

STATES OF JERSEY
OFFICIAL REPORT
TUESDAY, 12th NOVEMBER 2024

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Parliamentarian of the Year award to Deputy R.S. Kovacs of St. Saviour

We will start on Communications from the Presiding Officer. I am sure many Members already know, but I am delighted to report that Deputy Kovacs became the new Parliamentarian of the Year last week in the conference in Sydney. **[Approbation]** I was going to say, would Members like to congratulate her but **[Laughter]** clearly that gun has been charged.

1.2 Tribute for former Deputy J.L. Dorey of St. Helier No. 1

Members will have been saddened, I am sure, to hear of the death last week of former Deputy Jerry Dorey. Jeremy Lawrence Dorey, known as Jerry, was first elected as a Deputy of St Helier No. 1 District on 9th December 1993 and was re-elected to that role in 1996. He stood for and was elected as a Senator in February 1999 until he resigned on 6th July of that year, and he was then re-elected as a Deputy for St. Helier No. 1 on 9th December 1999, and for a further 3-year term on 12th December 2002, until he lost his seat in the 2005 general election. Although he was born in Ealing in London in 1951, he was educated at Victoria College in Jersey before attending Exeter College, Oxford, where he obtained an M.A. (Master of Arts) in French. Prior to entering the States, he worked as a freelance computer programmer in Jersey. During his time in the Assembly, he served on a variety of committees, including Education, Health, Broadcasting, Housing, Employment, and Social Security, and was elected president of Agriculture and Fisheries, Public Services, and Human Resources at various stages in his tenure. He also sat on 2 committees of inquiry, one for the marina and one on limited liability partnerships. He was a scrutineer of legislation and it was as such that he shone because he was meticulous and thorough in reviewing draft laws lodged for debate. He was an intelligent individual who could speak a number of languages fluently and had a keen eye for accuracy, often to the annoyance of his colleagues. It was felt that his failure to be re-elected at a close-run election, when he lost by fewer than 30 votes, in 2005 was a great loss to the Island for the quality of his legislative scrutiny. He left Jersey to live in France with his beloved cats, and it was there that he passed away on 2nd November after a short illness, just a month shy of his 73rd birthday. I understand that his funeral is being held today in France, and our thoughts are with his son, Will, and his grandchildren and extended family at this sad time. I would ask Members to stand and observe the customary minute's silence. **[Silence]** May he rest in peace.

QUESTIONS

2. Written Questions

2.1 Deputy M.B. Andrews of St. Helier North of the Chair of the Privileges and Procedures Committee regarding the States Greffe: (WQ.363/2024)

Question

In relation to the States Greffe, will the Chair provide the following information –

- (a) the total number of staff employed for each of the last 5 years;
- (b) a breakdown of the current staff by grade; and
- (c) a job title for each current role?

Answer

(a) The following table indicates the size of the States Greffe, including the Legislative Drafting Office (LDO), for each of the years 2019 to 2023. Different dates within each year are provided to reflect the way the information was gathered and recorded at the time. Staffing levels reflect the resources agreed for the States Greffe by the States Assembly in the Government Plan for that year.

Headcount					
Year	2019	2020	2021	2022	2023
States Greffe	28 as of 9th April 2019	38 plus 2 vacancies as of 1st February 2020	38 plus 2 vacancies as of 1st February 2021	37 plus 5 vacancies as of 1st March 2022	41 plus 8 vacant as of 1st April 2023
Legislative Drafting Office	9 as of 9th April 2019	13 as of 12th March 2020	13 as of 1st February 2021	12 as of 1st March 2022	13 as of 1st April 2023

(b) The current breakdown of the States Greffe and LDO staff by grade is as follows:

Office Holder	2
14	3
12	7
11	13
10	3 (+ 2 vacancies)
9	21
7	1
8	2
6	1 (+ 1 vacancy)
5	5
PLD	1
SLD1	2
ALD2	2
ALD3	3
ALD1	2

(c) The roles that are currently performed in the States Greffe and Legislative Drafting Office are as follows:

Job Title

Greffier of the States
Deputy Greffier of the States
Principal Legislative Drafter
Assistant Greffier of the States (Chamber and Members' Support)
Assistant Greffier of the States (Committees and Panels)
Head of Digital and Public Engagement
Senior Legislative Drafter
Legislative Drafter
Trainee Drafter
Principal Constituency Support Officer
Principal Research and Casework Officer
Principal Committee and Panel Officer
Principal Secretariat Officer
Education Manager
Committee and Panel Officer
Senior Secretariat Officer
Campaign Manager
Digital Communications Manager
Outreach Manager
Secretariat Officer
Research and Project Officer
Finance and HR Officer
Publications and Data Editor
Office Manager
Creative Content Producer
Communications Officer
Assistant Secretariat Officer
Legislation Editor
Support Services Team Leader
Digital Marketing Apprentice
Legislation Clerk
Administrative Assistant

2.2 Deputy R.S. Kovacs of St. Saviour of the Minister for Sustainable Economic Development regarding the JCRA Annual Report 2023: (WQ.364/2024)

Question

Further to the [JCRA Annual Report 2023](#), specifically pages 14 and 44, will the Minister –

- (a) explain why Government grants are provided to the Jersey Competition Regulatory Authority (JCRA), considering they have had a financial surplus over the last few years; and why the Government has not requested the return of any unused grant amounts;
- (b) provide details of the Service Level Agreement (SLA) between the Government and the JCRA, including any changes that have occurred since it was established;
- (c) detail the annual amount of Government grants paid to the JCRA since the SLA was established; and
- (d) advise whether the grant agreement is renewed annually, or is subject to change, and if so, what changes would occur, if any, and when?

Answer

(a) The Funding Agreement (there is no SLA) between the Minister for Sustainable Economic Development and the JCRA (see: [jcra-competition-grant-funding-agreement-2024-2026.pdf](#)) allows the JCRA to carry forward £100,000 of its annual grant to ensure the orderly running of the Authority (see paragraph 6.4).

At the end of Q3 2023, the JCRA predicted that its competition grant reserves at the end of 2023 would be below this amount, taking into consideration a number of costs committed to ongoing projects. Based on the JCRA's most recent financial figures (Q2 2024), it is anticipated that its competition grant reserves at the end of 2024 will again be below the amount the Funding Agreement allows the Authority to carry over, noting that the Department has not yet received the JCRA's end of Q3 2024 financial update.

(b) As outlined in the response to question (a) above, the Funding Agreement with the Authority can be found on the JCRA's webpage. The Funding Agreement is effective from the 1st January 2024 to the 31st December 2026. There have been no changes to this agreement since it was signed by both the Minister and the Chair of the JCRA. A new Funding Agreement will need to be in place ahead of the 1st January 2027.

(c) Section 2 of the Funding Agreement sets out the amount of the annual grant for the duration of the agreement.

(d) Please see the answer to question (b), above.

2.3 Deputy T.A. Coles of St. Helier South of the Minister for Sustainable Economic Development regarding the status of the Performance Sport Programme: (WQ.365/2024)

Question

Will the Minister provide an update on the status of the [Performance Sport Programme](#) including –

- (a) how many expressions of interest were received prior to the closing deadline of 15th September 2024, how many awards have been made, and within which sporting areas;
- (b) what future plans, if any, he has for the Programme;
- (c) what budget, if any, is currently allocated for its development and implementation;

- (d) what additional funding, if any, is allocated towards this strategy within the draft Budget (Government Plan) 2025-28; and
- (e) what specific work will any additional funding cover?

Answer

- (a) The Minister has commissioned Jersey Sport to deliver the Performance Sport Programme. 91 expressions of interest were received prior to the closing deadline across 27 sports, including para-sports. A steering group is finalising criteria for athletes to be invited to the second stage of the process. Awards will be made before the end of the year.
- (b) The future programme will develop in conjunction with feedback from athletes and pathway partners but will generally include the following:
- Tailored support for eligible athletes to ensure they are better prepared for performance sport
 - Support for coaches so that they have the skills and qualifications to better support performance athletes
 - Support to access high level competition and training
- (c) £120,000 per annum is currently allocated from 2024 to 2027
- (d) No additional Government funding is allocated towards this strategy within the draft Budget 2025-28
- (e) Not applicable

2.4 Deputy M. Tadier of St. Brelade of the Minister for Health and Social Services regarding Accident and Emergency waiting times: (WQ.366/2024)

Question

Will the Minister state whether Accident and Emergency waiting times are recorded and, if so, what are the average peak and off-peak waiting times; and will he advise whether there are any guidelines in place setting maximum waiting times and, if not, why not?

Answer

Accident and Emergency attendances and waiting times are systematically recorded and monitored. The data are analysed monthly.

Waiting times are being recorded and monitored as

- a) Time from Arrival to Triage
- b) Time from Arrival to commencing Treatment

In addition, the total time a patient spends in ED is recorded (time from Arrival to Departure), this includes the time a patient is being treated in ED. This indicator is reported publicly in the Quality & Performance Report on gov.je.

Table 1 shows the median time from Arrival to Triage and Arrival to commencing Treatment. Also shown in Table 1 are the mean and median times that patients spent in the Emergency Department (from Arrival to Departure) over the last 13 months. In 2024 to date (January to September) the mean time in ED has been 204 minutes.

Table 2 provides an analysis by time of arrival, showing 12 months of data from October 2023 to September 2024.

Figure 1 is produced using September 2024 data and shows, for an average weekday or weekend in September, the total ED attendances and Average time grouped by Arrival time (in 3-hour blocks).

Emergency Department attendances, and consequently wait times, fluctuate on a seasonal, and daily basis. As a result, during certain times, patients may experience longer waits. In the UK, there are no guidelines setting a maximum waiting time, as this will depend on several factors including how many patients are being seen and treated as well as the severity of their condition, and the availability of beds if the patient needs admission to the hospital. HCS monitors its performance using ‘the Total time spent in ED’ against both a 4 and 12 hour waiting time standard for patients in ED. These are key metrics in place in the UK and therefore allows us to benchmark the performance of our services.

All statistics produced by HCS are dependent on accurate data entry by clinical and administrative staff. Treating patients is prioritised over data entry and therefore HCS is aware that the data may reflect a longer than actual wait, particularly at very busy times.

Table 1: Summary of Emergency Department Attendances and Waiting Times, September 2023 – September 2024

Indicator	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24
Emergency Department Attendances	3568	3309	3209	3343	3421	3490	3691	3561	3958	3991	3960	3854	3691
Average (Mean) Total time spent in ED (Mins)	187	192	195	197	202	211	190	201	198	196	196	214	230
Median Time from Arrival to Triage (Mins)	17	16	16	16	17	21	17	17	17	17	17	17	18
Median Time from Arrival to commencing Treatment (Mins)	33	32	29	32	31	40	31	33	39	37	36	40	43
Median Total time spent in ED (Mins)	146	153	150	153	154	163	141	143	154	148	146	162	175

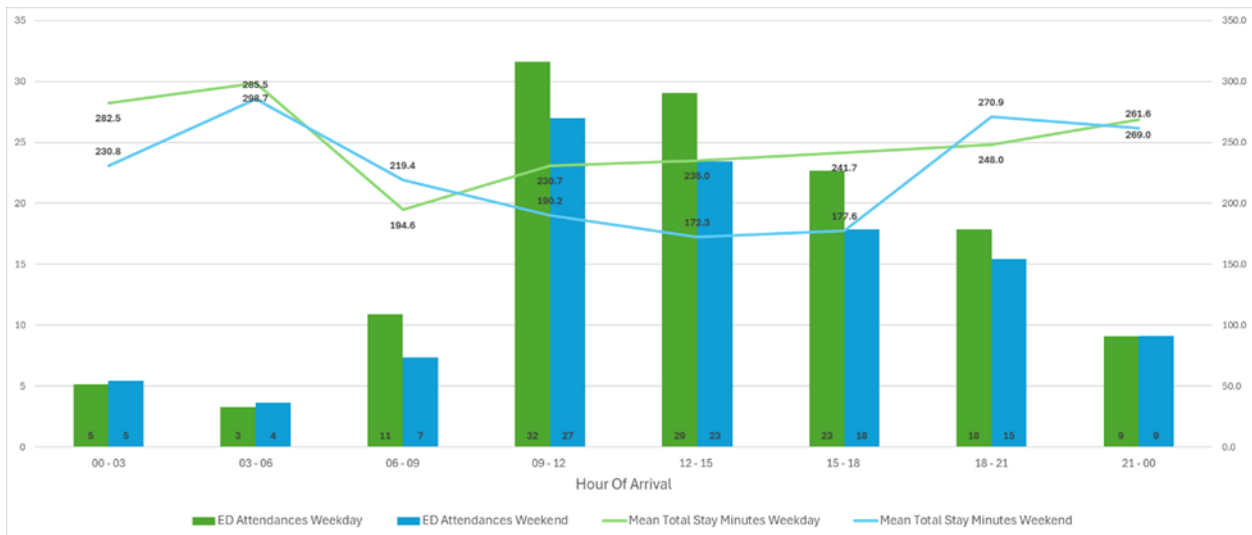
Data Source: Hospital Patient Administration System, (Maxims, Report ED001DM)

Table 2: Analysis by Time of Arrival in ED - 12 months data, October 2023-September 2024

	Time of Arrival							
	00 - 03	03 - 06	06 - 09	09 - 12	12 - 15	15 - 18	18 - 21	21 - 00
Emergency Department Attendances	1707	1150	3696	10369	8726	7940	6358	3547
Average (Mean) Total time spent in ED (Mins)	222	238	192	194	198	200	207	218
Median Time from Arrival to Triage (Mins)	16	14	14	17	21	19	17	16
Median Time from Arrival to commencing Treatment (Mins)	32	33	34	37	37	31	39	39
Median Total time spent in ED (Mins)	172	178.5	146	150	154	144	160	165

Data Source: Hospital Patient Administration System, (Maxims, Report ED001DM)

Figure 1: Emergency Department – Average Attendances per day and Average Time in Department, by Arrival Time, September 2024



Data Source: Hospital Patient Administration System, (Maxims, Report ED001DM)

2.5 Deputy I. Gardiner of St. Helier North of the Minister for Children and Families regarding delays in the development of the Play Strategy: (WQ.367/2024)

Question

Further to the response to [Written Question 342/2024](#), detailing delays in the development of the Play Strategy due to resourcing constraints, will the Chief Minister advise –

- the total Government expenditure between March 2022 and March 2024 on the development of a Play Strategy;
- how developed the Play Strategy was when he took office in January 2024; and
- what additional resources, both financial and staffing, would be required from the Government to complete the Play Strategy?

Answer

(a) A play strategy has not been developed. The resource expended in developing the draft play policy is in Officer time spent establishing and running a play steering group.

(b) A draft play policy was in development but was not completed by the end of 2023. Following the change of Government and the Minister taking office in 2024, the CSP was developed and new priorities identified. It was decided by the Minister that the completion of the draft policy and the development of a subsequent strategy were not progressed due to competing priorities.

(c) Notwithstanding the existing commitment expressed in the current Bridging Island Plan to work better together to deliver improved children’s play spaces in St Helier (which is progressing) there has been no specific costed work to deliver a Play Strategy for the Island.

If this work became a Ministerial priority, temporary initial resource would need to be allocated to scope, research and consult on the breadth and content of any future play strategy with additional resource the allocated to support delivery and implementation. It is likely that resource would need to be moved from other ministerial priorities to progress the development of a Government play strategy. An estimate for the initial phase would be circa £66,000.

Work continues to upgrade Government play facilities to ensure they remain safe and inclusive. The playground at Les Quennevais Playing Fields has recently been refurbished and there has been a child-led approach to the Millennium Town Park refurbishment and subsequent planning application.

2.6 Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding Government financial support for Manche-Iles Express: (WQ.368/2024)

Question

Further to the recent announcement of Government financial support for Manche-Iles Express, will the Minister advise –

- (a) what work, if any, the Government is undertaking to help identify a longer-term solution to the funding issues facing the Manche-Iles Express and what progress has been made in any such work;
- (b) what plans, if any, there are for further funding to be provided within the next 12 months;
- (c) what action the Government has agreed to take, if any, in the event that the frequency and number of ferries continue to be affected; and
- (d) whether the recent decision to provide funding to Manche-Iles Express reflects a wider Government policy in its approach to discussions with other carriers, including airlines, to ensure good links to and from the Island and, if so, what other such discussions have taken place?

Answer

The Government has committed to a temporary funding solution for Manche Iles Express for 2025 only. The funding is dependent on the schedule running according to plan and will be paid in instalments once the service has begun next year.

For 2026 and beyond, officials from Jersey are working with counterparts in La Manche and Guernsey to discuss longer-term opportunities for passenger only services between the Channel Islands and France.

The Government and its relevant organisations are always interested in improving the connectivity, whether by sea or air, to and from Jersey. These involve existing and potentially new partnerships but, as with any commercial agreement, these must remain confidential until agreed.

2.7 Deputy M.B. Andrews of St. Helier North of the Minister for Housing regarding homeowners in negative equity: (WQ.369/2024)

Question

What evidence, if any, does the Minister have to suggest some homeowners are in negative equity, and if so, what discussions, if any, is he involved in to address this matter?

Answer

There has been a slowing of Jersey's housing market since 2023, with a corresponding reduction in house prices and housing market activity seen in recent quarters of the Jersey House Price Index.

Whilst this situation has the potential to cause a tension for some Islanders who bought their home in the preceding years when properties were commanding higher prices, I do not have any evidence to suggest that negative equity is a significant problem facing Islanders, and it should not be harmful where they have bought a property that is intended to be their home for a longer period of time.

My priority is to help more Islanders become homeowners in an affordable and sustainable way.

The prospect of lower inflation and interest rates, the provision of new homes for first-time buyers, and assisted ownership schemes such as ‘First Step’ will all help to encourage property transactions, which serves the best interests of prospective homebuyers, as well as existing homeowners.

2.8 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding stamp duty: (WQ.370/2024)

Question

Will the Minister advise whether consideration has been given to either the exemption of stamp duty on lower value transactions, or a stamp duty holiday, to stimulate activity in the housing market, and if not, why not?

Answer

Jersey’s housing market is continuing to recover following the impact of the Pandemic and the increase in interest rates since September 2022. Transactions are increasing from the previous quarters and stamp duty revenue is currently above where it was at this point in 2023. House prices are stabilising for most property types but are largely influenced by new developments. The Fiscal Policy Panel’s most recent assumptions echo this, forecasting a 50% increase in transactions and a 2% increase in house prices in 2025. All of this points to a market that is slowly recovering whilst in a delicate position Stamp Duty returned £39.5 million in 2023, and it would be unaffordable to forego that revenue in whole or in part for a policy that could drive-up house prices in a recovering market.

2.9 Deputy M.B. Andrews of St. Helier North of the Minister for Social Security regarding the Employment (Jersey) Law 2003: (WQ.371/2024)

Question

In relation to the [Employment \(Jersey\) Law 2003](#), will the Minister detail –

- (a) what legislative changes are planned, if any, and the expected timeline for any such amendments; and
- (b) whether she will be proposing the abolition of the 1-year period for unfair dismissal?

Answer

- (a) I will imminently be lodging with the Assembly amendments to the Employment Law which will overhaul the compensation awards regime for breaches of an employee’s rights. Details of the amendments are contained in my response to the Employment Forum’s Report and recommendations, set out in [R.129-2024.pdf](#). The amendments to the Employment Law will also contain a requirement that an employer provides written reasons to an employee in the event of their dismissal. This will be a Day 1 employment right. I anticipate that these amendments will come into force in April 2025, having been considered by the Assembly in January and then receiving Royal Assent in the Privy Council. I have also committed to introduce further amendments to employment legislation relating to the procedures of the Employment and Discrimination Tribunal, as set out in R.129/2024. These further amendments will be dealt with in 2025.
- (b) As I confirmed during my quarterly Scrutiny Public Hearing in May 2024, I am considering whether any changes should be made to the 1-year qualifying period for unfair dismissal.

2.10 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Chief Minister regarding the Gender Pay and Income Ratio Consultation: (WQ.372/2024)

Question

Further to the publication of his [Gender Pay and Income Ratio Consultation \(P.64/2024\) Comments](#) in response to proposition [P.64/2024](#), will the Chief Minister provide –

- (a) a detailed timeline for the completion of the work outlined in the comments paper, including the publication of the results;
- (b) details of the consultation that has taken place since January 2024, including –
 - (i) a list of the businesses consulted;
 - (ii) the questions that were asked; and
 - (iii) the results of the consultation?”

