. I do not have direct experience of having loved ones suffering because those that I love, even if they have gone too soon, have so far gone quickly and peacefully. However, I have lived in Belgium and the Netherlands for 20 years, where this service is offered, and I am also a Belgian citizen myself and this service has largely been accepted by its citizens and it has never felt to me in my time living there that this was seen as the wrong thing to do. In fact, the service was agreed in Belgium nearly 22 years ago today on 28th May. But placing this within the wider strategy for end-of-life care, including enhancing palliative care and pain relief, would hopefully limit the amount of people who are seeking this as the last resort, and I welcome the strong provisions in this regard that the Minister has put in. I think it is important for me to say that all my decisions are always cushioned in my faith. It could be labelled as Christian, though I do not like myself labels, but I do regularly go to church and I have roots in the Methodist Church, Church of England, and my husband and his family in the Netherlands are Catholic. But my faith is my own and my strongest connection, I think, is with Unitarianism, focusing on being open-minded, the development of the individual and collective spirituality and experience, and therefore I do not believe in pushing my faith on anyone else. So my decision here today sits comfortably with me and my faith alone. Ultimately, I believe there is a need for compassionate response within a carefully regulated scheme that safeguards individuals and limits tinkering. I said in 2022, during the elections, that I would need to do research, further research on what type of safeguards there should be to ensure there is no abuse of the system. I believe I have researched and asked questions around this point to help me come to my decision, but I do have a few observations that I would appreciate if the Minister would take forward if this passes. I am concerned about indirect social pressure. This is something Deputy Ferey has also touched upon. This comes up a number of times in discussion with constituents and I wanted to acknowledge it here. This arises from the low self-esteem of many old and sick people who find themselves dependent on other people. It is aggravated by negative public attitudes to old age, and this is why I asked the Chief Minister earlier about the Government's development of an Old People Strategy or framework or vision to ensure there is a holistic strategic focus for our ageing population. Because I think we need to develop something that cuts across Ministerial portfolios, that focuses on well-being, improves local services and environments, builds and retains people's own capability and tackles age-related poverty. Because we need to prioritise early intervention and prevention across all portfolios and we need to find out, from the long list of what the Chief Minister mentioned earlier in this regard, what is missing. Because it is really important to find out what is

missing in the current Government's decision making, which I believe could be short sighted and a huge mistake, and especially this related around focusing on finding out how to not have such indirect social pressure, ageism, or a lack of support for the older population in Jersey. So I would like the Minister and the Council of Ministers to assure the Assembly that, as part of any legislation development, there are clear safeguards built in to limit indirect social pressure. Also, as I have just mentioned, it is important that palliative care is of high quality and adequately funded as possible, and this I will always push for whether I am in this Assembly or whether I am outside in the future, living as a Jersey citizen, because any person seeking an assisted death should be making a real choice, not choice based on what they cannot access or believe they cannot access, but high quality end-of-life palliative care services, and is important that the real choice is there as the last choice in a number of elements of high quality end-of-life and palliative care. Therefore, I support the review panel's recommendation 1 about a plan to evidence quality and availability of palliative and end of life care in Jersey that will be put 2 months before any legislation is scheduled to be debated. I am pleased that the Minister was able to accept this and I am looking forward to seeing this type of schedule to understand what this will look like. But when we are reading further into the safeguards, the co-ordinating doctor and independent assessing doctor must ensure the patient is fully informed, meaning those doctors have a duty to inform patients of alternative care and provision of treatment. That is a huge responsibility on those doctors to provide that information, especially if the patient has not been provided with adequate information and care up to that point. So I would like to ask the Minister: how will he know that these doctors are able to provide that type of provision when they have not been given appropriate care already from other colleagues? I find it staggering that any patient has to get to this moment of choice to discover that there could be alternative care and treatments, and I hope that there are safeguards and support for these doctors as well, who are offering these assessments to ensure that alternative treatments, alternative care have all been explored to the point before the patient has to make those kind of choices to get the adequate treatments they need. I am pleased that there will be a statutory duty placed on the Minister for Health and Social Services to provide palliative care and end-of-life care going forward. I think this is a really important part of this proposition, or of another legislation, but part of the safeguards that we put in ahead of this legislation. I am, however, concerned with findings 26 and 27 of the review panel about resourcing and staffing, and I strongly urge the Minister to address this as soon as possible, because what happens if assisted dying is staffed and funded, but palliative care and the end-of-life care is not? For example, the metrics in the strategy calls for 100 per cent patients at home to have access to 24/7 model or palliative care. What happens if these objectives are not reached? Will the Minister stop assisted dying if these objective metrics for palliative care are not reached? This is unclear to understand because, of course, at the moment this is a good move in the right direction. But I am thinking of what happens in 10, 20 years' time, 2 or 3 Governments' time, who holds this level of care up and will ensure that they are accountable and done in parallel in the decision. So I would like assurance from the Minister that this is put in legislation, that there are safeguards to ensure the level of funding and accountability for the metrics put in the strategy around palliative care and end-of-life care have direct impact with the services offers in assisted dying. I was also concerned by the shortened lodging time period of this proposition and the ability of Scrutiny to do their review thoroughly, but I would like to congratulate them for the work and report that they have done because it has been really important as part of my deliberations. There still seems to be key unanswered questions or gaps that is important for me in in my decision making, and I understand that the Minister has accepted many of these recommendations to bring ahead of the legislation, understanding that at this moment this is not the final decision, the decision is when the legislation is brought before us in 2025, and I want to make aware that I will be looking at those concerns and those gaps that the review panel has brought up in further considerations if this passes. Clinical governance; I am not an expert in this matter. I have been following the discussions over the time of my term, but I am concerned about Jersey's overall clinical governance and I would like some certainty in this regard. Point 78 of the proposition in the annex states that if the Health and Community Services Advisory Board is