Answer

a. a detailed timeline for the completion of the work outlined in the comments paper, including the publication of the results;”

Through the Diversity Network and the work of the Jersey Electricity Company, several businesses are working in partnership to understand gender pay gap reporting and how to formulate positive, achievable action plans. They will explore the challenges faced with collecting data and consider appropriate methodology for private business.

Working within the current Cabinet Office budget, government will continue to be represented at these sessions. This work will be ongoing and has no attributed timeframe, as businesses will opt to conduct gender pay gap reporting in a manner and timescale that is appropriate for their organisation.

b. details of the consultation that has taken place since January 2024, including –

- i. a list of the businesses consulted**
- ii. the questions that were asked**
- iii. and the results of the consultation?**

Officers have attended Diversity Network sessions and business gatherings that have discussed gender pay gap reporting, and there has been direct communication with the Diversity Network and the Jersey Electricity Company on this matter.

No other direct consultation with other businesses has been conducted yet, but as outlined, there is an intention to have an ongoing presence at network events and collaborate with the businesses involved.

2.11 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter of the Minister for Education and Lifelong Learning regarding a pilot scheme for 2–3-year-olds with additional needs at d’Auvergne Primary School: (WQ.373/2024)

Question

Further to the announcement relating to a pilot scheme for 2–3-year-olds with additional needs at d’Auvergne Primary School (d’Auvergne), will the Minister advise –

- (a) what financial analysis was completed on the funding required to provide the pilot, as opposed to establishing a separate facility;

- (b) whether a tendering process or expressions of interest were requested in relation to offering the pilot or service;
- (c) from which budget will the initial funding be allocated for Jersey Child Care Trust (JCCT) to provide the service at d’Auvergne;
- (d) will the space required for the pilot be rented by JCCT, and if so, will this be on a commercial basis;
- (e) what research, if any, has been undertaken to validate that the pilot scheme can provide the necessary care for 2-year-olds in a school environment; and
- (f) what further training, if any, will teachers need to support the pilot?

Answer

The pilot nursery for 2–3-year-olds at d’Auvergne Primary School is one of a number of pilot projects which are progressing and will continue previous and current Ministerial aspirations to improve early years outcomes for children with additional needs.

The pilot has enabled places to be offered to families who were unable to access the private and voluntary sector. If approved, the proposed Government budget 2025/8 will enable further investment in the sector informed, in part, by the learning gained from this and other pilot projects.

- (a) An assessment of the costs of the pilot provision was completed. This showed that in year one, i.e. with one-off set up costs, the provision was marginally more expensive than increasing capacity in an established provision. However, in year two and beyond, ongoing costs were estimated to be at least 20% less. Based on this analysis the Minister initiated the pilot. To an extent, this assessment was academic as there was no capacity in established provisions for children to attend.
- (b) An exemption (under the public finance manual) from open tender was approved for this pilot provision.
- (c) Funding is being provided from the Education budget.
- (d) There is no rental charge being levied.
- (e) The published [review of evidence](#) on Optimizing Early Childhood Education and Childcare (2023) emphasised that it is not clear that school and maintained settings are intrinsically better for child development than private and voluntary settings – or vice versa. What happens in the setting, and who attends it, are more important than how the setting is owned/funded.¹

The pilot offers a better understanding of approaches to future partnerships between a school setting and a not-for-profit provider who can work together to meet previously unmet childcare needs. Whilst physically located in a school the provision is delivered by staff with appropriate experience and qualifications in Early Years along with an age-appropriate environment and set of resources.

- (f) The nursery is being provided by JCCT who do not employ teachers.

2.12 Deputy I. Gardiner of St. Helier North of the Minister for the Environment regarding the Island’s Carbon Neutral Roadmap: (WQ.374/2024)

Question

¹ Messages for Jersey from the UK and international evidence on optimising early childhood education and childcare (ECEC), June 2023

In relation to the Island's [Carbon Neutral Roadmap](#), and the publication of the energy strategy by Q4 2023, will the Minister advise what progress, if any, has been made in developing the strategy, its current status and when it will be made available to the Assembly?

Answer

I intend to commence work on an energy strategy in 2025, with initial focus on legislative updates and delivering the recommendations from the Comptroller and Auditor General review of Critical Infrastructure Resilience – Energy. Due to resource constraints, I cannot commit to delivering an energy strategy in this term of government, although I do intend to fully explore and debate the potential for offshore wind which is an underpinning issue.

Work to develop an energy strategy spans several Ministerial portfolios and I will be working closely with the Minister for Infrastructure, Minister for Sustainable Economic Development and other ministers as necessary. In addition to working with these Ministers, Scrutiny, energy suppliers, external stakeholders, including Guernsey, the United Kingdom and France are also very important in this complex area of policy development. I intend to carry out this complex work thoroughly to ensure that we reach a more formed outcome.

2.13 Deputy I. Gardiner of St. Helier North of the Chief Minister regarding delayed or stopped projects and workstreams: (WQ.375/2024)

Question

Further to the supplementary question to Oral Question 195/2024, will the Chief Minister provide a detailed breakdown per Ministerial portfolio of each of the projects and workstreams which have been delayed or stopped?

Answer

In line with the Common Strategic Policy as adopted by the States Assembly, the Council of Ministers has agreed to prioritise Government expenditure.

A number of Ministers have corresponded with their Panels on this matter as part of their work on the Budget, including any delayed or stopped projects.

I have asked officials to review these responses to ensure that this information has been provided and published for all Ministries.

With reference to Oral Question 195/2024, this includes a list of paused projects in the Minister for Environment's portfolio provided in a letter responding to a request from the Scrutiny Panel (27th August 2024) ([see here](#)).

An updated legislative pipeline and departmental plans for 2025 to reflect these decisions, showing work proceeding, is also being prepared and will be provided to all Members.

2.14 Deputy I. Gardiner of St. Helier North of the Minister for Education and Lifelong Learning regarding the introduction of a pilot scheme for wrap around care provision at school nurseries: (WQ.376/2024)

Question

Further to the announcement regarding the introduction of a pilot scheme for wrap around care provision at school nurseries, will the Minister advise –

- (a) the criteria to access free wrap around childcare at Plat Douet school, and whether he considers such access to be equitable;

- (b) how the free care at Plat Douet school is being funded;
- (c) what data, if any, has been analysed to determine whether individual pilots for early years care or wrap around care are successful and cost effective;
- (d) what work has been done, if any, to analyse the potential inflationary effect on the cost of childcare for 0–3 year olds;
- (e) what plans he has, if any, for providing care for children as young as 3 months, currently provided by the private sector;
- (f) what are his long-term plans for the nursery sector; and
- (g) what consideration, if any, he has given to the impact of his plans on the private, voluntary and independent sector; and has he consulted with the sector to understand the potential impact?

Answer

The pilot schemes for wrap around care provision at school nurseries are one of several pilot projects which are progressing which will contribute to improving early years outcomes for children. If approved, the proposed Government budget 2025/8 will allow further investment in the sector informed, in part, by the learning gained from this and other pilot projects.

- (a) The pilot programs are initially focused on expanding support for families with young children with additional needs, including those with SEND, developmental delays, and from low-income households. As pilots inform wider policy development, we will include an assessment of equitable provision.
- (b) Any incremental costs of provision are funded through the Education budget.
- (c) The pilots will provide data to inform policy on models of provision and pricing amongst other areas.
- (d) The pilots are expected to have no/negligible impact on inflation. Work to develop any wider provisions will include an assessment of inflationary impacts.
- (e) The current plans focus on extending universal provision from 3-4 to 2-4-year-olds. There are no current plans to extend beyond this range of provision.
- (f) The Common Strategic Policy, approved by the Assembly in May 2024, sets out my plans for this sector during this Council’s time in office. Previous work has informed this position which include;

[Early Years Policy Development Board](#)

[Early Years Round Table Engagement Series](#)

[Optimizing early childhood education and childcare - Evidence paper](#)

- (g) The pilots are expected to have a negligible impact on the private, voluntary and independent with sector representatives. As we progress from pilots to wider policy, further engagement will be undertaken.

2.15 Deputy M.R. Scott of St. Brelade of the Chair of the Privileges and Procedures Committee regarding a recall mechanism: (WQ.377/2024)

Question

Will the Chair advise what actions, if any, the Privileges and Procedures Committee are taking to introduce a recall mechanism, and whether it intends to bring any legislative updates to introduce

such a mechanism before the end of this States Assembly in 2026; if no actions are planned, will the Chair advise why not?

Answer

It is unclear whether the Deputy is referring to the facility to ‘recall’ the Assembly when it is in recess or the mechanism by which an MP can lose their seat and a by-election is triggered following a successful recall petition. The Committee has not considered either matter in depth as yet.

In relation to ‘recalling’ the Assembly, there is already provision under Standing Order 5 for an additional meeting of the Assembly to be convened outside of the agreed annual schedule.

Recall legislation in the UK provides a process by which a recall petition can be opened in the constituency of an MP providing one of these three conditions are met:

- An MP is convicted in the United Kingdom of an offence and receives a custodial sentence that is not overturned on an appeal brought within the usual time limit for appeals.
- Following on from a report from its Committee on Standards, the House of Commons orders the suspension of an MP from the service of the House for a period of at least 10 sitting days, or, if the period is not expressed as a specified number of sitting days, for a period of at least 14 days.
- An MP is convicted under section 10 of the Parliamentary Standards Act 2009 (offence of providing false or misleading information for allowances claims), regardless of the sentence imposed.

There already exist provisions across the States of Jersey Law 2005 (Articles 8 and 9) and Connétables (Jersey) Law 2008 (Articles 4A and 4C) which stipulate when a person ceases to be eligible to hold office, which would lead to a by-election. It could be argued that these provisions are more effective than the UK legislation as in that system an MP who loses his or her seat is not prevented from standing as a candidate in the subsequent by-election, whereas in Jersey that person would be disqualified from standing again.

Our current Standing Orders provide for those breaching the Code of Conduct to be censured or suspended. The Privileges and Procedures Committee is due to consider the responses received as part of its review of the Code of Conduct at a forthcoming meeting. Members will be aware that, owing to a poor response rate, the consultation process was extended until 14th October 2024. If any of the respondents to the Code of Conduct Review have proposed the introduction of a recall mechanism, then this will be considered by the Committee and changes to the Code and consequential amendments to any other relevant legislation will be brought forward for debate by the Assembly well before the end of this term of office.

2.16 Deputy M.R. Scott of St. Brelade of the Chair of the Privileges and Procedures Committee regarding work undertaken to identify any problems and inefficiencies arising from the multi-constituency representative system introduced at the last election: (WQ.378/2024)

Question

Will the Chair advise what work, if any, is being undertaken by the Privileges and Procedures Committee to consult with Members to identify any problems and inefficiencies arising from the multi-constituency representative system introduced at the last election, in order to appraise the change in electoral representation and present any potential improvements to the Assembly before the next general public election; and if no work has been undertaken, why not?

Answer

The Privileges and Procedures Committee, working with the Greffier and her staff at the States Greffe, has canvassed views via an annual survey to ascertain how best to support Members' work. Having acknowledged that the changes to the electoral districts which were implemented at the elections in June 2022 have seen a rise in constituency workloads, particularly for those now serving a constituency comprising three separate Parishes, a Constituency Support team has been created to assist Members.

Following a short trial period where support was given to three constituencies, the service was expanded to encompass all 9 constituencies from the beginning of October 2024. The team is able to provide practical support to Members in dealing with public enquiries, undertaking research, attending constituency drop-in sessions and liaising with stakeholders to assist with casework. In addition, there is a constituency support fund available for Members to receive some financial assistance towards the cost of promotional material and constituency newsletters.

2.17 Deputy H.M. Miles of St. Brelade of the Minister for Justice and Home Affairs regarding the Explosives (Jersey) Law 1970: (WQ.379/2024)

Question

Will the Minister advise what progress, if any, has been made to amend the regulations of the [Explosives \(Jersey\) Law 1970](#) to restrict the access to and use of fireworks?

Answer

Whilst it remains in the legislative programme, work to reform our regulation of fireworks has been paused, further to a decision to prioritise reform to the 'Fire Precautions' law, which is a priority for the Fire Service.

The issue of fireworks is reasonably divisive with both supporters and detractors. While many people enjoy fireworks, especially at large, professional events, there are also legitimate concerns around human and animal welfare to consider and accommodate as far as possible.

In order to make changes to the regulation of fireworks (which will be part of a broader group known as 'pyrotechnic articles'), the overarching explosive legislation needs to be changed. This is a highly complex subject, with specialist knowledge required to guide the work and it is broad, covering manufacture, importation, sale, transport and storage and so it is relatively time consuming.

The subject of Pyrotechnics has occupied considerable time in the policy schedules of the last three Ministers for Justice and Home Affairs, and in each case, there has been great difficulty in reaching a solution that is acceptable to all parties. While it would be better to have a modernised and more effective regulatory scheme for fireworks, it is difficult to argue that it warrants displacing other items of legislation currently being progressed.

2.18 Deputy A.F. Curtis of St. Clement of the Chief Minister regarding the Government Digital Services Platform: (WQ.380/2024)

Question

In relation to the Government Digital Services Platform, will the Chief Minister advise –

- (a) the total expenditure in 2024 on the project and a breakdown of expenditure;
- (b) what transfers, if any, have been made out of the associated Capital Head of Expenditure;
- (c) whether all expenditure has been delivered against the approved scope in the 2024 Government Plan, and if not, what results have been delivered that fall out of this scope;

- (d) the current progress in the delivery of the Digital Services Platform; and
- (e) the forecast public launch date(s) of the new platform?

Answer

a) The total expenditure for the Digital Government Platform (DGP) year to date in 2024 is £992,000.

			£k
Resources	Staff		203
	Consultancy		263
	Managed Service	IT Solution Development	526
Total expenditure YTD			992

- b) As part of a Treasury led re-prioritisation exercise of capital heads of expenditure, the allocation of funds was reduced from £2,194,000 to £1,000,051.
- c) The expenditure year to date has delivered against the approved scope to enhance the overall user experience and operational efficiency of government services.
- d) The Digital Government Platform has delivered:
 - o Web browser front-end intuitive system integrated with other Government systems
 - o Content management functionality
 - o Notifications and template management capabilities
 - o Workflows for Government services (e.g., Change of details, Registration cards)
 - o ‘Your Services’ dashboard showing personalisation for citizens

The project is planning to deliver the following by December 2024:

- o Digital Registration Cards
 - o Online Appointment Booking
- e) The platform is due for public release by March 2025.

2.19 Deputy A.F. Curtis of the Minister for Social Security regarding the Transform programme: (WQ.381/2024)

Question

Will the Minister provide a breakdown of funding approvals and spend on the Transform programme to include –

- (a) detail of how the £12,500,000 funding approved in the [Government Plan 2023-2026](#) was utilised;
- (b) detail of how the £9,899,000 funding for 2025 and the £7,476,000 funding for 2026, as set out in the [draft Budget \(Government Plan\) 2025-2025](#), will be allocated and utilised; and
- (c) spend to date (broken down by revenue and capital) for the following years;
 - (i) 2021

- (ii) 2022
- (iii) 2023
- (iv) 2024 (up to 30th September)?

Answer

- (a) As the Deputy will know from his prior membership on Transform’s Political Oversight Group, the £12,500,000 funding approved in the 2023-2026 Government Plan was for the duration of the Transform Programme.
- (b) As this is a capital project, the funding allocations from year to year change as the project progresses and specific details are confirmed. A preferred bidder has been selected and negotiations are underway. Whilst negotiations are continuing, it is not appropriate to publish specific details.
- (c) Spend to date (broken down by revenue and capital) from 2021-2024 is as follows:

	Costs by year (000s)			
	2021	2022	2023	2024 (up to 30 th Sep)
Revenue	184	571	881	716
Capital	48	247	497	260

2.20 Deputy A.F. Curtis of St. Clement of the Minister for Treasury and Resources regarding the Jersey Development Company (JDC) 2021 Annual Report and Accounts: (WQ.382/2024)

Question

In relation to the Jersey Development Company (JDC) [2021 Annual Report and Accounts](#) (page 30), and the withdrawn Planning application [P/2022/0108](#) for an access lift from Snow Hill car park to Fort Regent, will the Minister advise –

- (a) the total expenditure on Fort Regent Feasibility works (excluding the Planning Application for a lift at Snow Hill) by the JDC in each of the years 2020-2024;
- (b) the total expenditure on the planning application by JDC and the Government of Jersey, and a breakdown of expenditure as provided in the answer to [Written Question 454/2023](#);
- (c) the respective funding sources for the Fort Regent feasibility works and the Snow Hill plans; and
- (d) what, if any, financial transfers were made by the Government of Jersey to the JDC for the provision of services rendered in respect of the above?

Answer

- (a) JDC has incurred the following expenditure in relation to the Fort Regent Feasibility Works (excluding the Snow Hill lift designs and planning application fee):

2020: £326,055
 2021: £nil
 2022: £20,290
 2023: £98,300

2024: £25,380 (as at 30 September 2024)

- (b) A total of £334,564 expenditure on the designs and the planning application for the Snow Hill lift project has been incurred by JDC from the inception of the proposal in 2021 to the submission of the planning application in 2022. The expenditure breakdown per WQ. 454/2023 format is as follows:

Professional costs associated with the planning application - £284,736

Planning application fees - £2,635

Costs associated with all site and ground investigations - £46,742

Sundry costs - £451

(c) The Snow Hill plans and the Fort Regent feasibility works were funded by the retained profits from JDC's College Gardens development, as directed and approved by the Regeneration Steering Group.

(d) No financial transfers were made by the Government of Jersey to JDC for any JDC providing services rendered in respect of the above.

2.21 Deputy J. Renouf of St. Brelade of the Chief Minister regarding 'Project Breakwater': (WQ.383/2024)

Question

In relation to 'Project Breakwater', will the Chief Minister advise –

- (a) which Ministers are involved in the project;
- (b) who is the senior Government Officer on the project;
- (c) which infrastructure proposals are under consideration; and
- (d) what is the anticipated budget, and from where will funding be allocated?"

Answer

Project Breakwater is the internal name, given for reasons of brevity, to the preliminary policy development work being undertaken to scope a long-term strategic investment, designed to improve the attractiveness of Jersey as a place to live, visit and invest.

- (a) The Deputy Chief Minister is the sponsoring Minister for the project, and the relevant Ministerial oversight body is the Regeneration Steering Group, which is chaired by the Chief Minister. The Steering Group also includes the Minister for Treasury and Resources, Minister for Infrastructure and Minister for Sustainable Economic Development.
- (b) The project is being developed by the Group Director of Policy, Paul Wylie.
- (c) The project remains at an early stage of development and no decisions have been taken. A number of proposals could be considered for inclusion in the scope of the project, which are designed to improve the Island's social and cultural infrastructure. The detail of these will need to be considered and approved by the Council of Ministers.
- (d) Until the project is agreed by the Council of Ministers, no budget or funding mechanism can be confirmed.

2.22 Deputy J. Renouf of St. Brelade of the Chief Minister regarding the current Chief Executive's contract: (WQ.384/2024)

Question

Will the Chief Minister provide an update with regards the current Chief Executive's contract, in particular if it is intended to be extended past December 2024, and if so, whether the remuneration or any other terms and conditions will be changed?

Answer

There is nothing further to report at this stage, but we will keep States Members informed.

2.23 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding Jersey licences or permits held by scallop dredgers and divers: (WQ.385/2024)

Question

Will the Minister advise the number of Jersey licences or permits held by scallop dredgers and separately by scallop divers for each year for the period 2020 to date?

Answer

All scallop diving, be it recreational or commercial, requires a permit that can be applied for online via gov.je. Scallop dive permits are issued to an individual diver not to a vessel. The number of permits for scallop diving issued for the years 2020 to 2024 were:

- 2020: 117 permits - 24 of which were commercial relating to 17 vessels
- 2021: 98 permits - 21 of which were commercial relating to 16 vessels
- 2022: 80 permits - 14 of which were commercial relating to 11 vessels
- 2023: 77 permits - 17 of which were commercial relating to 12 vessels
- 2024: 88 permits so far – 11 of which are commercial relating to 8 vessels

Some dive vessels may have multiple divers operating from that vessel, all of whom require a permit. Recreational permit holders may retain 24 scallops/day, whilst commercial scallop permit holders can retain an unlimited number of scallops. Divers are not tied to operating from a specific boat.