disbanded, the Assisted Dying Assurance and Delivery Committee, which has oversight of the service, will report directly to the Minister. I do not think this is appropriate and this should sit with an advisory board or an equivalent. So I would like to understand more how the overall governance is going to be managed so it does not sit solely with the Minister. I know that there has been concern going forward if the Health and Community Services Advisory Board will be disbanded, will carry on. I would like to understand from the Minister what other mechanism and clinical governance mechanism could be put to ensure that there is a wider clinical governance process than just specifically through the Minister. Lastly, I would like to turn to Route 2. I would like to thank the former Minister for Health and Social Services for setting up the Ethical Review Panel. For me, it has been very useful in my deliberations and the quote that they used in setting out what we are talking about is Route 1 allows euthanasia to prevent a terrible death, while Route 2 allows euthanasia to prevent terrible life. I think this is quite an important quote to think about the difference between Route 1 and Route 2.

[17:15]

But I have been grappling with this a lot. I know many of us potentially have on all this. This is such a huge discussion and deliberation that we are faced with today, but specifically from the Route 2. Of course, allowing assisted dying as a response to unbearable suffering respects the autonomy and self-determination of these patients who wish to decide for themselves whether their life is no longer of quality that merits continued living, or where their suffering is so serious it is no longer tolerable. This absolutely is at the basis of, not only my faith, but my understanding and values that I hold dear. So I will be honest with the Assembly that I have not yet come to an agreement with myself on how I would like to vote for Route 2. I want to listen to the debate. I want to listen to my colleagues and the answers at the end from the response from the Minister in deciding how I will vote today. But I know that, even if I vote for Route 2 today, that this is not the end. This will come back in legislation and then hopefully I have pointed out a number of areas that I would like to see further work on ahead of any legislation and there is still time, of course, to not support Route 2, if I support Route 2 today, to be able to see how the developments will go. But I will be supporting Route 1. I think it is really important and it is something that I have continuously said I will from the time of my elections.

#### **10.1.5 The Connétable of St. John:**

We have heard about how much correspondence we have all received. In addition to receiving correspondence, I have had people visit me at the Parish Hall, stop me in the street, in the café. I have read articles and watched programmes that have been recommended by people I have spoken to or have written to me from both sides. Like others, I would like to start by commending the officers who have worked on this proposal. I have had people phone me up to congratulate me and to tell me how good these officers are, the depth of knowledge they have. It is to their absolute credit that I, or should I say we, still do not know what their own personal preferences would be, but they have facilitated this debate and these proposals in a first-class manner. **[Approbation]** The Assembly is very fortunate to be in a position that we find ourselves in today. More than 2½ years of research have been invested into this proposal. Lengthy consultation has taken place with people from both sides of the argument. Last week, at my weekly surgery, a doctor was one of the people who came to visit me to discuss this debate. Sadly, our views on the subject differ. However, the doctor, who has taken an active part in the consultation, was also very complimentary about the officers involved and their knowledge of the subject. This proposal has been built from the bottom up. We have had that extensive consultation, a 245-page report, an ethics panel and, most recently, a detailed review from Scrutiny. Compare that to both Scotland and the Isle of Man, where Back-Benchers have brought forward propositions on the same subject. The proposal is designed to give people choice. It is well known that many people who opt for assisted dying, as the Minister said, do not go through with it. We hear that people want to have the option and stay in control. It is also important that