In July 2024, MENV established a mobile gear permit system for Jersey vessels. There are currently 11 mobile gear permits issued to Jersey vessels, which includes the use of scallop dredges. Prior to this any licenced Jersey vessel could have engaged in scallop dredging (or scallop diving). However, the actual number of Jersey commercial vessels that declared dredging or diving activity in their logbooks (currently only available until the end of 2023) were:

- 2020: 7 dredgers and 16 dive boats
- 2021: 7 dredgers and 15 dive boats
- 2022: 6 dredgers and 11 dive boats
- 2023: 8 dredgers and 12 dive boats

From February 2023, Jersey issued licences to French commercial vessels with gear authorisations relating to extent and nature of activities in accordance with the TCA. There are 40 permits available to French fishing vessels to use scallop dredges (currently 39 in issue). There are no scallop dive permits available to the French fleet

2.24 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for the Environment regarding planning application permissions that include protected trees listed in the protected trees register: (WQ.386/2024)

Question

In relation to planning application permissions that include protected trees listed in the [protected trees register](#), will the Minister advise –

- (a) how many applications have been submitted to change the planning permit to remove the protected tree(s);
- (b) of these applications, how many have been approved;
- (c) what reasons were provided by the applicant for removing the protected tree(s);
- (d) what reasons were stated by the planning department in granting approval to these changes;
- (e) where are the criteria for making these changes set out, in either the relevant planning legislation or policies;
- (f) whether there have been developers who have cut down protected trees without first seeking a change in planning permission; and
- (g) what penalties, if any, have been issued to those who have cut down protected trees without planning permission?

Answer

Due to the configuration of the current back-office system the Department does not hold data or specific information on the number of planning permissions for new development that may have authorised the removal of trees on the protected trees register. Questions a-d can therefore not be answered.

System transformation remains critical to the ambitions of the Department to implement a fit for purpose planning administration platform through the RIDA project to support planning reform as mentioned in the Government's Common Strategic Policy 2024-2026. This new system will support the gathering and capturing of data to which will assist in producing the kind of information being enquired about by Deputy Jeune.

Regarding question (e), the Policy relating to protected trees in the Bridging Island Plan 2022 is Policy NE2, that states the loss of protected, veteran, ancient and champion trees will not be supported except for where it can be demonstrated that they are dead, dying or dangerous, and that any development that would have an adverse impact on existing green infrastructure assets will be required to demonstrate that the benefit will outweigh the harm and provide details of how the features will be protected as far as practicable, and that measures are in place to minimise and/or mitigate their loss on-site, or will be otherwise compensated for.

Regarding questions (f) and (g) the Compliance Team have not identified the unauthorised removal of a tree on the protected list in the past 12 months, and no prosecutions or penalties have been issued in this time period.

2.25 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter of the Minister for Education and Lifelong Learning regarding equality and equity for all children and parents in the rollout of universal funding for nursery care for 2-year-olds: (WQ.387/2024)

Question

Will the Minister explain how he is going to ensure equality and equity for all children and parents in the rollout of universal funding for nursery care for 2-year-olds?

Answer

Plans set out in the Common Strategic Policy 2024 – 2026, to be funded if approved by the Budget 2025 – 2028, set out the intention to move towards a universal offer for 2-3-year-olds. This starts by extending nursery and childcare provision to children in this age group with additional needs. This phasing is important, as it aims to align an increase in the offer of support to families with an increase in nursery and childcare spaces in a coordinated way.

If this phase is successful and we move to a wider implementation, equality will be ensured by delivery of a “universal” offer, i.e. available to every child, similar in ambition to the current Nursery Education Fund (NEF) for 3 – 4-year-olds. Equity will be ensured by the continuation of targeted offers which provide additional support, over and above the universal offer, for those with identified additional needs.

2.26. Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding children excluded from schools: (WQ.388/2024)

Question

Will the Minister state the number of children excluded from States primary schools and, separately, from States secondary schools for each of the last five years?

Answer

Academic Year	Pupils Excluded in Government Primary Schools	Pupils Excluded in Government Secondary Schools
2019/2020*	24	278
2020/2021*	32	357
2021/2022	18	297
2022/2023	32	315
2023/2024	42	332

*The 2019/20 and 2020/21 academic years are not comparable with other years due to the impact of Covid on school attendance/school closures.

The above data is taken from SIMS, the schools’ management information system, and represents all pupils receiving a fixed term exclusion (suspension). The data does not include children attending a special school.

2.27. Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding assaults carried out by secondary school students: (WQ.389/2024)

Question

Will the Minister state, for each of the last five years, the number of assaults, if any, carried out by secondary school students on members of staff and, separately, on other students; and of any such assaults, how many were reported to the police?

Answer

Schools define their own behaviour recording categories within SIMS (the schools management information system) to suit their needs, which means that it is not easy to report consistently.

In total, there are 193 negative behaviour categories in use across schools, which include lateness, uniform and homework issues, and behaviours in school including interactions with pupils and staff. Some of the categories in use do not lend themselves to answering this question (for example Removal – Break/Lunch Incident) and we would need to review the free text of these entries to determine if an assault had occurred. The volume of incidents over a five year period means that we would not be able to resource this request.

However, we do have consistent recording mechanisms in place to capture the reason for exclusions, which is provided below:

Academic Year	Exclusion instances in Government secondary schools for physical assault against an adult	Exclusion instances in Government secondary schools for physical assault against a pupil
2019/2020*	10	95
2020/2021*	7	150
2021/2022	14	110
2022/2023	18	115
2023/2024	12	152

*The 2019/20 and 2020/21 academic years are not comparable with other years due to the impact of Covid on school attendance/school closures.

The Department do not hold records of all assaults that are reported to the police, and there are some identified data quality issues within the incidents data that we are seeking to address.

2.28. Deputy M.B. Andrews of St. Helier North of the Chair of the Privileges and Procedures Committee regarding police investigations into States Members: (WQ.390/2024)

Question

Will the Chair advise whether the Committee is aware of any States Member who is subject to an ongoing police investigation and, if so, what action, if any, has the Committee considered taking whilst any such investigation is ongoing?

Answer

The Committee is not aware of any States Member being subject to an ongoing police investigation; and there has consequently been no need for the Committee to consider whether any action needs to be taken.

2.29. Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Treasury and Resources regarding Dividend Income: (WQ.391/2024)

Question

In relation to Dividend Income included on page 100 of the [Proposed Budget \(Government Plan\) 2025-2028](#), will the Minister provide a breakdown of the budgeted income from each States-owned entity, including utility companies, for each year of the Government Plan, and will she explain the decrease anticipated in income from 2025 to 2026?

Answer

The estimates for dividend income are set out in the Budget under the section on General Revenue Income, based on the latest income forecast produced by the Income Forecasting Group (IFG) in their report published on the States Assembly website. This includes a breakdown of dividend income estimates and explanation for the decrease in dividend in 2026. Please refer to page 34 of the latest [IFG report \(R.130-2024\)](#).

2.30. Deputy J. Renouf of St. Brelade of the Minister for Treasury and Resources regarding procurement of goods and services from on-Island companies: (WQ.392/2024)

Question

Will the Minister advise what steps, if any, are taken to encourage procurement by the Government of goods and services from on-Island companies, particularly in relation to any weighting given to a company's presence in Jersey during decisions on whether to award a tender?

Answer

The approach undertaken in respect of procurement aligns with procurement best practice in which a range of factors are considered embodying the principle of Most Economically Advantageous Tender. A range of criteria are considered. These include but are not limited to: - price, quality of submission in respect of adherence to the specification, acceptance of terms and conditions and social value are weighted and scored accordingly. There is not a specific weighting for a company's presence in Jersey.

A recent analysis of our top 100 suppliers by spend has shown that more than 50% of this spend is with local suppliers. This analysis will be published before the end of this year. The department is actively reviewing procurement process from the perspective of small local business.

2.31. Deputy A.F. Curtis of St. Clement of the Minister for Infrastructure regarding the former Seaside Café at Grève de Lecq: (WQ.393/2024)

Question

Further to [Written Question 323/2023](#), will the Minister state –

- (a) the value of the independent valuations received for the former Seaside Café at Grève de Lecq;
- (b) how these valuations were assessed;
- (c) whether any specific industry methodologies (for example Royal Institution of Chartered Surveyors (RICS) guidance) were used in the determination of these valuations; and
- (d) what advice, if any, was provided to the Minister to inform his negotiations with the former owner?

Answer

Context

On 19th July 2023 the States Assembly voted in favour of P.53/2023 (by 32 votes to 10 with one abstention). Parts (a) and (b) of the proposition, as amended, requested the Minister for Treasury and Resources, in consultation with the Minister for Infrastructure –

- (a) to negotiate, on behalf of the States of Jersey, the purchase of the former Seaside Café and car park site at Grève de Lecq for a use that would be of environmental, cultural and

social benefit to the public, including the option of working with partner organisations in completing the purchase and securing the future of the site;

- (b) to ensure that the negotiated price represented value for money and that, prior to the transaction being presented to the States in accordance with Standing order 168, the price had been subject to independent review.

(a) Valuation

The site had planning permission for a café/restaurant with associated parking and a four-bedroomed luxury house with triple garage, swimming pool, bunker store and associated landscaping (applications P/2021/0861 and P/2022/0382).

The site was for sale via one or more local estates agents for £5 million as it currently existed, or for £11 million if sold once the redevelopment is completed.

One of the valuations undertaken for Jersey Property Holdings (“JPH”) gave a figure of £1.1 million as the residual value of the land/site. The other valuation was negative £4.45 million. A third valuer was also invited to value the site, but that firm declined the instruction as it also arrived at a negative site value and did not wish to submit a report on that basis.

What the valuations point to is that the approved scheme had a disproportionately high construction cost in relation to the possible sale price of the completed redevelopment, giving a low or negative residual land/site value. Put simply, the cost of buying the site and then constructing the approved development would be higher than the finished property was likely to achieve on the open market, particularly in view of the current slowdown in the property market.

(b) and (c) Assessment

JPH commissioned 3 independent valuations of the site by valuation surveyors qualified under the Royal Institution of Chartered Surveyors. The basis of the valuations was the residual land value based upon the approved redevelopment scheme. That entailed:

- a. estimating the total cost of constructing the redevelopment, including demolition costs and fees.
- b. Opining the value of the completed redevelopment, i.e. the price that it would sell for on the open market.
- c. Subtracting the cost of construction and estimated developer’s profit from the opined sale price to give the residual value of the land/site.

The approved scheme was a relatively complex one and there are few directly comparable properties in the marketplace to assist with opining a value of the completed redevelopment. However, the valuations did assess a number of existing homes and properties that offer broadly similar accommodation and suggested that a purchaser looking in this price bracket could find alternatives with other significant benefits, including a much greater level of privacy for the occupants.

An additional factor was that the construction proposed was relatively complex, and estimating the construction costs depends on what assumptions are made as to what methods and standards of construction would be employed. Also, assumptions regarding developer’s profit can significantly affect the residual valuation.

However, a different redevelopment scheme might well yield a higher site value. The site as it existed with a café, large car park and two residential units, could be purchased as an investment opportunity with a view to leasing-out the existing café and residential units, and possibly also part of the car park. In discussion with the two valuers, it was considered that the value of the site in that context could be in the region of £2.5 million. It must be noted however, that this value does not account for

the additional and well publicised social benefits of keeping the site in public ownership which would add a considerable premium to a public bid.

(d) Advice to the Minister

All of the above was discussed with the previous Minister in the process of the negotiation.

2.32. Deputy A.F. Curtis of St. Clement of the Minister for Health and Social Services regarding the Digital Care Strategy Major Project: (WQ.394/2024)

Question

In relation to the Digital Care Strategy Major Project, will the Minister provide –

- (a) a list of the subordinate projects that constituted the Major Project as funded in 2023 and 2024, together with details of the project deliverables;
- (b) a breakdown of the expenditure by subordinate project and year; and
- (c) a breakdown of the proposed £2.3 million expenditure in 2025, including the expected project deliverables?

Answer

(a) The table below shows the subordinate projects that constituted the Major Project as funded in 2023 and 2024, together with an explanation of the projects.

Component	Deliverable	Status
Core Record Platform (Electronic Patient Record System)	<p>New Electronic Patient Record (EPR) – Hospital Acute EPR System</p> <p>Replacement of the legacy TrakCare EPR by the IMS Maxims EPR. The new EPR will increase dramatically the hospital Digital Maturity level. It also brings several clinical safety improvements and organisational efficiencies related to the below:</p> <ul style="list-style-type: none"> • A sustainable and continued improvement in the quality and safety of acute care within Jersey • Improvements in acute care patient outcomes • Reduction in unwarranted variation away from clinical pathways and protocols, with associated cost savings and improvements in care <p>This programme also aims to deliver new EPRs for Maternity, Intensive Care and Theatres, ambulance integration, a patient portal, and workflows that support clinical recording at the patient bedside.</p>	<p>Phase 1 & 2 Completed</p> <p>Phase 3 & 4 In progress</p> <p>Phase 5 to be commenced in 2025</p>
Radiology Imaging and Reporting service (RIS & PACS)	<p>Radiology Imaging and Reporting service (RIS & PACS)</p> <p>Replacement of legacy Radiology GE PACS system for a newer, fit-for purpose Philips PACS system that allows the Radiology department to continue operating.</p>	Completed

GPOC – Pathology/Radiology	<p>GP Order Comms – Pathology/Radiology</p> <p>General Practitioners (GPs) are now able to send electronic requests of pathology and radiology studies to the HCS laboratory and radiology department avoiding the reliance on post. GPs also have access to electronic results.</p>	Completed
EPMA	<p>Electronic Prescribing & Medications Administration (EPMA)</p> <p>Move from paper drug charts to electronic prescribing throughout all inpatient and outpatient departments. Relevant clinical safety improvements related to clinical decision support, medication interactions and allergies.</p>	Completed
Scantrack (T-Doc)	<p>Scantrack (T-Doc)</p> <p>Replacement of legacy solution Scantrack for T-Doc. This system allows for traceability of surgical instruments through the sterile supply workflow. It is part of the essential health & safety processes in the surgical department.</p>	Completed
Retinal Screening	<p>Retinal Screening</p> <p>Implementation of a solution that allows the management of screening of patients with diabetes. It ensures patients are being seen at the right intervals based on their personal medical history.</p>	Completed
e-consent	<p>eConsent</p> <p>Moving from paper consent forms to electronic consent, allowing for patients’ access to information relevant to their medical/surgical/nursing procedure promoting an informed decision.</p>	2025
Vendor Neutral Archive (VNA)	<p>VNA</p> <p>Creation of a Cloud imaging repository for Radiology studies to mitigate issues related to local storage of files. This marked the steppingstone for the creation of a central data repository that will allow for a single point of access for imageology studies.</p>	Completed
ISCV - Cardiology Storage	<p>ISCV storage</p> <p>Transfer of Cardiology studies from local storage to the VNA. This will minimize data storage issues and optimise access from clinicians to the required data.</p>	2025
FIT Order Comms	<p>FIT Order Comms</p> <p>Automate bowel screening workflow. It will bring department efficiencies by removing a lengthy manual process. Includes data quality validation and ensures that</p>	2025

	patients are being reviewed at appropriate intervals according to current evidence-based guidelines.	
Mental Health and Social Care Services	<p>Electronic Care Record (ECR)</p> <p>The ECR will be a new Electronic Patient Record that will address current issues regarding the inoperability and inefficiencies of the current legacy Mental Health and Social Care Services ECR.</p> <p>The new ECR system will delivery numerous benefits, including:</p> <ul style="list-style-type: none"> • Enhanced Patient and Client Safety • Reduced Administrative Burden • Improved Data Accuracy and Integration • Increased Service User Satisfaction • Improved Staff Satisfaction <p>The objectives of this programme are:</p> <ul style="list-style-type: none"> • Reduce the administrative burden on staff by streamlining processes to decrease time spent on non-patient/client related tasks by 20% at the end of Q4 2027 • Enhance patient/client safety by implementing an integrated ECR system to achieve a 25% reduction in serious incidents, serious case reviews, and medicine incidents across Mental Health, Social Care, and Community Services by the end of Q1 2027 • Enhance reportability, data accuracy, and integration by achieving 90% data accuracy and integration with key systems within 12 months of the new ECR system's operation • Improve patient engagement and satisfaction by utilising ECR functionalities that increase satisfaction scores by 25% by the end of Q1 2027 • Improve staff satisfaction by 25% by providing effective tools and reducing workarounds by 40% by end of Q1 2027 	<p>Phase 1 – End 2025</p> <p>Phase 2 - 2026</p>
Sexual Health EPR	<p>Sexual Health EPR</p> <p>The current system for managing patient appointments, laboratory test requesting and resulting, and general Sexual Health Clinic administration is based on a model established over 25 years ago and remains heavily paper based. It also makes the process of collating sexual health data (e.g. GUMCAD, SRHAD, HARS,) virtually</p>	2025

	<p>impossible and as such has not been carried out for some years.</p> <p>The aim of the project is to deliver an Electronic Patient Record solution for the Sexual Health/GUM Clinic which will reduce errors, improve patient and staff experience, support the needs identified through the Digital Health & Care strategy, specifically the capture of structured clinical data and the removal of the current paper-based processes.</p> <p>Sexual Health EPR will improve clinic staff access to patient data for speedy appointment booking and result look up, protect customer's confidential information, proactively supply accurate and up to date information, and enable staff to actively use technology to meet current and future customer needs, such SMS messaging and electronic Pathology test requesting. Such a system will also enable staff to collate appropriate sexual health data as required with greater ease.</p>	
Cervical Cancer Screening	<p>Cervical Cancer Screening</p> <p>Automate cervical screening workflow. It will bring a new screening system, and it will deliver on department efficiencies by removing a lengthy manual process. Includes data quality validation and ensures that patients are being reviewed at appropriate intervals according to current evidence-based guidelines.</p>	2025
Digital Health Wi-Fi	<p>WiFi refurbishment</p> <p>Critical improvement to the coverage of the current Health Care Services Wi-Fi Network Infrastructure, enabling the continued digitalisation of Jersey's healthcare landscape. As we look toward 2025, our strategic objectives are aligned with transforming healthcare delivery, enhancing patient outcomes, and ensuring the sustainability of our health system through advanced digital solutions.</p> <p>The WiFi refurbishment work will deliver on:</p> <ul style="list-style-type: none"> • Enhanced Patient Care and Outcomes • Operational Efficiency • Integrations and Interoperability • Enabler of healthcare professionals' mobile workflow 	2025
Maternity	<p>Maternity EPR</p> <p>Specialised Maternity Electronic Patient Record that tailors for the specific needs of Maternity staff and users. It's an end-to-end Maternity Information System that is completely paperless, reducing the risk of human error and supporting your environmental targets. It provides</p>	2025

	maternity professionals with the key information they need to make more informed clinical decisions at the point of care. The main purpose is to improve standards of care for women and babies throughout pregnancy by providing maternity professionals with the information needed to make informed clinical decisions at the point of care and eliminating inefficient paper-based processes	
Draeger Network	<p>Draeger Network</p> <p>Main requirement of the patient observations integration with the Jersey Neonatal Unit, Intensive Care Unit and Theatres EPR. This will allow for an automatic feed from different medical devices like the observation monitors, ventilators, anesthetic, dialysis and infusion pumps machines. Highly reduces transcribing errors and boosts healthcare staff efficiencies in the respective areas of practice.</p>	2025
Multitone – GPNet	<p>Multitone – GPNet</p> <p>This project is to ensure the hospital 999 Multitone paging services (Police CCTV and GP net) don't experience down time when the legacy JT fibre connect product is decommissioned. JT are moving services over to new solutions. This project is to ensure the solutions are fit for purpose and to ensure proper testing is undertaken before backend networks are changed over.</p>	On hold - JT
Pathology Analyser	<p>Pathology Analyser update</p> <p>Upgrade of the legacy server and supporting software to an up-to-date server and system. This upgrade mitigated the cybersecurity risk associated with the old infrastructure.</p>	2023
EPR Staffing	Clinical and technical support team which is supporting the training, adoption, and use of the EPR system in clinical areas and has been invaluable in translating clinical needs into EPR processes to improve the user experience and patient outcomes.	
Project Delivery and Licence costs	Costs for implementing and managing the individual projects including costs for EPR software, IMS Maxims.	

b) Please see table below

Project	2023		2024 Oct YTD	
EPR	£	2,548,298	£	1,705,664
GP order comms	£	144,536	£	25,622
EPMA	£	80,895	£	39,807
Mental Health & Social Care Services	£	249,131	£	255,050
E prescribing		-	£	16,299
FIT Order Comm	£	202,439	£	25,400
Vendor Neutral Archive (VNA)	£	173,645	£	25,000
Sexual Health EPR		-	£	127,886
PACS Replacement	£	68,395	£	94,471
Cervical Cancer		-	£	4,186
Digital Health WIFI		-	£	78,850
E consent		-	£	42,287
Ophthalmology	£	102,625	£	72,541
Scantrack	£	131,003	-£	4,025
DH Staffing EPR Tracker		-	£	228,218
DH Maternity Project		-	£	5,286
ISCV - Cardiology Storage		-	£	58,689
Draeger Network Project		-	£	818
Multitone - Gpnet		-	£	3,076
Pathology Analyser	£	39,855		-
EPR Staffing		-	£	228,218
Project Delivery and Licence costs	£	991,990	£	104,128

c) The question seems to include a typing error. The proposed expenditure for the Digital Care Strategy for 2025 is £2.003m (see below screenshot from the proposed Budget 2025-28).