assisted dying is available to everyone and not just to those who can afford to go off-Island to pay for it. I know some are concerned, but like Deputy Ahier, I am satisfied with the proposed levels of governance. Firstly, there is the requirement for 2 doctors to assess a patient. If they are not satisfied, they are obliged to get an additional opinion. The addition of a tribunal in cases under Route 2, the proposed timeframes appear to be sensible in both cases. There is the proposed Assisted Dying Committee, who in turn will be overseen by the Care Commission, an annual report that the medical officer of Health will be involved in, and each case will be reviewed. I heard what Deputy Ward had to say, but I would respectfully remind her that for medical staff it will be an opt-in system. So again there is protection there. Among the correspondence, some people have wrongly suggested we are debating suicide. Assisted dying and suicide are 2 very different things. Suicide is a very lonely, horrible, desperate act. Assisted dying is a very different experience. I think it is a little unfortunate that we have not used the words to describe the 2 options we are debating. I do not think we should be talking about Route 1 and Route 2. We should be talking about terminal illness and unbearable suffering. I would like to quote from Dr. Minihane. I wrote to him last night to thank him for his involvement in the discussions in response to one of his letters, and in his conclusion he wrote to us all saying: "Jersey prides itself on liberal progressive values that are the hallmark of modern civilised societies around the world. Yet on end-of-life choice, we lag behind. Lawmakers around the world have recognised that banning assisted dying is both dangerous and cruel. By supporting the proposition on terminal illness", Route 1 in this case, "States Members will be introducing a compassionate, regulated, and transparent system providing patients with choice over their end-of-life decisions and vital safeguards." He goes on to say: "Ultimately this is about care, compassion, and respect for our terminally ill patients." It is his view, as a resident in Jersey and a G.P. who may support the implementation of assisted dying, that Route 1 provides the right model for assisted dying legislation in Jersey. I listened to Deputy Jeune and I am envious of Deputy Jeune because I wish I was in a position where I had lost people at a speedy rate. Sadly, I have seen people suffer, and suffer badly, and that is no reflection on the care they received either at home, in hospice, or in hospital. But I am aware of 2 cases, very close people to me, in the last 2 years who so wished they could have gone much quicker and easier. The pain they suffered, the lack of dignity they suffered, was horrendous. Another correspondent who wrote to us and has already been mentioned is well known to me. At the recent Liberation service, the Bailiff spoke how the Island was built on the spirit of service. This could be a direct reference to Mr. Charlie Tostevin, someone who devoted his life to volunteering, an accomplished football referee of 25 years. He also gave over 35 years of service to the J.F.A. (Jersey Football Association). Not only did he write to us, but his story was covered in the *J.E.P.* on Saturday and yesterday's *J.E.P.* editorial also referred to the same article. By chance, I bumped into Charlie and his wife on Saturday. They were at Springfield to see the Moratti. I have known Charlie and his football for 40-plus years, but surprisingly he did not want to communicate about the game. Instead, he wanted to know that he was relying on me and Members to do the right thing in this debate. I had been wavering a little on Route 2, but having read the email and the article, I was happy to give Charlie my personal assurance that I would vote in favour of both. Other correspondence that we have received, and I would like to quote: "Assisted dying does not replace palliative care and end-of-life care services. A person approaching the end of their life or living with serious illness should be provided the care and treatment they need to maximise their quality of life and minimise any suffering or distress. Assisted dying is an additional choice that some people may make because they want more control over the manner and timing of their death." One of those people I have referred to, I spoke about in 2021, where sadly they died alone at hospice and their wish had always been to be surrounded by their family. Assisted dying has been described in the past as like having an emergency exit. We all like to know where it is but we hope we never have to use it. But, if we need it, we know it is there. We are still receiving emails today, and the Rector of St. John, who is someone who I fully respect and whose views I value, responded to me this morning. Again, sadly, we have different views on the subject, but she wrote: "As you say, our views differ on this matter. I am glad we can discuss it and agree to disagree well." It is impossible for us to please

people on both sides of the argument. The respective campaigns have been carried out with respect and I pay tribute to those on both sides of the debate for this. I would also like to acknowledge the work of the local media in covering the build-up to this debate, in what I believe to be a measured approach. I would urge Members to vote for this. Please do not abstain. Please make your vote count whatever way that may be. In closing, I would like to repeat something from my previous speech on this subject in November 2021. In that debate I quoted, with the consent of the writer from a *J.E.P.* article from 16th October, the writer, who was terminally ill at the time of writing, wrote: “For my part, I have always found this one really simple. It is my life, so I should be free to choose what I want to do so long as it does not hurt other people.” Those are the words of the late Gary Burgess and it is a view that I share.

**Deputy M. Tadier:**

May I propose the adjournment?

**The Deputy Bailiff:**

The adjournment is proposed. Are Members content to adjourn now? The States are adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:26]