Information Technology

Information Technology							
Project		Spon	Supp	2025	2026	2027	2028
Total	£'000	Dept	Dept	Estimate	Estimate	Estimate	Estimate
10,261	Cyber Programme 2.0 (M)	TDS	TDS	2,514	3,608	3,403	-
13,000	IT Major Upgrade and Replacement	TDS	TDS	6,000	6,000	1,000	-
1,800	Digital Services Platform	TDS	TDS	600	600	-	-
18,308	Digital Care Strategy (M)	HCS	TDS	2,003	770	380	200
3,850	Digital Systems Improvements	HCS	TDS	800	730	1,520	800
1,200	General Hospital Wi-Fi	HCS	TDS	1,200	-	-	-
850	Next Passport Project	JHA	JHA	425	425	-	-
2,047	Combined Control Room	JHA	JHA	450	-	-	-
9,425	Revenue Transformation Programme (Phase 3) (M)	T&E	T&E	1,316	-	-	-
11,274	Revenue Transformation Programme (Phase 4) (M)	T&E	T&E	3,270	3,122	3,122	-
4,017	Court Digitisation	JG	JG	1,230	220	-	-
650	Replacement LC-MS System	OA	OA	-	650	-	-
763	Probation/Prison Offender Case Management System	PROB	PROB	425	110	110	-
974	Automatic Electoral Registration	SA	TDS	385	45	45	-
78,419	Total Information Technology			20,618	16,280	9,580	1,000

Table 29: Information Technology | (M) indicates a Major Project

The Programme has identified the following projects to be funded, however, on-going review and prioritisation is required based on clinical needs and the ageing digital health infrastructure. Current projects include:

Patient Portal: Online portal that patients and clinicians' access to view patient records & health care information with benefits to both, patients and clinicians.

Pharmacy drug control: electronic systems for improved controlled drugs management and buying-processes.

Theatres Anaesthetic Record EPR: management of the anaesthetic record and theatres medical devices integration.

EPR v24 update: upgrade to the latest version of Maxims EPR which includes more than 300 enhancements including Jersey clinicians change requests.

E-Referrals:

Continuation of the electronic referrals project to deliver on Phase 1 of the project (HCS – GP practices) and phase 2 (other healthcare providers).

Implementations of specialist EPR modules for sexual health & other core systems

Implementation of in-flight projects like the Sexual Health EPR and major system upgrades.

ePrescribing Oncology

Digitalisation of oncology paper drug charts removing significant clinical risk and manual procedures.

Technology delivery to adhere to enhanced regulatory standards.

2.33. Deputy I. Gardiner of St. Helier North of the Minister for Social Security regarding Long-Term Care Benefit: (WQ.395/2024)

Question

Further to the response to [Written Question 362/2024](#), will the Minister advise –

- (a) whether any type of additional, or top-up, payment or funding by Government is provided when, following means-testing, a claimant of Long-Term Care Benefit cannot afford to pay the difference between the level of the benefit they receive and the care home fees they have to pay;
- (b) whether any other type of additional, or top-up, payment or funding is available to recipients of Long-Term Care Benefit and, if so, on what basis; and
- (c) where any such additional payments are made, how they are monitored and recorded?

Answer

a) There are no additional top-ups, payments or funding mechanisms that provide money to Long-Term Care claimants in the circumstances the Deputy describes. If someone is assessed as not having the means to make a top-up payment, they are not required to make one. The funding they receive from the Long-Term Care scheme will secure them a placement at a care home based on standard Long-Term Care benefit rates. This may limit the choice they have in terms of which care home they are placed in but will not compromise the level of care they receive.

b) Recipients of Long-Term Care who are receiving care in their own home and are on Income Support can receive the Ancillary Home Care Costs component of Income Support. This is designed to provide additional financial support for the costs of receiving care at home, the value of this component is currently just over £30 per week.

Also, depending on individual circumstances, someone receiving Long-Term Care benefit may also be entitled to receive:

If receiving care at home

- Income Support
- The mobility component of Income Support
- Cold Weather Bonus or Cold Weather Payment – monthly payments made in the event of a cold winter
- Health Access Scheme – fixed, lower GP fees
- Pension Plus – support with dental, optical and chiropody costs
- Christmas Bonus – bonus financial support at Christmas
- Television Licence Benefit (free licence for over 75's)
- Community Costs Bonus – annual lump sum payment of just over £500 to assist with household costs - (if they not on Income Support).

If receiving care in a care home

- Health Access Scheme
- Pension Plus – support with dental, optical and chiropody costs
- Christmas Bonus – bonus financial support at Christmas
- Community Costs Bonus (if not on Income Support).

Finally, and in the most complex cases of Long-Term Care i.e. those requiring a level of care above Long-Term Care Level 4, additional funding can be provided via the Health and Community Services High Costs Panel.

c) Monitoring and recording of all the payments listed in part b is done by Customer and Local Services as part of the administration of the various payments/benefits.

2.34. Deputy I. Gardiner of St. Helier North of the Minister for Health and Social Services regarding the projected increase in dementia patients by 52% in 20 years' time: (WQ.396/2024)

Question

Will the Minister advise what plans, if any, are being considered or have been implemented to ensure that the Island's care system will be able to meet the demand of the projected increase in dementia patients by 52% in 20 years' time, as set out in the [Projection Report 2023 to 2053](#); and if no such plans exist, why not?

Answer

The Dementia Strategy which was published earlier this year sets out the approach to how dementia care and support will be delivered in Jersey moving forward. It is supported by a published implementation plan for the first 12 months. A number of the actions set out to ensure that services are properly configured and resourced to meet the anticipated growth in people with dementia, including the development of a brain health plan to reduce risk of developing dementia (by March 2025) and the development of a new integrated model of health and social care for people with dementia (by May 2025).

In addition, work has been underway to review the provision of nursing home and specialist care placements in line with the Strategy, and this is ongoing. Potential immediate actions are currently being explored within HCS, which will be supported by a clear longer-term plan.

2.35. Deputy I. Gardiner of St. Helier North of the Minister for Sustainable Economic Development regarding financial and staffing resources to publish Strategy documents: (WQ.397/2024)

Question

Will the Minister provide details of the financial and staffing resources required (including the number and grade of the staff involved and the time for which they were engaged) to develop and publish the following –

- (a) Arts Strategy 2022;
- (b) Visitor Economy Strategy 2023; and
- (c) Jersey Performance Sport Strategy 2023?

Answer

- (a) The Arts Strategy was developed by Tom Fleming Creative Consultancy at a cost of £60,000. Dr Tom Fleming was supported by a number of officers in the development of the strategy in consultation with a broad array of stakeholders across the arts and culture sector.
- (b) The Visitor Economy Strategy was developed by a Grade 12 officer and a steering group, comprising the officer and several stakeholders, including the JHA, Chamber of Commerce, Jersey Business and Visit Jersey.
- (c) The Performance Sport Strategy was a Ministerial objective in the 2023 Ministerial Delivery Plan. This workstream built on existing work already undertaken by Jersey Sport. It was developed by a Grade 11 Officer, overseen by a Grade 13 Officer and the Assistant Minister with responsibility for Sport. This amounted to approximately 150hrs of Grade 11 time and 25 hrs of Grade 13 time which reflects the nature of this shorter piece of work.

2.36. Deputy R.S. Kovacs of St. Saviour of the Minister for Treasury and Resources regarding relocation expenses: (WQ.398/2024)

Question

Will the Minister state the number of employees who have claimed relocation expenses in each of the last five years in accordance with Paragraph 14 of Schedule 2 of the [Income Tax \(Jersey\) Law 1961](#), as well as the total amount claimed?

Answer

Revenue Jersey does not collect this information. Paragraph 14 of Schedule 2 of the Income Tax (Jersey) Law 1961 sets out the exemption from income tax in respect of relocation expenses which have been paid as a benefit in kind to an employee. If benefits are exempt, Revenue Jersey does not require this information to be provided by either the employer or employee. This is in line with the general restrictions in tax legislation, ensuring that information is only required to be provided where there is a potential tax assessment.

2.37. Deputy R.S. Kovacs of St. Saviour of the Minister for Treasury and Resources regarding online retailers not paying GST: (WQ.399/2024)

Question

In respect of Article 28 of the [Draft Finance \(2025 Budget\) \(Jersey\) Law 202-](#), will the Minister advise how many taxable online retailers have been identified by her department as not paying GST, and the estimated total of GST payments that have not been made as a result?

Answer

As of 11 November 2024, Revenue Jersey is aware of fewer than 12 suppliers which it considers may meet the criteria for GST registration and which are currently not registered. Revenue Jersey does not disaggregate groups of fewer than 12 taxpayers to protect confidentiality. It is not possible to estimate the total GST from these suppliers.

Online retailers are continuing to register for GST and Revenue Jersey are actively engaging with the identified minority to register them for GST and reduce the number of unregistered suppliers.

Where a retailer is not registered, GST above the de minimus level will be collected at the time of import from the customer.

2.38. Deputy R.S. Kovacs of St. Saviour of the Minister for Education and Lifelong Learning regarding young people aged 16 to 24 who were not in employment, education or training: (WQ.400/2024)

Question

Will the Minister state, for each of the last five years, the number of young people aged 16 to 24 who were not in employment, education or training?

Answer

	Number of 16-17 year olds identified as Not in Education, Employment or Training (NEET)	Percentage of 16-17 year olds identified as Not in Education, Employment or Training (NEET)
2023	7	0.3%
2022	21	1.1%
2021	10	0.5%
2020	46	2.2%

The process of identifying young people who are not in education, employment or training (NEET) has changed over time. The current process uses data from CYPES and CLS to identify individuals within the 16-17 year old cohort who appear to be NEET. Skills Jersey will attempt to contact these individuals to establish if they are NEET and offer support accordingly. There may be a range of reasons why a young person may incorrectly appear to be NEET, based on the data used. For example, they may be at a UK boarding school and therefore not appear in our school census. The numbers reported above include those who were confirmed as NEET via contact from Skills Jersey. Additional to these numbers each year there are young people who Skills Jersey have been unable to contact to confirm whether they are NEET, and these numbers are not included in the above.

Whilst we currently only report the NEET rate for 16-17 year olds, we have improved processes around the identification of NEET this year and expect to be able to report a 16-24 NEET rate in 2025.

2.39. Deputy K.M. Wilson of St. Clement of the Minister for the Environment regarding draft legislation to bring hospital services under the regulatory control of the Jersey Care Commission: (WQ.401/2024)

Question

Further to [Oral Question 16/2024](#), will the Minister –

- (a) detail the reasons for the delay in producing draft legislation to bring hospital services under the regulatory control of the Jersey Care Commission and provide the timeframe for the legislation to be shared with the Assembly;
- (b) advise what actions, if any, he is taking to mitigate any further delay including –
 - (i) ensuring clarity of responsibility for leadership of the inspection process;
 - (ii) confirmation of the date by when hospital services must be in a ‘state of readiness’ for any hospital inspections undertaken under any relevant legislation adopted;
 - (iii) identification of any constraints or risks relevant to the inspection process and how these are being addressed; and
 - (iv) ensuring clarity in reporting and accountability arrangements for receipt of, and actions arising from, the inspection reports?

Answer

- (a) Draft amendments to the Regulation of Care (Jersey) Law 2014 (the “2014 Law”) to regulate hospital and ambulance services were published for public consultation between 8 April and 3 June 2024 and I approved a consultation report on the outcome of the consultation for publication last month (full information is published on the Government’s website at [Regulation of Care \(Jersey\) Law 2014: Independent Regulation and Inspection of Hospital and Ambulance Services](#)). Advance copies of these documents were provided to the Health and Social Security Panel.

The project features in my legislative programme for 2024 and it is anticipated that the draft Regulation of Care (Amendments) Law will be lodged in the Assembly on schedule, by the end of this year, subject to consideration by the Council of Ministers.

- (b) As stated above, this legislative project is running according to the anticipated current timetable and so no actions are required in this regard. In answer to the further questions asked:
 - i. The 2014 Law provides the Jersey Care Commission with full responsibility for the inspection process. The Board of the Commission are accountable for the performance of inspection functions.
 - ii. The draft Regulation of Care (Amendments) Law, as published for consultation, proposes that HCS services will be required to apply to register with the Jersey Care Commission within six months of the draft Law coming into force. As the draft Law is a primary Law amendment, if it is approved by the Assembly, it must be approved by the King in Privy Council and registered by the Royal Court before it may be brought into force. Subject to this timetable, I intend to bring the draft Law into force as soon as possible in 2025.
 - iii. In developing amendments to the Law, I have sought to ensure that the legal framework for the regulation and inspection of hospital services is robust and effective. Extensive engagement has taken place over more than two years with those services that will be required to deliver and respond to the inspection process so that services have had time to prepare to be inspected. In addition, funding was provided by the Assembly under the

Government Plan 2022-25 to these services to enable them to prepare for regulation. It is considered that these steps have ensured that risks have been identified and mitigated against effectively to enable the inspection framework to be implemented according to the timetable, in 2025.

- iv. The 2014 Law, as amended, is clear that, in respect of Government of Jersey provided services, the Accountable Officer for the relevant department must register as the provider of those services. At present, this would require the Chief Officer for the Department of Health and Community Services to register as the provider of hospital services. In addition, other senior officers in the Department may be registered as managers for specific hospital services. Ultimate accountability for fulfilling requirements under the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018, as amended, would be placed on the registered provider and, generally, on registered managers jointly. This includes responsibility for complying with any improvement notices that may be issued by the Commission.

2.40. Deputy K.M. Wilson of St. Clement of the Chair of the States Employment Board regarding drug testing for public servants: (WQ.402/2024)

Question

Further to [Written Question 158/2024](#), regarding drug testing for public servants, will the Chair advise –

- (a) what progress, if any, has been made since April 2024 on relevant policies or legislation to introduce drug-testing;
- (b) how any intended changes in the policy will be funded and when will this funding be delivered; and
- (c) what actions, if any, will the States Employment Board undertake to ensure health services, education, and other public services are delivered in a drug-free environment by drug-free professionals; and if it is not going to undertake any actions, why not?"

Answer

(a) The Government continues to develop the policy as part of a broader update of the Substance Misuse Policy, applicable to all public servants. There is specific work on the development of compulsory and voluntary drug and alcohol testing. This will require significant consultation and input from unions, employee networks, staff groups and Occupational Health specialists. We intend to start full consultation in Q1 2025 with a view to implementing the policy in Q2 2025.

The discussions and consultation with the above will include:

- Scheduled and unscheduled drug and alcohol testing
- How to equip managers with the skills and knowledge to confidently handle alcohol and drug-related incidents
- How to identify substance misuse signs and impairment, understanding testing procedures, and address concerns effectively

(b) Consideration as to how this will be funded will be required as part of any change in policy.

(c) The States Employment Board will be discussing the introduction of the Substance Misuse Policy, which will apply to all public servants, noting the specifics of the policy and its application in different sectors. In the meantime, the [States of Jersey Codes of Practice](#) sets out clear

expectations of all public servants regarding the standards expected of them. All public servants have a duty to report concerns that fall short of these standards; examples include unlawful conduct, health and safety, and outside interests of material importance to confidence in the integrity of a public servant. HCS already have in place a Substance Misuse Policy [HCS Substance Misuse Policy](#), as an example.

2.41. Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding the Island's ferry tender process: (WQ.403/2024)

Question

In relation to the Island's ferry tender process, will the Minister advise –

- (a) what consideration, if any, was given by the Government to improving Jersey's resilience and reputation during the process;
- (b) whether he has received the support of all members of the Council of Ministers, and the impact, if any, the level of such support has had on the decisions being made;
- (c) what impact, if any, the tender process is having on inter-Island relationships with his counterparts and how the relationship will be strengthened post the tender process;
- (d) what assessment has been undertaken on the impact the actions of the Chief Officer of the Department for the Economy have had on the process, and what has been done, if anything, as a result of those actions;
- (e) the total expenditure on the tender process, including contingencies, and how value for money has been demonstrated; and
- (f) what lessons have been learnt from this process for joint working between the Islands, and to avoid future reputational and financial risk to Jersey?

Answer

- (a) A range of technical, commercial, financial and legal factors were considered as part of the tender process, including matters related to resilience such as fleet modernisation and maintenance. As to reputation, that is something Ministers consider in all decisions they make.
- (b) All Ministers have been supportive and constructive throughout our discussions, appreciating the importance of securing a sustainable long-term service that best serves the interests of Jersey. This has helped considerably in decision-making.
- (c) The Council of Ministers remain confident in the strength of inter-Island relations, respecting that our counterparts in Guernsey must make their own decisions. Ministers will continue to engage with our sister Island constructively using all available avenues.
- (d) The Chief Officer immediately recused themselves, and a replacement Senior Responsible Officer was appointed swiftly. It is regrettable that this needed to take place, but it has not had a material impact on the speed or effectiveness of the process.
- (e) The tender process has been conducted by existing officials of the Government, including those in the Economy and Treasury Departments, and the Ports of Jersey. Additional costs (including legal fees) have been incurred during this process as expected when conducting a procurement of this size and complexity. As to value for money, securing a sustainable high-quality ferry service is crucial for our economy and way of life, and the processes undertaken have been designed to demonstrate and secure this outcome.

- (f) It was appropriate to follow an open and competitive pan-Island process, and the ultimate outcome will be a more sustainable ferry service. Ministers and officials are constantly considering how to improve, and a lesson learnt exercise will be conducted at the appropriate stage, including any lessons for improved pan-Island arrangements and relations.

2.42. Deputy M. Tadier of St. Brelade of the Minister for Health and Social Services regarding mouth cancers: (WQ.404/2024)

Question

In relation to mouth cancers, will the Minister –

- (a) provide statistics on the rates of mouth cancer, specifically relating to the tongue, mouth, lips, gums, salivary glands, tonsils, and pharynx, over the last 20 years; and
- (b) detail what actions, if any, have been taken to educate the public on checking for and avoiding mouth cancer?

Answer

a)

Mouth Cancer Incidence Rates

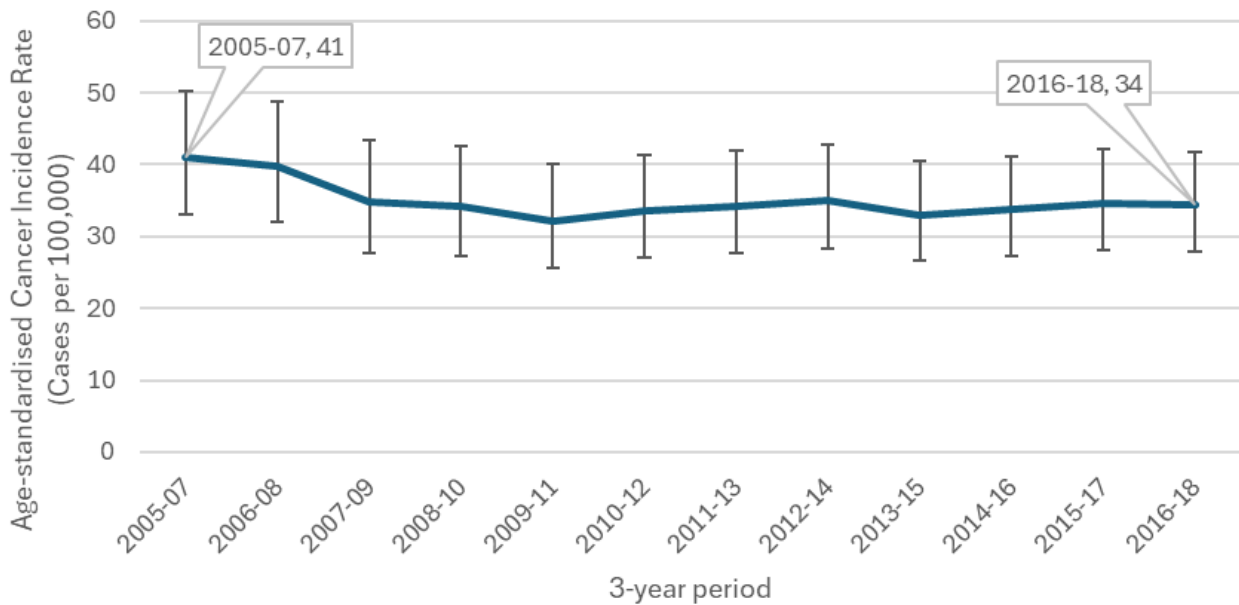
Cancer incidence data is sent by the Public Health Directorate in Jersey to the NHS Digital cancer registry who prepare and analyse the data to produce statistics on [cancer incidence rates](#) for Jersey and Guernsey.

These cancer incidence rates are grouped into categories, i.e., breast, colorectal, lung, sometimes with several different cancers in each of these groups. The cancer registry has included mouth cancer in the “head and neck” category (alongside cancer of the nose, sinus, thyroid etc.), so Public Health can only provide cancer incidence statistics for head and neck cancers and not mouth cancers specifically. Cancer incidence data from the cancer registry is available from 2005-2018 and is grouped into 3-year intervals due to low numbers.

The age-standardised rate for head and neck cancer incidence between 2005-07 and 2016-18 has:

- ranged from 32-41 cases per 100,000 population
- seen no statistically significant change over time

Figure 1: Age standardised incidence rate of head and neck cancer 2005-2007 to 2016-2018



The cancer report shows that on average, there have been around 28 to 33 head and neck cancers diagnosed annually, some of which will be cancers of the mouth.

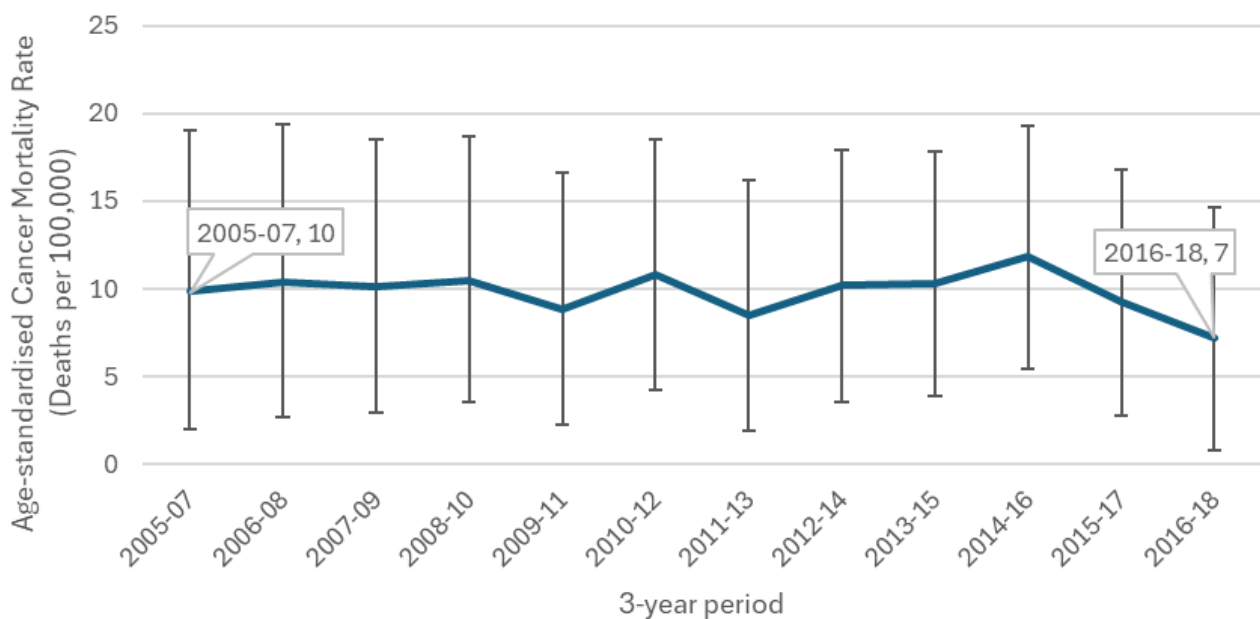
Mouth Cancer Mortality Rates

Similarly to cancer incidence, cancer mortality data is sent by Public Health to the NHS Digital cancer registry who prepare and analyse the data to produce statistics on cancer mortality rates

The age-standardised rate for head and neck cancer mortality between 2005-07 and 2016-18 has:

- ranged from 7-10 deaths per 100,000 population in each 3-year period
- seen no statistically significantly change over time

Figure 2: Age standardised mortality rate of head and neck cancer 2005-2007 to 2016-2018



The cancer report also provides counts of people who have died in each 3 year period as a result of head and neck cancers, these ranged from 20 to 32 in any three year period. This would equate to roughly 7 to 10 deaths per year from head and neck cancers.

The next iteration of the Channel Islands Cancer Report which provides data for 2018-2020 will be published in December 2024.

Mouth Cancer Deaths

As Public Health has access to statistically coded mortality data, it is possible to provide analysis on the deaths specifically due to mouth cancer.

Table 1 shows a breakdown of all deaths between 2007 and 2022 (all available data) with any ICD10 code assumed to encompass “mouth cancer” registered as the underlying cause of death, split out by type of cancer. Numbers <5 have not been disclosed for data protection purposes.

Table 1: Deaths from mouth cancers, 2007-2022

ICD10 Code	Code Description	Deaths (2007-2022)
C00	Malignant neoplasm of the lip	<5
C01	Malignant neoplasm of base of tongue	<5
C02	Malignant neoplasm of other and unspecified parts of tongue	24
C03	Malignant neoplasm of gum	<5
C04	Malignant neoplasm of floor of mouth	6
C05	Malignant neoplasm of palate	<5
C06	Malignant neoplasm of other and unspecified parts of mouth	<5
C07	Malignant neoplasm of parotid gland	<5
C08	Malignant neoplasm of other and unspecified major salivary glands	<5
C09	Malignant neoplasm of tonsil	8
C10	Malignant neoplasm of oropharynx	26
C11	Malignant neoplasm of nasopharynx	<5
C12	Malignant neoplasm of piriform sinus	<5
C13	Malignant neoplasm of hypopharynx	6
C14	Malignant neoplasm of other and ill-defined sites in the lip, oral cavity and pharynx	11
Total		99

The total number of mouth cancer deaths between 2007 and 2022 was 99, with an average of 6.2 deaths per year.

(b)

Research from the UK suggests that 35% of oral cancers are caused by alcohol consumption, and 17% of oral cancers are caused by smoking.

The Government of Jersey provides stop smoking support services and drug and alcohol support services to help people improve their health and reduce risk factors for a range of diseases, including lung cancer, liver disease and oral cancers.

The Government of Jersey also undertakes promotional campaigns to encourage people to stop smoking and to limit their alcohol intake.

Tobacco products sold in Jersey are required to display standard health warning pictures and photography that show the health impacts from smoking, this includes pictures of oral cancers.

The Health and Community Services department have recently launched a new internal mouth care policy and to date over 100 HCS members of staff have attended training.

2.43 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the consultancy firm appointed to support the maintenance work at the Havre des Pas Lido and café site: (WQ.405/2024)

Question

“Will the Minister advise whether a London-based building consultancy firm has been appointed to support the maintenance work at the Havre des Pas Lido and café site; and, if so, will the Minister explain why and why it was considered that a Jersey-based company could not be used?”

Answer

Latitude Building Consultancy (LBC) have been engaged to undertake maintenance work at the Lido. A Framework Agreement with LBC is in place, as is the case with several companies. LBC are a UK Royal Institute of Chartered Surveyors (RICS) Chartered Surveyor firm with extensive experience in building surveying, condition assessments, defect analysis, remedial actions, and contract administration. They are responsive and have a proven track record of delivering high-profile commercial projects for the Government of Jersey. LBC are engaged in accordance with the Public Finance Manual and in line with the Government's procurement processes. This was not a conscious decision to avoid engaging a Jersey company, it was a conscious decision to seek best value for the taxpayer.

2.44 Deputy P.F.C. Ozouf of St. Saviour of the Minister for Social Security regarding the acquisition of the new Government Headquarters as an investment of the Social Security (Reserve) Fund: (WQ.406/2024)

Question

In relation to the acquisition of the new Government Headquarters as an investment of the Social Security (Reserve) Fund, as included in [Proposed Budget \(Government Plan\) 2025-2028](#), will the Minister –

- (a) clarify what proportion of the building will be occupied by Social Security for the administration of the Fund, including the collection of contributions, and what percentage of the £91 million estimated purchase would thereby qualify as an investment of the Fund;
- (b) outline any specific processes undertaken to ensure that the purchase met the Fund's investment criteria (including the governance requirements on investments), particularly given that the building is intended to serve a broader governmental function and not exclusively Social Security; and

- (c) explain how this purchase (given that Social Security only occupies a portion of the building), aligns with the Fund's fiduciary responsibilities to pension holders?

Answer

- (a) The entire value of the investment qualifies as an investment of the Social Security (Reserve) Fund. The Fund maintains an internationally diversified investment portfolio to ensure it is able to fulfil its role to support the financial sustainability of the Social Security Fund. This investment will function in the same way as the Fund's other investments. On acquisition, the lessee will enter into a 25-year lease of the building, which will see the Fund generate investment returns from the rent it receives from the lessee and the residual value of the asset at the end of the lease period.

The extent to which the building is occupied by staff from Customer and Local Services is not a relevant consideration in determining whether it would qualify as an investment of the Fund.

- (b) The proposed investment was presented to the Treasury Advisory Panel (TAP). Its key characteristics are attractive to a long-term investor. Rental payments backed by a long lease from the AA-rated Government of Jersey are low risk, cash generative, and rental returns are also contractually linked to local inflation and so aligned with the long-term liabilities of the Fund.

TAP recommended progression of the investment, though their final recommendation will be subject to the approval of the Budget 2025-28 and conclusion of the detailed lease terms.

The investment strategy for the Social Security (Reserve) Fund is prepared by the Minister for Treasury and Resources and written in consultation with the Minister for Social Security. TAP, having reviewed the proposal already, will formally review the finalised version of the proposition and, if satisfied, recommend formal adoption of the undated Investment Strategy, this will then be confirmed to the Minister for Treasury and Resources, who, if satisfied with TAP advice, will present the updated Investment Strategy to the States Assembly.

The investment, which equates to around 4% of the Social Security (Reserve) Fund's portfolio, will sit alongside and complement the Fund's existing allocation to commercial property.

- (c) The local infrastructure investment at 4% of the Fund portfolio is just one element of a wider and diverse portfolio of assets constructed in combination to support the Fund's ability to meet its long-term investment objectives. The investment meets the investment objectives of the Fund for the following reasons:
- Cash flows align to JRPI and provide a natural hedge to the objectives of the Fund.
 - SSR seeks to be widely diversified globally, but currently lacks any local exposure. A small local allocation could have a positive diversification impact.
 - The arrangement is low cost and avoids leakage of excessive management fees.
 - The nature of the arrangement with cash flows provided by an AA rated counterparty will deliver an efficient and low risk return.
 - The yield is designed to replicate that charged by the Third Party yield to ensure a market appropriate return.

The valuation of the asset is above the transaction price and so it is expected to offer good value for money.

2.45 Deputy P.F.C. Ozouf of St. Saviour of the Minister for Treasury and Resources regarding the Income Tax Forecasting Group Report R.130/2024: (WQ.407/2024)

Question

In relation to the Income Tax Forecasting Group: Report ([R.130.2024](#)), will the Minister advise whether –

- (a) the income forecast therein aligns with the current expectations for the States of Jersey, particularly in light of continued activity within the housing market; and
- (b) the estimated figures are still likely to be met, despite the report only being updated periodically?

Answer

At the end of October 2024, around £30m had been collected from stamp duty, enveloped property transaction tax and land transaction tax. The total stamp duty forecast for 2024 is £38m. Excluding revenue from wills and probate, this forecast is £35m, meaning that stamp duty receipts are broadly in line with the forecast.

The financial forecast will next be updated once we receive revised economic assumptions from the Fiscal Policy Panel in the Spring of 2025.

2.46 Deputy B.B. De S.V.M. Porée of St. Helier South of the Minister for Justice and Home Affairs regarding the Island’s work permit policy: (WQ.408/2024)

Question

In relation to the Island’s work permit policy, will the Minister provide details of any changes and updates that have been made in the last six months for each category of worker, including the rationale and timing of any such variations?

Answer

No changes to the work permit policy, dated August 2023, have been made in the past 6 months.

A revised work permit policy has been drafted, which addresses recommendations from the Work Permit Holder Welfare Scrutiny report.

The updated policy will include the following changes:

- More information and clarity for employers and employees on their responsibilities.
- More information, via appropriate links, for employees on living and working in Jersey and available support.
- Employees will now be able to switch employers after 6-months continuous employment with an employer (rather than 12 months as previously).
- Updated and expanded list of occupations eligible for long term work permits along with more realistic salary thresholds.
- Information on Immigration methodology for calculating whether an occupation meets a salary threshold.
- Information on Immigration methodology for calculating whether a long-term work permit holder has sufficient funds to maintain and accommodate their dependants in the Island.
- The ability for those on long-term work permits to take on supplementary part-time employment of no more than 20 hours per week.

- Those on temporary or long-term work permits wishing to take on part-time supplementary employment may not require the permission of their primary employer however they may be contractually obliged to seek their permission

It is anticipated that the updated version will be published in the coming weeks.

2.47 Deputy P.F.C. Ozouf of St. Saviour of the Minister for Treasury and Resources regarding stamp duty collections.

Question

In relation to stamp duty collections, will the Minister –

- (a) provide an update on recent stamp duty collections on the sale of residential properties;
- (b) state whether the amount collected to date has met the projected target;
- (c) provide a breakdown of the types of properties expected to transact at the time of the [Income Tax Forecasting Group's](#) initial estimate; and
- (d) advise whether she considers there will be a need for any adjustments or stimulus measures to support housing transactions and stamp duty income?

Answer

At the end of October 2024, approximately £30m had been collected from stamp duty, enveloped property transaction tax and land transaction tax. It is estimated that around £2m of this refers to property that is not residential.

However, because the stamp duty data is not disaggregated it is not possible to confirm this with certainty.

The total stamp duty forecast for 2024 is £38m. Excluding revenue from wills and probate, this forecast is £35m. Due to the way data is collected, there is not a disaggregated forecast between residential and non-residential transactions.

At a macro level, the stamp duty forecast takes account of trends in the housing market as well as relevant legislative and policy changes that have been passed by the Assembly since the previous forecast. It is also based on actual historic stamp duty data, split between transactions below and above £2m. The Fiscal Policy Panel's (FPP) assumptions with respect to housing transactions and property prices were used alongside outturn data to produce the Stamp Duty forecast. The FPP, in setting their assumptions, took account of all available and relevant information including interest rates (and market expectations for interest rates), the increase in eligible property price for first time buyers, the completion of off-plan developments, and the increase in the minimum property price for high value residents.

My position on this aligns with that set out most recently in the FPP's Housing [Report](#); "interventions that slow down adjustment of the housing market to changing economic conditions are not desirable". As stated recently in [WQ.370/2024](#), Jersey's housing market is in a delicate but recovering position, as evidenced in the Q3 2024 [House Price Index](#), and I am not inclined to contradict FPP advice against stimulus measures.

The housing market is ultimately driven by affordability. The combination of high house prices in Jersey (relative to income) and high borrowing costs means affordability is low. The continued fall in interest rates underpins the FPP's forecast of increasing transactions and will be the most important factor in the continued recovery of the housing market. We will keep this under review. However, with lowering interest rates, I do not believe there is a need for stimulus measures at present.

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

Sir, just in connection with Written Questions. I received an email last night at about 5.50 with a late response to one of my written questions, however, I had written to the Minister for Infrastructure in connection with his answer to Written Question 355, which I felt was not particularly accurate. I have written directly to the Minister for Infrastructure on 1st November, who advised me that he would not be able to answer that question until Wednesday of this week. I just wanted to know if that is an acceptable time delay.

The Bailiff:

As you will know, Deputy, Standing Orders require that the question is answered in enough time for the meeting so that Members can read what the answer is. But if I were asked to rule on it I would, in any event, give until tomorrow for a revised answer to be prepared. So, in effect, I think the result is the same, that the Minister will table his answer tomorrow.

[9:45]

Deputy K.M. Wilson of St. Clement:

A point of order, please. I received a response to a question from the Minister for Sustainable Economic Development in response to Question 403. I wondered if you could consider it on the basis as to whether or not it contravenes section (2A) of Standing Order 12, please, as I do not believe the question has been answered. Thank you.

The Bailiff:

Well then I will look at that over the luncheon adjournment and advise Members of my view on it after lunch in the usual way. If you, Deputy, have a particular reason for thinking it has not been answered, then if you could reduce that to an email, that would be helpful for me to assist my consideration, otherwise I simply look at it on its terms.

3. Oral Questions

3.1 Deputy I. Gardiner of St. Helier North of the Minister for Sustainable Economic Development regarding the provision of a ferry service for Jersey for the next 12 months: (OQ.209/2024)

Will the Minister advise what his current plans are for the provision of a ferry service for Jersey for the next 12 months, and for the longer term, and will he detail the anticipated financial implications?

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

I thank the Deputy for her question. First of all, if you would allow me, I just would like to apologise to Members for choosing not to make a statement this morning. I wrote to Members yesterday what I understood, and what I realised was we are moving from one process into another process and the statement on those matters in the middle of that process would be difficult and potentially prejudicial in one way, shape, or form to the outcome of that process, which is why I chose not to make a statement. It is my intention to fully inform the States at an appropriate time, so I do hope and intend to make a statement in the future, and I thank Members for their perseverance. With regard to the question more directly; as the Members will know, we have ended our participation in the joint Channel Islands tender process, and we are now moving to a new tender process for Jersey-only services. That process is ongoing but, in the meantime, it has to be said that Condor have confirmed that they will not be accepting the invitation to extend the current operating agreement beyond March

next year. This means Condor will continue to sail under the current operating agreements until the end of March 2025, at which point a new operating agreement will be in place. As far as financial implications are concerned, the direct financial implications, I do not know of any that are particularly there. Obviously, the processes themselves have financial implications, but I do not have a figure that I can put on that. But running a process, and particularly in this case, we want to make sure that independent moderators, *et cetera*, that will cost some money - not enormous amounts - but there will be some cost in that process.

3.1.1 Deputy I. Gardiner:

Thank you for the Minister for his response. I think this is the news and at least we have clarity that we do not have a 7 months' extension with Condor Ferry and we have no ferry beyond March 2025. What are the plans that the Minister has in place, including timelines, when the Island and businesses would have certainty from April onwards?

Deputy K.F. Morel:

It is absolutely my intention to work through the new approach to the Jersey-only service. We are intending that we would be able to announce a preferred bidder for that within the next month, and would expect the chosen operator to begin sailing immediately thereafter to allow Islanders and visitors to begin booking for the summer season in 2025 and beyond. So we do expect to be able to get both tickets on sale and certainly the ability for tour operators to sell tickets within the next month.

3.1.2 Connétable D.W. Mezbourian of St. Lawrence:

I am just trying to get my head around the situation, as I am sure Members are, and maybe members of the public as well. If I may just ask the Minister to clarify for me: did he just advise the Assembly that Condor's contract will finish in March, at which time a new contract will be awarded? But at the moment we do not know who that contract will be awarded to, is that the current situation? I am looking to the Minister, so he is agreeing. He said the new contract will be different. Will he advise us how the new contract will differ to the current one?

Deputy K.F. Morel:

There are a number of areas in which the new contract will differ from the current one. Firstly, and I have to say this, is the new contract will have some teeth. The current contract does not really have any ability to keep the operator in line with their commitments in terms of penalising in order to ensure that they remain operating within the operating agreement. That is not, from my perspective, me saying that there have been particular times where that has not been held to. I think there may have been, but I do not have them *ad hoc*, so the ability for the contractor to hold the contractee to account will be part of this contract. The contract also asks for things such as a flat rate card for freight services to ensure that we can have proper competition and freight services. The contract also ensures that there is investment in a new decarbonised fleet. That is really very, very important. These are things which are currently not in the existing contracts and there are certain elements of the new contract which are remarkably different to the existing.

3.1.3 The Connétable of St. Lawrence:

The Minister has given us details of how the contract will differ. Are those the only ways in which it will be different? How much information is the Minister able to make public on this new contract?

Deputy K.F. Morel:

They are not going to be the only ways, but there are so many ways that this contract is different that it would be a virtually impossible feat of memory to be able to list them in their entirety. The new contract is designed to be an actual contract in which we can hold the operator to account and hold them to the terms of that contract over the coming years. I mentioned fleet investment. The new

contract will require fleet investment because at the moment we are served by an ageing fleet; that is the reality. This new contract, by having fleet investment in there, that is one of the reasons why I am so focused on the financial ability of the chosen operator to deliver that investment in the future because for our islands to be able to sail with brand new vessels means that we need an operator that is able to finance those brand new vessels. That is one of the key concerns that I have had throughout this process, that we have a financially resilient operator that is able not just to last 15 years of a contract but during those 15 years of contract is able to deliver to these islands brand new vessels that they deserve and that we need in order to be, number one, compliant with carbon reduction, but also to have the vessels that Islanders are effectively paying for through their ticket prices. For me, that element of financial resilience has been at the heart of this difficult time, that I really want us to be working with. When we contract for 15 years, I want us to be working with a party that unequivocally ...

The Bailiff:

Can you bring your answer to a close please, Minister?

Deputy K.F. Morel:

... can deliver that 15-year contract with new investment.

The Bailiff:

I have Deputy Renouf, Connétable of St. Saviour, Deputy Ozouf and Deputy Bailhache listed to ask questions. I have had to already indicate that is the maximum that I can take at this point to keep on track.

3.1.4 Deputy J. Renouf of St. Brelade:

Last week, the Chief Minister was sent a furious - I think it was to the Chief Minister - from the Hospitality Association commenting on the process so far. That letter was particularly focused on the issue of not being able to make bookings beyond March. Has he had any contact with the Hospitality Association with the news that it is looking likely there will at least be another month before there is any clarity on timetables?

Deputy K.F. Morel:

No, I have not. This was information that we received yesterday and I have not had the opportunity yet to notify anyone. States Members are the first to be notified.

3.1.5 Deputy J. Renouf:

Can the Minister confirm whether he is speaking to both companies in conjunction with this potential contract extension at the moment?

Deputy K.F. Morel:

It is correct that we continue to be in discussions with both companies.

3.1.6 Connétable K.C. Lewis of St. Saviour:

A few weeks ago, I did ask the Minister regarding the viability of sharing a mail plane with Guernsey. It is a much more viable, improved service, and it is always better to work together. Does the Minister think it is viable, shipping-wise, to have an operator that comes to Jersey only, which would not only be detrimental to Jersey, but also to Guernsey?

Deputy K.F. Morel:

I think it is really important that Members understand that a service which is Jersey-only would still have inter-island routes. It would not have no inter-island connectivity. Really, it is only the links to the U.K. (United Kingdom) and the links to France that are governed by the contract. It is quite

simple, that a Jersey-only service would see in many cases journeys from the U.K. being faster than they currently are because they would be able to operate directly to the Island, thereby saving time in both freight and passenger journeys. There is no question, we have asked, and the Jersey-only service is absolutely viable. But, I have to come back to my point. That I find it very hard to look ... I have to look at financial resilience, and I have to look at the ability for a company to be able to deliver for this Island the services and the new vessels that this Island requires. That is absolutely viable under a Jersey-only service. There is no question. I just think it is such a shame that I have been placed in the position whereby I have not been given the opportunity to really get to the bottom of that financial viability with regard to one of the parties because other parties decided to announce decisions before we were in the position to do so.

3.1.7 The Connétable of St. Saviour:

I would concede the point that the Minister may have been wrongfooted in this recent decision, but we have had several operators running the routes in the past in tandem, which does not always end well. Does the Minister think that there is still room for agreement with Guernsey?

Deputy K.F. Morel:

I have always thought that there was room to negotiate and to work together. Unfortunately, that opportunity has been largely denied me.

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

I do not underestimate there are a number of oral questions I know in this regard, so maybe you will be able to deal with timing. I have a question on the same issue so I will ask my question now.

The Bailiff:

There is you and there is Deputy Bailhache, and then I am moving to the next question.

Deputy P.F.C. Ozouf:

OK, and there are other questions on the Order Paper with a similar thing.

The Bailiff:

There are.

Deputy P.F.C. Ozouf:

So you will constrain that time as you wish. I do not underestimate the issues that the Minister has. The sale of the original Condor was before a competition law, which prohibited anti-competitive behaviour or any actions concerning allegations of cartels or monopolies, was made. There has been debt leverage and other issues. Is the Minister getting advice about what is the legal and right way to protect the Islanders in terms of the cost of living? I am particularly wanting to ask about freight rates. Freight rates have remained very high in Jersey for years. It has a knock-on effect of the cost of living, is he putting this at the front and centre of his considerations in how to deal with what is an inherited large issue?

Deputy K.F. Morel:

Freight rates have been front and centre of this invitation to tender. There is no question. That is one of the reasons why we asked for a flat rate card so that there was entire transparency in that process and that all Islanders would know and understand the cost of freight. A flat rate card would enable competition in the freight market, which is currently denied. That competition then enables those freight forwarders and logistics companies to deliver higher value-added services and to deliver services in a more competitive way. At the moment, that opportunity is denied the Island so we are denied the potential for competition to play a part in reducing the cost of living. A flat rate card would entirely enable us to do that.

3.1.9 Deputy P.F.C. Ozouf:

I understand the Minister feels somewhat constrained to comment in public on the issues but he does have parliamentary privilege, and he can speak in forthright terms if he wishes to do so. May I ask, in the light of the report that was provided to this Assembly by Professor Sir John Vickers about regulation, he did say that it was hard, that pragmatism was needed, but the focus on competition and regulation had to be beneficial.

[10:00]

Is he able to confirm to the Assembly, and all the Members of the public that are somehow doubting whether or not this process is going to end well, that he has in his armoury, and on advice, the professional advice from expert economists and regulators that will help them make the right decision for Jersey in the longer term because it seems to me that there is this forced situation with a cartel between certain parties potentially between Guernsey and the operator, which is deleteriously affecting Jersey potentially?

Deputy K.F. Morel:

I thank the Deputy for his question. I absolutely do have advice from a wide team. It is difficult before the contract comes into play ... whoever has the contract, it is difficult to know exactly how the market will operate. But I do speak with advisers about those matters. I do think it is very important that Jersey has a ferry service that it can rely on. I am really concerned about the idea that we sign up to a ferry service that in just 2 or 3 years' time may require us or may ask for further funding to bail out, as has been given to me in the past 12 months a direct request for funding to bail a company out. That is what I am trying to avoid because to me that is a significant impact, not just on the cost of living but on the cost to taxpayers. I also worry about the amount of money in ticket prices that is going off to pay interest instead of being reinvested in a fleet. These are the matters that really concern me, but the flat rate card will help us get there.

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

Did the Minister not appreciate, right at the beginning of this melancholy process, that Jersey and Guernsey might wish to arrive at different conclusions on the matter? Were there any contingency plans for such an eventuality?

Deputy K.F. Morel:

The actual tender process itself allowed for the Islands to come to different views on the matter and allowed the Islands to abandon the process, which is what we have done in this case. It is not possible for me in this forum to go into detail as to why we have chosen to abandon rather than just make a separate appointment, but that will become clear in time. There is nothing that I have or fear to hide from any action that I have done or taken. I have quite simply tried to avoid Jersey being forced into a position that may not be to Jersey's advantage in terms of trying to get a financially resilient ferry operator for the next 15 years that is able to invest in the new fleet. That is something I want to make sure Jersey can benefit from and I want to make sure that I and the Government of Jersey and States Members are not forced into a position where we are not able to make that choice.

3.1.11 Deputy I. Gardiner:

I assume, and I ask the Minister to correct me if my assumption is not correct, that based on what has been said in the public, there are big concerns about the financial viability of Brittany Condor, the Minister or the Council of Ministers would prefer DFDS. What stopped the Minister simply giving the full contract and negotiate contract with DFDS as Guernsey is doing in negotiating a contract direct with Brittany and Condor? Why we needed to go into the new tender?

Deputy K.F. Morel:

It is really important to treat all parties equally. That is at the bottom line of procurement process. You have to be fair to all the parties engaged. That is at the heart of why I have not just been able to say one company rather than the other. It is important that as we move into this new process, we do treat both parties equally. That is something that I am trying to ensure that we do. That is everything.

3.2 Deputy T.A. Coles of St. Helier South of the Minister for Infrastructure regarding the upgrade of the Island's electricity network: (OQ.207/2024)

Further to Jersey Electricity's announcement to upgrade the Island's electricity network, will the Minister advise what conversations, if any, he has had or plans to have with J.E. (Jersey Electricity) regarding the costs of the required roadworks and resurfacing of roads?

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

I thank the Deputy for his question. Infrastructure maintains a continuous dialogue with all our utility companies about planned works on our road network in order that we can continue to assess the impact on traffic and road infrastructure. We also publish our own planned highway maintenance for the next 6 years on the government website up to and including 2030. In relation to the J.E.C.'s (Jersey Electricity Company) announcement big upgrade programme, an initial briefing took place in April and meetings have since taken place to ensure the newly resurfaced roads, part of our highway maintenance programmes, are not dug up as a result. In terms of the cost, that will be down to the utility company and not to the Government.

3.2.1 Deputy T.A. Coles:

As there are improvements and upgrades required to our sewage network, some of these areas might coincide. Has that also been given any consideration?

The Connétable of St. John:

What we do is there is a monthly call between all utilities, including our drainage team, and we also look annually about what is planned coming forward. We will continue to discuss not only with the electric company, but also water company and telecoms companies to see where we can share resources.

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

In the context of the previous question and this one, we are asking the Minister to deal with the consequences of a company that is investing in our infrastructure for the long-term life viability. There has been a lot of debate in the United Kingdom and elsewhere about N.I.M.B.Y.ism (not in my backyard) and short-termism versus long-termism. Would the Minister agree that this is a really good initiative by the J.E.C. to improve our Island-wide network for the clean power that we are getting from France, and would he actually balance the issues of roadworks short term with the long-term issues, and is he doing so?

The Connétable of St. John:

Yes, I welcome the investment into the infrastructure by the electric company and, of course, it is not only the Government's roads but also Parish by-roads. In fact, I believe Parish by-roads will be impacted as much, if not more, than the government roads.

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

Is the Minister considering any change to the carriageway resurfacing policies to ensure that sufficient full-width reinstatement of roads occurs when a significant amount of trenching is done, as we have seen a lot of works where the resurfacing of trenching is going to cause long-term issues to the quality of certain carriageways?

The Connétable of St. John:

We already have the ability for the full width to be reinstated. We also have the ability to do test holes core to make sure that the road is being reinstated properly and there is also a 3-year period where that road is guaranteed and any repairs done in the 3 years also carries a 3-year guarantee.

3.2.4 Deputy A.F. Curtis:

Just to confirm, will the Minister feel comfortable that his department will use, where appropriate, that power they have to request full-width reinstatement where it is felt it is justified and appropriate for an operator to do so?

The Connétable of St. John:

We will, sir.

The Bailiff:

I just remind Members that it is never the policy during questions with notice to offer a second supplemental question to any Member.

3.3 Deputy H.M. Miles of St. Brelade of the Chair of the States Employment Board regarding the dispute between the Association of Educational Psychologists and the Government: (OQ.217/2024)

Will the Minister provide an update on the dispute between the Association of Educational Psychologists and the Government?

Deputy M.R. Ferey of St. Saviour (Vice-Chair, States Employment Board - *rapporteur*):

I thank the Deputy for the question. We are working with the national officer of the Association of Educational Psychologists and the educational psychologists to resolve the dispute collaboratively. An independent review of the Educational Psychology Service has been started. The terms of reference for review have been shared with all parties who are fully engaged with the review. Our priority is to deliver services for children and their families.

3.3.1 Deputy H.M. Miles:

Delays in dealing with grievance matters are becoming a feature for many departments. Indeed, the prison governor expressed similar frustrations in her departure interview. How are the States Employment Board getting a grip on these matters?

Deputy M.R. Ferey:

This review is going to be carried out at speed. It starts next week and will last for 2 weeks and a report will be produced into its findings 5 days after the end of that 2-week period. So this particular issue is being dealt with at pace to make sure that the Educational Psychology Service is correct for Jersey and is properly staffed and that young people are getting their needs served.

3.3.2 Connétable D.W. Mezbourian of St. Lawrence:

Will the Minister advise how many educational psychologists are actually employed by the Government now and what is the optimal number?

Deputy M.R. Ferey:

My understanding, there are currently 4 educational psychologists although we are having to rely on external consultancy on this matter. The review will make sure that the number of psychologists that we have working is the right size for Jersey, so that will be part of the throughput of this work to

make sure that the right staffing is available, to make sure that our children have their educational needs served.

3.3.3 The Connétable of St. Lawrence:

If we are waiting for a review to tell us what the exact number is, is the Minister telling the Assembly that at the moment we are in the position of not knowing how many educational psychologists we should be employing to manage the needs of our young people?

Deputy M.R. Ferey:

I think the review will make all that clear, and that is the point of having the review, to make sure that we have clarity around that question.

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

At the moment the C.E.H.A. (Children, Education and Home Affairs) Panel first heard of this problem we arranged a meeting with the representatives of the educational psychologists. We then arranged for a briefing with the Minister for Education and Lifelong Learning, which I am grateful for. The panel continues to follow this up. I believe the matter was first raised about 8 months ago, and seeing as it is such an important issue, can the Minister explain why this matter was not dealt with sooner?

Deputy M.R. Ferey:

The background to this issue has only surfaced fairly recently - has only come across my radar recently - so we did instruct for this review to be taken out at pace as soon as we understood that there was a problem. Beyond that, I do not have any further information.

3.3.5 Deputy C.D. Curtis:

Just if the Minister could confirm that he has only known about this recently, when I believe the grievance was first raised many months ago.

Deputy M.R. Ferey:

That is correct that the grievance was raised months ago but the review into the service as a whole has only surfaced recently.

3.3.6 Deputy J. Renouf of St. Brelade:

Deputy Miles's question raised was about the wider culture and I do not feel it was particularly answered. Is the Minister confident that Jersey is meeting best practice in terms of dealing with grievance procedures when they arise, given the number that seem to have risen recently.

Deputy M.R. Ferey:

I was keeping my answers to the Educational Psychology Service because that was the ambit of the question. So that is why I answered purely on the service. As for the wider issues, I am happy to speak to those, and I can confirm that the ex-prison governor, I have asked to meet with her so that she can air any issues that she has, I can air them, and I can deal with those issues as they arise. But the thrust of my answer was to stick to the original question.

3.3.7 Deputy J. Renouf:

Just following up Deputy Curtis's point, can he clarify that he did not hear about the issues regarding the educational psychologists until recently?

Deputy M.R. Ferey:

That is correct.

3.3.8 Deputy H.M. Miles:

I thank the Assistant Minister for his answers. I have to say I am concerned that a grievance of this nature that was raised in February, that has already attracted the interest of the chief internal auditor, was not brought to the attention of the States Employment Board until now. My final supplementary really, our education services need highly-skilled professionals to support our children and particularly those who are vulnerable with additional needs. Is the Chair at all concerned that States of Jersey is becoming a less-attractive place to work as a result of these unresolved high-profile disputes?

[10:15]

Deputy M.R. Ferey:

I am concerned about that matter, and this is why we have made sure that this review is carried out at pace, to make sure that we do have the right service for our children's needs.

3.4 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of H.M. Attorney General regarding potential legal action against Jersey by Brittany Ferries or DFDS: (OQ.220/2024)

What are the grounds on which Brittany Ferries or DFDS could take legal action against Jersey given the outcome of the joint tender process?

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

A decision or determination of a public body, which includes a Minister, may be susceptible to a claim for judicial review. The possibility of a decision to abandon or terminate the joint tender process was provided for in paragraphs 3.2 and 10.5 of the invitation to tender document, or I.T.T., which form the basis of the joint tender process. In brief, clause 3.2, its relevant parts, provided for the avoidance of doubt the States, which is Jersey and Guernsey, reserve the right to alter the timings at any stage of this procurement process, to withdraw the procurement at any time, terminate the procurement and, where appropriate, to be able to readvertise, withdraw from the procurement process in its entirety at any time without liability to the bidders, which have participated in the process. Paragraph 10.5 provided the States reserve the right not to follow up this I.T.T. in any way and/or to cancel the procurement process and no expense incurred by any person in responding to the I.T.T. will be reimbursed and neither the States nor their advisers nor any third party will be liable to the bidder. The States reserve the right not to award a contract. Beyond that, it would not be appropriate for me to comment further.

3.4.1 Deputy H.L. Jeune:

Are there precedents in Jersey law where similar procurement challenges have led to compensation or reversal of a decision in the past?

The Attorney General:

I am not aware of any specifically in relation to procurement, but obviously that answer is given off the top of my head without searching all the judgments of the Jersey courts.

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

I would like to ask the Attorney General, the question is being posed in this Assembly and there is this convention or reality of parliamentary immunity from prosecution or a civil action, I think. The Minister is, as the Attorney General is, being very cautious in what is being actually said. Islanders and Members are in difficulty because they do not know what is going on. Is there a way that the Attorney General can advise of what is possible to be stated about the negotiations, which is raising huge concern for Islanders but they do not know and there is no confidence in the decision making because of the absence of the ability to say anything; what can be said and cannot be said, in short?

The Attorney General:

In short, parliamentary privilege is an absolute form of privilege and it does protect anything that is said or written in relation to the States procedures, States debates. However, just because that there is parliamentary privilege does not necessarily mean that it is advisable for a Minister or for a backbencher to comment in relation to a live procurement process because there are sensitivities around negotiations which, it is right, do not enter the public domain. Beyond that, I cannot comment further.

3.4.3 Deputy P.F.C. Ozouf:

I appreciate the spirit in which the Attorney General has answered the question. However, the Minister is trying, as no doubt the legal officers and the Minister's advisers, is dealing with what is known to be a debt pile and a financial unsustainable situation, but it cannot be spelt out. Why cannot the facts be spelt out in terms that the public can understand and be reassured that the Minister is making the right decisions or not?

The Attorney General:

The responsibility is with the Minister. It is obviously not with the public. The public are not the decision makers. The Minister is the decision maker. I repeat my previous answer, just because parliamentary privilege is an absolute privilege, it does not necessarily mean that it is appropriate to spell out the contents of confidential negotiations in a public forum.

3.4.4 Deputy J. Renouf of St. Brelade:

The Attorney General mentioned in his first answer the clauses in the tender document, which appeared to give wide immunity to the Government. Is it nevertheless the case that an unhappy, unsuccessful bidder might have a legal claim for damages against Jersey were there to be deficiencies alleged within the process of awarding the contract?

The Attorney General:

I am simply not going to comment further, as I said in my first answer. These are confidential negotiations and it does not help, frankly, to be asked these sorts of questions in a public forum.

3.4.5 Deputy J. Renouf:

It is an interesting answer. I mean, it does not help, perhaps, for Ministers, but I think the public are very, very keen to understand more about what is at risk here. The Minister has referred to legal issues. I am simply trying to find out whether, in principle, it is possible that an unsuccessful bidder might have, in any circumstances, theoretical circumstances, a claim against the Government for deficiencies within the process?

The Attorney General:

As I said in my first answer, there is a potential for a claim for judicial review in certain circumstances. The traditional remedies on a claim for judicial review are basically to quash a decision and invite the decision maker to consider the decision again. It is possible, I think, in very rare circumstances, for a claim for damages to be made in judicial review, but the circumstances in which that is available are restricted. Beyond that, I am afraid I simply cannot comment further.

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

That was an interesting answer that the Attorney General gave to Deputy Ozouf, saying that it was a live tender process, but I would have thought that it was not a live tender process anymore because the joint tender process has been finished because Guernsey decided to not go with a joint tender process. In fact, the discussion and the questions we have been asking the Attorney General was related to something that now is no longer because it is not a joint tender process anymore and

therefore ready for analysis and transparency and understanding that particular process because it is no longer live.

The Bailiff:

Do you have a question?

Deputy H.L. Jeune:

But my question would be: what are the potential long-term implications for future tender processes, including now I suppose, the single processes that we and Guernsey are now under in Jersey, and I suppose in Guernsey, if Brittany Ferries or DFDS are successful in any challenges that they could bring regarding the now closed joint tender process?

The Bailiff:

You mean potential legal consequences, long-term consequences rather than any other consequences?

Deputy H.L. Jeune:

Yes, sorry.

The Attorney General:

That is quite a broad question; potential legal consequences. It is rather difficult for me to speculate on that because that could include, for example, this Assembly passing some legislation in relation to processes for procurement. I think it is an impossible question for me to answer, but in relation to the language that I used, I did say it is an ongoing discussion, not an ongoing joint tender process. The answer that I gave was in relation to the Deputy's original question. My answer should be read in relation to the Deputy's original question.

3.5 Deputy M.B. Andrews of St Helier North of the Minister for Social Security regarding a trainee minimum wage rate: (OQ.203/2024)

Following the integration of trainee minimum wage rates into a single baseline minimum wage from 1st January 2024, will the Assistant Minister advise what consideration, if any, has been given to the reintroduction of a trainee minimum wage rate or a youth rate?

Deputy S.Y. Mézec of St. Helier South (Assistant Minister for Social Security - *rapporteur*):

The short answer is that there has not been active consideration of reintroducing either a trainee minimum wage rate or a youth rate. Both of those things would go against States Assembly decisions, one of which was very recent. There was the decision made when Deputy Andrews himself brought a proposition to harmonise the trainee minimum wage rates that was adopted by this Assembly. It was adopted with an amendment asking the Minister to do that by order rather than by legislation. So theoretically the door could still be open in the future to reconsidering a trainee rate if economic circumstances at the time suggested so. But it is probably too soon since that harmonisation to be able to assess any economic impact from that. In regards to a youth rate, that would have to be changed in legislation. This legislation does not allow for different rates to be set based on age and that is down to an amendment to legislation that tried to introduce a youth rate that was brought in 2016. It happened to be me as a backbencher who brought that amendment to stop that from happening and that amendment was successful so we do not have a legal basis for setting a youth rate at this point.

3.6 Deputy L.M.C. Doublet of St. Saviour of the Minister for Children and Families regarding the progress of work on the Children and Civil Status (Amendments) (Jersey) Law 2024: (OQ.210/2024)

Will the Minister provide an update on the progress of work on the Children and Civil Status (Amendments) (Jersey) Law 2024, which was adopted by the Assembly on 19th March 2024, including the consequential amendments and any other work that is necessary to bring the Law into force?

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

Over the summer, work has continued to identify extensive consequential amendments. Officers have now identified 44 pieces of legislation that require both minor and extensive levels of amendment, and that is a considerable increase on the numbers that we quoted earlier in the year. The law drafting process for those is at an advanced stage and I am hopeful that the consequential amendments will be lodged before the end of the year or very early next year at the latest. Any delay will be as a result of those additional consequential amendments, which of course puts more pressure on the Law Drafting Department. An Appointed Day Act bringing the law into force would follow by mid-2025. Meanwhile, officers are working with various stakeholders on preparatory work necessary to implement the law. A set of revised children's rules are also in advanced stage of drafting. This is very complex work but I remain committed to bringing this legislation into force as soon as possible for families who are keenly and patiently waiting.

3.6.1 Deputy L.M.C. Doublet:

I thank the Minister for his answer. I am delighted to hear that it still seems to be of a higher priority. Could the Minister please advise the Assembly if there is going to be a delay in lodging that and it is going to go beyond the end of this year? Could he please inform the Assembly at the earliest convenience and also the families involved, and how he would go about informing those families of that, please?

The Connétable of St. Peter:

From my point of view, I would like to see this lodged by the end of the year but I also do not want to place further pressure on the Law Drafting Department. The numbers over the summer rose from 33 amendments to 44, which is a 25 per cent increase. Clearly, if there is a further delay, we will bring that forward during the ... we will advise the Assembly. As regards informing the families, I will work with our Communications Department to find a suitable means of doing that.

[10:30]

3.7 Deputy B.B. de S.V.M. Porée of St. Helier South of the Minister for Justice and Home Affairs regarding a definition of "Modern Day Slavery" into the Government's Work Permit Policy and Procedures: (OQ.218/2024)

Will the Minister detail what work, if any, is being undertaken, or planned, to include a definition of "Modern Day Slavery" into the Government's Work Permit Policy and Procedures or any related legislation?

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

The Work Permit Policy contains reference to the risks of exploitation and the measures that are in place to mitigate these risks and so address issues of modern-day slavery. Officers have been working closely with the Home Office on modern-day slavery, specifically on immigration matters. I take confidence that their findings that employment law, control of housing and work legislation and

immigration work policy have measures similar to those in the U.K. that mitigate risk of exploitation. However, the work is ongoing.

3.7.1 Deputy B.B. de S.V.M. Porée:

Does the Minister feel that she has the full support of her officers and the Council of Minister to do this important work of inserting the modern slavery definition in the Work Permit Policy? That to me is instrumental to make sure that the welfare of migrant workers is protected within the legislation.

Deputy M.R. Le Hegarat:

I am fully confident that both officers within the department and the Council of Ministers support me in relation to the matter of modern-day slavery. In relation to a definition, this is a complicated question to answer. Neither the U.K. nor the Human Rights Convention tries to set a fixed definition of slavery, which I assume is to allow flexibility in relation to dealing with it. The U.K. College of Policing describes slavery as the status or condition of a person over whom any or all of the powers attaching the right of ownership are exercised. That is the traditional view of the person being property. That is a far more restrictive definition than being required to undertake forced labour, which the Forced Labour Convention defines as all work or services which is exacted from any person under the menace of any penalty and for which they have not offered themselves voluntarily. In relation to how Jersey works, in relation to work permit holders, I would want us to be slightly less restrictive in the way that we look at modern-day slavery and so I would want to see that we are looking closely at all of those work policies, all of those employers and employees, and how everything is working together to ensure that we do not ever find ourselves in a position where people feel like they are in modern-day slavery.

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

Like, I am sure, other Members, I declare an interest in having had previously before, in this Assembly, been involved in applying for work permits, but that is a wider issue. Given the period of time that I was Minister for External Relations, my attention was drawn to the International Labour Organization Convention, which the Minister did not set out as one of the legal issues for her to have regard to. Could she explain whether she has asked that the Forced Labour Convention Article 29, under Protocol 2014, is relevant because I am concerned and continue to be concerned that there are practices such as charging people for accommodation which is not compliant with the convention?

Deputy M.R. Le Hegarat:

I am not fully aligned, as the Deputy is, in relation to all of the convention. However, what I would say is that we do have ... or I have had concerns and the reason that the modern-day slavery legislation has not been progressed at this stage was due to the fact that the U.K. has what they call the U.K. Gangmasters (Licensing) Act of 2004, which actually for Jersey would be quite difficult to implement due to the level of resources that would be required. This work needs to continue, and I have instructed officers, both policy and operational departments, to provide me with reassurance that Jersey is looking at all of the matters in relation to modern-day slavery. The Deputy talks about accommodation and, yes, I can fully understand why he thinks that this may be a risk if the person is actually being provided accommodation and therefore if their work permit is terminated then they lose their accommodation. This is an ongoing piece of work which I think Jersey will need to continue working with into future, because things change and we need to make sure that at all stages we are ensuring that people that come to work in Jersey are treated properly, fairly and equally.

3.7.3 Deputy P.F.C. Ozouf:

I am grateful for the Minister's response, but may I particularly press her on: is the Minister aware that practices such as unauthorised deductions, not only for accommodation, from work permit holder's wages for travel and other expenses in other places compliant with the I.L.O. (International Labour Organization) standards are incompatible? We are talking about lifting the minimum wage

to the living wage where actually the elephant in the room, if I am correct in my assumptions, is the fact that the minimum wage is not being applied correctly to migrant workers?

Deputy M.R. Le Hegarat:

There are lots of elements to that question. I think in relation to the part that the Deputy talks about where people are having accommodation deducted without authority, I am not aware of that. There are elements that we raised within our Work Policy Review and our concerns in relation to how tax and social security and other deductions were made, and that all of that information was provided prior to the person taking on a work permit and coming to work in Jersey. I think it is also important from the aspect of what happens before employees come to Jersey. This was another thing that we were quite concerned about, is that people were being charged a certain amount of money in order to come to Jersey to work. That is something that we are going to look at, that is something that was highlighted at the time and it is still, like it is for the Deputy, a concern of mine because we do not want people to be in debt coming to the Island and having to therefore work purely to be able to pay off that debt. When they talk about Gangmasters in the U.K., this is basically what this is all about, it is about the recruitment of people and how they are recruited. As I said, myself and the Minister for Social Security are looking at these elements and whether there is something that we need to do further in relation to recruitment agencies and how people are actually coming to the Island.

Deputy P.F.C. Ozouf:

My question was actually about travel, which the Minister did not answer.

The Bailiff:

Well, I am about to say I have next Deputy Doublet, Deputy Jeune and final supplementary, no others. I was about to remind Members, although I did permit the question to come through, that of course the question is about the definition of modern-day slavery being introduced into legislation. I am conscious that we have stretched broader than that and I am going to rein it back.

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

Can the Minister advise whether she has changed any of the Ministerial responses to the Scrutiny Panel's report in this area and what areas of work she is undertaking, specifically the recommendations around modern slavery and exploitation?

Deputy M.R. Le Hegarat:

The answer to that is, no, I have not changed any of the responses to the recommendations. We said we were going to do all the recommendations and both myself and the Minister for Social Security have been doing exactly that.

3.7.5 Deputy L.M.C. Doublet:

In particular, a reference to any migrant workers who are experiencing issues around modern slavery and being exploited, where would they be able to go in the Island to seek help if they feel they are being exploited?

Deputy M.R. Le Hegarat:

There is currently a facility at C.L.S. (Customer and Local Services) where people can go, and that is going to be revised potentially in the future to another area, as in under the remit of the Assistant Minister Deputy Alves.

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

When the Minister stood up here in late January asking us to support her as the new Minister for Justice and Home Affairs, one of her main promises was to work on modern-day slavery and do everything that she can related to this area that she had identified as something that was important to

pull through. But, yet, when I hear her answer to Deputy Porée's original question about legislation and procedures on what is being planned or undertaken, I did not hear very much ...

The Bailiff:

Deputy, this is significant comment and really your purpose is to ask a question.

Deputy H.L. Jeune:

I will.

The Bailiff:

As succinctly as possible, please ask it.

Deputy H.L. Jeune:

Apologies. Would the Minister be able to explain, beyond business as usual, what concrete activities she will be doing to progress support around modern-day slavery issues within Jersey and any related legislation?

Deputy M.R. Le Hegarat:

My remit in relation to modern-day slavery has not changed. I am still determined that we will look at what we can do in relation to modern slavery. As I explained, the issue that we have is that the law in relation to the U.K. for modern-day slavery has a significant impact in relation to the U.K.'s Gangmasters (Licensing) Act 2004, which exists to provide protection to a completely different employment environment. We need to resolve that matter. We need to look at how we can, in Jersey, deal with that matter and therefore introduce some form of legislation.

3.7.7 Deputy H.L. Jeune:

Could the Minister provide a timeline in relation to looking at this?

Deputy M.R. Le Hegarat:

In relation to this particular piece of legislation, the Deputy will be aware that the priority rests with the violence against women and girls. I would hope that by the time that this particular Government has completed its term of office that I will be significantly further forward in relation to that modern-day slavery.

3.7.8 Deputy B.B. de S.V.M. Porée:

Could the Minister please explain how she intends to protect migrant workers against modern slavery without a definition that is fit for purpose and is within the legislation?

Deputy M.R. Le Hegarat:

I think, as I have explained, the definition of modern-day slavery implies that somebody is property. That, to me, is quite a significant thing. It is also quite difficult to prove. I know that people who have worked with the U.K. legislation find those difficulties. What I would want to do is have something that ensures that Jersey is not at that high level, that we are looking at things closer and more concise so that we can deal with them efficiently as opposed to legislation, which only classes somebody as property. I think it is far more important that we look at it at a lower level.

3.8 Deputy J. Renouf of St. Brelade of the Chief Minister regarding the new ferry contract: (OQ.214/2024)

Will the Chief Minister detail what role, if any, he has and is having in the discussions and decisions being made relating to the new ferry contract?

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

Firstly, as Members will know, Deputy Morel, as Minister for Sustainable Economic Development, is responsible politically and legally for this area, and he has my full support in this role. My own role has related to my capacity as Chief Minister and Chair of the Council of Ministers in supporting the co-ordination of overall Government business. This includes concurrent responsibility for external relations with the Minister for External Relations, given the diplomatic implications of this particular piece of work. I have more recently worked closely with the Minister for Sustainable Economic Development, the Minister for External Relations and other Ministers and sought to support good quality discussion at the Council of Ministers when provided with updates, more recently of the tender process and its progress. As Members, I am sure, will appreciate this decision has potentially wide-ranging and long-term consequences for Jersey. There are financial, economic, logistical, diplomatic, legal ramifications. As we seek to improve our sea connectivity, it is absolutely vital that we maintain a cross-government approach, work together to find a consensus, keep Members and members of the public updated and seek to find the right solution as soon as possible.

[10:45]

3.8.1 Deputy J. Renouf:

We have had a joint process for 9 months that has collapsed. There was then an attempt to negotiate separately that led to a stinging letter from the Hospitality Association and a panicky attempt to extend the contract to Condor. Today we learned that that too has collapsed and a new process is underway. What does the Chief Minister have to say to the public who have expressed considerable anger on this and who think that this is an omnishambles?

Deputy L.J. Farnham:

I would first like to correct the Deputy in his assumptions and just provide what actually has happened, as has been outlined by the Minister. The tender process was unable to reach a conclusion and so that was abandoned in line with the terms and conditions of the process. Following that, the Minister has been quite clear of the way forward, which is to seek further discussion in a new approach with both original bidders, and that is what he has explained to the public on a number of occasions. That is the process we are now following. He has been more circumspect and, I think, sensible about giving out too much information in this Assembly, notwithstanding parliamentary privilege. It is simply not sensible or advisable to give too much detail away while we are in the middle of a negotiation. I am very alive to the concerns of the Hospitality Association. Although it is worth noting in previous years, as I am advised, that Condor have published timetables in December, that does not necessarily make it right. We need to get a decision made, timetables published, more and more assurance for the public as soon as possible, and that is what the Minister and other Ministers are working to achieve.

The Bailiff:

Deputy Gardiner, did you put your light on? I cannot ... no, you did not, I must have been seeing things.

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

The Chief Minister is very aware of this whole issue, having been the Minister for Economic Development for 2 terms. Can he explain to the Assembly to what extent he has chaired Council of Ministers meetings about this issue and would he be prepared to say whether or not he has taken a position on one ferry operator or another? He is in this Assembly, he can speak and he can avoid the unhelpful rumour mill that says that he has favoured Condor all the way through. Can he put the record straight?

Deputy L.J. Farnham:

The first part of the question is in the last month, I think since this became a live situation following Guernsey's announcement, I have chaired 2 Council of Ministers meetings specifically related to this issue. Can I ask, Sir, whether part 2 of the question is in order under Standing Order 10(6)(b) that a question should not seek a particular point of view?

The Bailiff:

Well, I think you are simply being asked, Chief Minister, whether you favour a particular participant or not. Which Standing Order reference do you wish to address?

Deputy L.J. Farnham:

Standing Order 10(6)(b), Sir.

The Bailiff:

You mean the one at 10(2) which says: "A question addressed to a Member of the States upon a public matter for which the Member has an official responsibility must either seek information on the matter or ask for official action with regard to it." That is the section we are looking at?

Deputy L.J. Farnham:

I do not have the Standing Order in front of me.

The Bailiff:

No, but is that the section on which you are ... I take the view that the Chief Minister does not have to say whether he favours one or another, or whether historically he has favoured one or another. The matter for him choosing to do so or not is not a matter for the Standing Orders and it is a matter for his discretion within the answer.

Deputy L.J. Farnham:

Thank you. While I think it would be unwise to start expressing views on that in the middle of a discussion with operators, I would say that I feel the Council of Ministers have acted impartially. Both offers have strengths and weaknesses, and my preference is simply to find the very best option for Jersey.

3.8.3 Deputy P.F.C. Ozouf:

The concern within the public about this issue, as asked by other Members, is enormous. It has massive implications for the economy. I am asking the Chief Minister about his role and to ensure that he can give confidence in a transparent and open way. He asked a point of order, which you ruled that he could answer if he wanted to. He is the Chief Minister and I am asking him to give confidence that this issue is absolutely transparent and proper, and if he was to be questioned in a private session whether he could answer these questions in a manner which would strengthen public confidence?

Deputy L.J. Farnham:

I think I have said I neither favour Brittany Ferries nor DFDS in this situation. They are both reliable and reputable shipping companies, both capable in my opinion of serving the Island well. We have heard from the Minister for Sustainable Economic Development that there are more details to go into around financing, around competition, freight rates, logistics, timetables, diplomatic relationships with our neighbours in Guernsey, in France. Logistical issues, depending on when one service was to stop, the next service to start. Economic issues, financial implications around contingency. This is a hugely important decision and the Minister for Sustainable Economic Development is absolutely right to make sure we have done all of the work. One of the key points of leadership is centred around decision making, and that is the ability to make a decision, properly informed, often under pressure,

while considering what is in our very best interest. That is what the Minister is trying to do, that is what the Council of Ministers are trying to do.

The Bailiff:

I have Deputy Jeune, Deputy Ahier and then Deputy Porée. There is no time for further and, in fact, we are running significantly over on this question now.

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

Could the Chief Minister advise what discussions he has had with his counterpart in Guernsey, from when he became Chief Minister 10 months ago, regarding how to ensure the joint tendering process would follow standard procurement procedures and regulations and avoid a process succumbing to favouritism or bias?

Deputy L.J. Farnham:

I have had no discussions with my counterpart, the Chief Minister of Guernsey, particularly in relation to the questions she has asked. We have talked generally about it and the last time we spoke was on a Teams meeting with Ministers when Guernsey informed us of their decision and how they were going to announce it.

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

Was the Chief Minister made aware of the 7-month contract extension announced by the Minister for Sustainable Economic Development before it was released to the media, and did the Chief Minister agree with such an approach?

Deputy L.J. Farnham:

Yes, I was aware, and I thought it was a sensible approach. It was a genuine attempt to provide some assurance for next summer, to enable more time for further discussions to be had with both operators. The offer was made with the very best will, purely to provide assistance to the operators, to allow more time to have discussions and get the timetables up so the travelling public could avail to those.

3.8.6 Deputy S.M. Ahier:

Did the Chief Minister know that the Brittany Ferries and Condor had been notified of such an approach before the approach was made?

Deputy L.J. Farnham:

No, I did not know that.

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

During those discussions in his role, would the Chief Minister indicate when he knew that Guernsey were opting for Condor and how far behind the public announcement was this?

Deputy L.J. Farnham:

Jersey was informed, I believe, at a meeting on Friday - I do not have my diary in front of me - 17th October. Jersey was informed that Guernsey intended to make an announcement that afternoon. After discussion, Guernsey agreed that they would delay that until the following Wednesday, because we informed Guernsey that we had not taken the matter to the Council of Ministers for review. That was basically how it panned out.

3.8.8 Deputy J. Renouf:

I think looking from outside, this looks like a very chaotic process. I would ask the Chief Minister what does he have to say to those who take the view that this shows that this is another example of Government where the bigger the decision, the greater the indecision?

Deputy L.J. Farnham:

I think the Deputy is being opportunist and taking pot shots at the Government for political gains and not focusing on supporting the Government to come to a decision properly thought through. I would say to members of the public, the Government is addressing this as a matter of top priority. We deeply regret that we were not able to come to a joint decision with Guernsey. We deeply regret that we have had to extend the timeframe so we can come to the right solution. But I would absolutely stress to members of the public, it is important we take the appropriate time to get the decision right, because if we get it wrong there are serious ramifications.

3.9 Deputy S.M. Ahier of St. Helier North of the Minister for Sustainable Economic Development regarding Remote Gambling Operator licences: (OQ.206/2024)

Further to the publication of the Jersey Gambling Commission Annual Report 2023, will the Minister advise what consideration, if any, has been given to the decline in the number of Remote Gambling Operator licences and advise why the Social Responsibility Fund has remained unused?

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

I thank the Deputy for a question on a different subject. The decline in remote gambling operator licences in the past year is a direct result of the acquisition of the Jersey-based businesses by Entain and their transfer to Gibraltar, which is Entain's offshore headquarters. The move is not a reflection of their performance in Jersey, as far as we understand it, and is purely a business decision made by the new parent company for operational reasons. With regard to the Commission's Social Responsibility Fund, it has been building for a number of years and the Commission's intent was to use that money to fund the delivery by an independent third sector provider to deliver treatment and counselling services. Unfortunately, the board of that external provider took a strategic decision to pull away from its overseas work the same week that the contract was due to be signed, so the project has been temporarily paused. Nevertheless, the Commission continues to provide support to Islanders needing assistance and is liaising with Health and Community Services to see how the Commission can fund educational and promotional material, signposting a treatment service being developed within adult mental health.

3.9.1 Deputy S.M. Ahier:

The tiny jurisdiction of Alderney has 2,060 gaming licences, issuing 5 new licences in 2023 alone, reaping £4.4 million in fees. In contrast, Jersey has 4 remote gambling operators but this will decrease by 2 this year. What action is the Minister going to take to address this governance failure, remembering that the Jersey Gambling Commission not so long ago issued a licence to the disgraced Football Index, which was a Ponzi scheme?

Deputy K.F. Morel:

I think our Island has, over the last 20 years or so, had an interesting relationship with gambling. Certainly, I am sure States Members know, Alderney actually moved into the remote gambling space before Jersey did and in that sense got a head start. I speak regularly with the Gambling Commission and I thank them for all their hard work. I think they do a superb job. One of the things that I think has been difficult for the Gambling Commission is the way they were set up. It almost asks them to both, in one sense, make Jersey attractive as a place for remote operator licences but, at the same time, they have to regulate. It is not right to really build on to the regulator any sort of promotional element. I have spoken in the past informally with the Gambling Commission about this, because I do believe there is room for us to grow our remote operator licence business in the Island. I think it is important, though, that it is not particularly the regulator that is tasked with that.

[11:00]

I am looking to understand how we may develop a way of promoting the Island as a place for remote operator licences without compromising the Gambling Commission's integrity, because obviously, as the regulator, it has to regulate rather than promote. This is a current insight into my own thinking on the matter, because I do think Jersey can be more of a base for remote operator licences than it currently is.

3.10 Deputy P.F.C. Ozouf of St. Saviour of the Minister for Health and Social Services regarding prescriptions of medicinal cannabis: (OQ.204/2024)

Will the Minister state the number of prescriptions of medicinal cannabis to date and indicate the primary medical conditions for which they have been prescribed; and advise what consequences have been reported, if any, relating to prescribed medicinal cannabis? Apologies for the hesitation in asking the question.

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

I am afraid I am only able to report on prescriptions that have actually been dispensed, but I suspect those numbers will be very similar to the numbers of prescriptions that have been issued. The most recent audit was published in March of this year and indicated that just under 19,000 prescriptions were dispensed in the period January to September 2022 and that suggests an annualised rate of about 25,000 prescriptions. The audit also indicated that around 6 per cent of the Island's working age population were in receipt of unlicensed medical cannabis. This is significantly higher than the U.K. and their working-age population figure is 0.05 per cent. With regard to the primary medical conditions for which cannabis was prescribed, I regret to say that we are not able to gather this information. Only when EMIS, the patient record system, is made available to all cannabis prescribers will this be possible. As for any consequences that might result from the issue of prescriptions for medical cannabis, our own medical and health services report anecdotally that there has been an increase in the number of people presenting with acute mental illness who have been using significant amounts of prescribed and/or illicit cannabis. I am also aware that a recent inquest concluded that medical cannabis was likely to have had adverse effect on the mental health of the person concerned, albeit at an earliest point in time. I have probably exceeded my 70 words but I am very happy to answer any further questions.

The Bailiff:

You had 2½ seconds to go, but there we are.

3.10.1 Deputy P.F.C. Ozouf:

I am very grateful for the Minister's very fulsome answer, and particularly the important reference that he made of mental health issues with very serious consequences. I think that now is not the right time to basically develop these issues because it is a massive issue. Does the Minister agree that there is a potential growing issue, which his Medical and Health Department is going to have to deal with, following this Assembly's decision to legalise prescriptions for cannabis? Would he agree that it is important that we as an Assembly have full information and he is clear about the negative effects that this decision, although well-intentioned, is having?

Deputy T.J.A. Binet:

Yes, I agree with everything that Deputy Ozouf has had to say on the subject. It would appear that we are in a situation where a previous Assembly has gone ahead and legalised medicinal cannabis without having put in place any of the required operating frameworks or necessary legislation to make sure the job is done properly. We are in a position of playing catch-up and I can assure the Assembly that we are making a great deal of effort. I sent out an email several days ago which

detailed the actions that we are currently undertaking and we are moving as quickly as we can, because I agree we are in a very awkward position.

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

The Minister and Deputy Ozouf have touched on questions that I was going to ask about this link with the development of psychosis and mental health issues for those prescribed with medical marijuana. My question to the Minister would be: is he monitoring the risk of this increased amount of people in Jersey developing these mental health issues?

Deputy T.J.A. Binet:

Well, I think we are monitoring the risk to the greatest extent that we can. The mental health services are acutely aware of the situation. Once we have got EMIS, the patient records, running through all the prescribers, they will be able to see the patient records of those concerned and perhaps have a little bit more information about the prescriptions that they are able to issue. So, I think that in itself is going to help the situation.

3.10.3 Deputy H.L. Jeune:

What support is the Minister developing to put in place for those specifically who have developed mental health issues around medical marijuana?

Deputy T.J.A. Binet:

We are not doing anything specific. As I said, we are mindful of it and we are using all of what you would expect us to do under those circumstances.

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

Can the Minister confirm whether or not the dosage and volume of medicinal cannabis that is prescribed is currently recorded? If not, will this be something that will be done going forward?

Deputy T.J.A. Binet:

I am led to believe that is all being recorded by the people who are prescribing at the moment but, once again, that does not form part of the medical records because they do not have access to them. That should form part of that once that is all in place.

3.10.5 Deputy T.A. Coles:

Can the Minister confirm when they hope to achieve the medical records to be shared between the department and private prescribers?

Deputy T.J.A. Binet:

I am not able to provide a precise date but once we have a clearer idea, I am very happy to pass that information on to the Deputy.

3.10.6 Deputy P.F.C. Ozouf:

I was grateful for the Minister's absolute candour in answering the question, but can I put this into the wider context that the Minister is responsible for oversight of medicinal cannabis and its prescribing, and also the production of it in large facilities that have a huge capacity, whether that be in St. John or St. Mary or wherever it is. Can he advise the Assembly, and advise me, how he is reconciling what he says on the one hand, which is there are undoubted issues arising from prescribing medicinal cannabis, and effectively the Island promoting itself as a place to grow this stuff and seeing all the financial consequences of doing that? He has been to meetings with medicinal cannabis providers, and I just want to understand how he is reconciling these 2 genuinely difficult things.

Deputy T.J.A. Binet:

I am slightly confused by the question. It strikes me they are relatively separate. It has to be accepted that the prescribing of medical cannabis is down to the G.P.s (general practitioners) and that is a professional requirement on their part. The production of cannabis has to be done in accordance with all of the requirements of the law. It could well be the case that all of the production that is ever done in Jersey ends up being exported to elsewhere. It may well be that some of it gets used locally, but I do not really think the 2 things are necessarily connected.

3.11 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the schedule of materials maintained by Jersey Property Holdings: (OQ.211/2024)

Will the Minister clarify how the schedule of materials used for each property maintained by Jersey Property Holdings is determined?

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

I thank the Deputy for his question. Due to the diverse range and complexity of projects undertaken by the department, the approach to determining material specifications is tailored to the specific risks and complexities associated with each project.

3.11.1 Deputy D.J. Warr:

It has been brought to my attention by the manufacturers of a yellow paint recently applied to the steps outside of the Lido, Havre Des Pas, it is not recommended for use in an environment where the paint is submerged in salt water on a regular basis. I understand that this specification is written by a London-based consultancy firm, whom in the written answer to WQ.405 the Minister described as having extensive experience in building, surveying, conditions assessments, defect analysis, remedial actions, *et cetera*. Can the Minister advise who determined that this was an appropriate paint and how Jersey Property Holdings intend to rectify the situation? Does the Minister think his department are getting value for money from this organisation given his comments that, and I quote: “It was a conscious decision to seek best value for the taxpayer.”

The Connétable of St. John:

With respect, I cannot be expected to know what type of paint is being used on each property. The fact that the Deputy has brought this to my attention, I am happy to take that away. The answer to the Written Question was based on factual information. It is a reputable company. If they have made an error, I shall seek that out and I will come back to the Deputy and Members.

3.12 Deputy K.M. Wilson of St. Clement of the Chair of the States Employment Board regarding the rationale for moving the December pay date for States employees: (OQ.213/2024)

Will the Chair detail the rationale for moving the December pay date for States employees from mid-December to the end of the month and advise how this change aligns to the Government’s commitment to supporting Islanders amid cost-of-living challenges during a period traditionally associated with increased expenses?

Deputy M.R. Ferey of St. Saviour (Vice Chair, States Employment Board - *rapporteur*):

I thank the Deputy for the question. It is important to emphasise that the request initially came from unions and employees, who were informed at the start of this year of the changes. We have sent update reminders throughout the year to ensure employees are fully aware. Public servants were first advised of the change on 1st February 2024. Prior to this, the unions and employment relations were in discussions to facilitate the change request. Further communications have been sent as reminders. We have placed reminders on pay slips to all public servants. We have provided manager updates to

remind staff of this change, and we have arranged for November pay slips to confirm that if anyone is in financial hardship as a result of this change to please contact reward@gov.je before 6th December and we will be able to pay early, probably around 18th December. This will be communicated in a subsequent manager update to all staff to remind them that if they want to get paid early, they can do that on time.

3.12.1 Deputy K.M. Wilson:

I thank the Deputy for his response. We still have not heard the reason for why the unions requested it and I wondered if the Deputy could elaborate on that, please?

Deputy M.R. Ferey:

Yes, when it comes to budgeting, employees like to be paid regular pay at regular time intervals. While I think historically people were paid early for Christmas, the flip side of that, or the downside, is it becomes 7 weeks until the next pay date. So, anyone who is on a tight budget finds it harder to budget when there is such a stretch into January to wait for the next pay date. Of course, there is a pre-Christmas spend but there is also a post-Christmas spend; January sales and the like.

3.12.2 Connétable K.C. Lewis of St. Saviour:

In times past, most people had a little put by for the Christmas period but, sadly, now people are living pay cheque to pay cheque. Does the Minister not feel that it should be paid earlier as normal so that people can buy their family's presents and give their families the Christmas lunch they all deserve?

Deputy M.R. Ferey:

I thank my Connétable for that question. As I stated earlier, anyone who wants or needs to be paid earlier, and is a public servant, can apply for that separately. So, if any employee genuinely feels that it is going to affect their Christmas, then there is a mechanism to allow that. Of course, as States Members, we are part of that same process, so I would extend that invitation to any one of our number who feels that they want to get paid early to contact the chief people officer who can put that in place for them.

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

I thank the Assistant Chair of the S.E.B. (States Employment Board) for working with the unions to bring this forward. Somebody who campaigned for this with my previous employment, being paid this late would have been very satisfactory for me. The one concern I do have, and I hope the Member can confirm, is that all processes have been checked to ensure that people are still paid on time due to the continuous bank holidays we get through December, and obviously these can sometimes put a slight delay on payments. I just want to ensure that everybody gets paid on time.

Deputy M.R. Ferey:

Yes, the actual pay date will be 31st December, which is a working day, so it will land in people's accounts as usual.

[11:15]

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

I do not envy the position of the Deputy Chair, but does he understand the message that is being sent out? It is OK you can get paid early but you have to tell us you have financial problems. Does he not recognise and do those that he serves with on the States Employment Board and the officials recognise that there is a cost-of-living crisis? As a previous questioner has said, people are living pay cheque to pay cheque, and that there is likely a hidden number of people in this Island, civil servants, *et cetera*, who are going to simply be struggling over a period of festivity that otherwise

will simply ... does he not have any compassion and feeling for the impact that this is having and just relying on a technocratic issue of revealing confidential information?

Deputy M.R. Ferey:

I thank the Deputy for that question. I completely understand people who are struggling financially. In my previous role I dealt with people who are struggling financially on a daily basis, and that is why we have put in place a mechanism to allow anyone, whether they are struggling financially or not, to be paid early if they so wish. I just refer back to my previous answer where very often in my experience people struggle financially more in January than they do in December and having to wait 7 weeks for the next pay date, for most people, causes more hardship than actually being paid early.

3.12.5 Deputy P.F.C. Ozouf:

The Vice-Chair has said some new information, which he can reconfirm again very briefly, is that previously it was if you had financial issues you could ask to be paid early. That meant the confidentiality was broken. He said, and can he restate and confirm for the avoidance of any doubt, simply an email from any member of staff that says that they would like to be paid earlier will suffice for an early payment. Is that the case?

Deputy M.R. Ferey:

That is correct.

3.12.6 Deputy K.M. Wilson:

I would ask if the Minister would consider just evaluating the effect of this, given the change, and if he could some give us some indication as to whether or not that would be something that the States Employment Board would be interested to evaluate.

Deputy M.R. Ferey:

Yes. I thank the Deputy for that question. It is indeed. Whenever there is a change made there are always going to be winners and losers and there is always going to be people that benefit from it and people that prefer the way it was. So, I will commit to undertaking a review in January of how that process has worked.

3.13 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding building a windfarm in Jersey's waters: (OQ.215/2024)

Further to the adoption of P.82/2023, will the Minister update the Assembly on the policy and legislation required to move forward with building a windfarm in Jersey's waters?

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

I want to tell the Deputy and the Assembly that I remain committed to this important work. I will be bringing both the primary legislation and a proposition on the leasing of the seabed to this Assembly for debate within this term of Government. During the in-principle debate earlier this year there were a large number of questions from States Members that need to be resolved in order for us all to make an informed decision about the wind farm. My officers are now in the process of more detailed work to investigate these issues so that when I return here for further debates we can all make the most informed decision.

3.13.1 Deputy J. Renouf:

What discussions has the Minister, or his colleagues, had with Guernsey, the U.K. and France regarding such issues as potential market access and other related matters?

Deputy S.G. Luce:

I can tell the Assembly that only last week - at the beginning of last week, I think it was - I spent 2 days in Guernsey discussing climate impact and also wind farms. In those discussions were also officers from the Isle of Man. We are in regular discussions with both Guernsey and the Isle of Man about these issues. I know the Minister sitting alongside me met up with the U.K. Government Minister in New York recently, where he discussed wind farms. Certainly, I can tell the Assembly that my team and I are in regular contact with colleagues in France, including the Regional Department for the Environment, Planning and Housing, the 2 *Préfets* of Normandy and Brittany, the Parliament of the Sea and French Ministers. The issue or the subject of projects for wind farms is of great importance to France. They have huge aspirations for more offshore wind around us in the Baie de Seine and the Bay of Granville, and they are taking great interest. I just want to go back to the discussions I had with Guernsey recently, which was very good and fruitful, and Guernsey too are moving forward with their own plans.

3.14 Deputy M.B. Andrews of St. Helier North of the Minister for Treasury and Resources regarding the Island's zero-ten tax system: (OQ.205/2024)

Will the Minister advise what communication, if any, she has had with her counterparts in Guernsey or the Isle of Man in relation to updating or amending the Island's Zero-Ten tax system; and if none, why is that the case?

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

I have confirmed a few times previously that I have no plans to change Jersey's Zero-Ten corporate income tax regime. Jersey has an ongoing dialogue with other Crown Dependencies, including on tax matters. However, I have not had any discussions or communications with them about changing Jersey's Zero/Ten regime. That is not something that I am contemplating, nor is it something that is included in the proposed Budget 2025, which is due to be debated later this month. On a separate note, from Zero/Ten, Members will remember that the Pillar Two regime was unanimously adopted by the States Assembly last month. Those entities that are not impacted by Pillar Two, which are the vast majority of our companies, will remain in the Zero/Ten regime. Pillar Two affects a relatively small number of large multinational enterprises operating in Jersey. In 2025, those entities will pay a corporate income tax of 15 per cent, in line with the O.E.C.D.'s (Organisation for Economic Co-operation and Development) global minimum tax framework. This is a positive step for Jersey and maintains Jersey's reputation as being fully aligned with international tax standards.

3.14.1 Deputy M.B. Andrews:

Does the Minister believe it to be fair that we have businesses in this Island who pay zero tax when we have middle earners in Jersey who are paying a marginal income tax rate of 26 per cent?

Deputy M.E. Millar:

The Island's corporate income tax regime is built on the pillars of tax neutrality and transparency. It meets international standards on taxation and has served this Island well, allowing our financial services sector to flourish and provides employment for thousands of people. The proposed Budget forecasts the corporate tax regime to contribute £221 million in tax revenue for 2025, so it is vital that the measures that we take do not impinge on the performance of the corporate sector.

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

I rise to ask a question to reassure the Member who is asking this. She is still of the view that a very challenging decision to introduce Zero/Ten, which had deleterious consequences in the short term but had massive advantages by maintaining our finance industry and our competitiveness, which this Assembly dealt with and she would, given the benefit of hindsight in this regard while difficult ...

the Zero/Ten issue was imposed upon us by the European Code Compliance and would she agree that it has meant that Jersey's economy is as strong as it is today compared to other places that are seeing deficits and having to introduce G.S.T. (goods and services tax) late?

Deputy M.E. Millar:

Yes, I do agree with the Deputy, and I thank him for his question. As I have just said Zero/Ten has served the Island well and it means we have a thriving financial services sector which is continuing to compete in an increasingly competitive market. It is important that we continue our work to ensure both that Jersey remains competitive as an international finance centre and the work being led by my colleague, Deputy Gorst, following the introduction of Pillar Two, we will very much focus on ensuring competitiveness and indeed building growth in our economy.

Deputy P.F.C. Ozouf:

Sir, I think in the interest of time, having this question already ventilated, it is the same version of a different result, so with the Minister's permission and the Assembly's permission, I think I will withdraw it.

The Bailiff:

Yes, I will consider it.

Deputy P.F.C. Ozouf:

We have already answered it, unless the Minister wants to say anything else, but we have really ventilated this quite a bit.

The Bailiff:

We come to question 16. Thank you very much, Deputy, indeed.

3.15 Deputy L.M.C. Doublet of St. Saviour of the Minister for Justice and Home Affairs regarding updating the Draft Crime (Prejudice and Public Disorder) (Jersey) Law: (OQ.216/2024)

Will the Minister provide an update on the progress, if any, on updating the Draft Crime (Prejudice and Public Disorder) (Jersey) Law, including any consultation and discussions with key stakeholders?

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

As the Deputy will know, the Crime (Prejudice and Public Order) (Jersey) Law, was divided into 2 sections, one dealing with public order components and the other with the issue of hate crime. The public order section was brought to the Assembly as the Draft Crime (Public Order) (Jersey) Law which has recently come into force. The hate crime elements of the law are being developed into a standalone law which will be brought to the Assembly in 2025. Some key questions for stakeholders will concern the scope of the intended protective characteristics and the terms of the intended offences. An effective consultation on those points require that a draft of the legislation be available for discussion. Therefore, I will be consulting on the details of the legislation in 2025.

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

Could the Minister please give some further detail on the exact timings of 2025? Which quarter of that year would it be?

Deputy M.R. Le Hegarat:

At this stage I cannot give exactly which quarter it will be. There have been some delays in relation to unforeseen circumstances and the person dealing with this particular piece of legislation has

another large piece of legislation which is coming to fruition, so I cannot be exact. I would like it to be expedited as quickly as possible, but I would not want to say that it would be in the first or second quarter and then find myself in a position where I could not deliver on that.

3.15.2 Deputy I. Gardiner of St. Helier North:

Can the Minister confirm if it will be lodged in 2025?

Deputy M.R. Le Hegarat:

That is an affirmative. I am confident that it can be done and lodged in 2025.

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

Can the Minister tell the Assembly whether misogyny is going to be included in this particular piece of legislation?

Deputy M.R. Le Hegarat:

In relation to the misogyny part of it, I have recently spoken to the conveyor of the Delegated Powers and the Law Reform Committee of the Scottish Parliament about the treatment of misogyny in Scotland. I will be speaking to that person again in relation to this issue. Whether it will be standalone or form part of the hate crime, I am having that discussion, and I will continue that discussion.

3.15.4 Deputy H.M. Miles:

Is the Minister prepared to give her view whether she thinks misogyny should or should not be included in the legislation?

Deputy M.R. Le Hegarat:

I think, moving forward, it should be considered as part of a legislation, whether that is separate or within the hate crime.

3.15.5 Deputy L.M.C. Doublet:

What other actions can the Minister take, or would the Minister consider taking, in the meantime? For example, would she consider asking the police to record crimes motivated by hatred of women in the same way that they record data on crimes motivated by hatred of other protected characteristics? Also, would she consider actions along the lines of the Labour Government in addressing incel culture that might be present, especially around social media use on the Island?

Deputy M.R. Le Hegarat:

The simple answer to that question is, yes, I am happy to speak to the States of Jersey Police to see what we can do in the interim time before this legislation is implemented.

3.16 Deputy T.A. Coles of St. Helier South of the Minister for Sustainable Economic Development regarding the costs incurred by the Government in extending the provision of a ferry service: (OQ.208/2024)

Will the Minister state the costs, including the cost of any standby vessel, that will be incurred by the Government in extending the provision of a ferry service from Condor for 7 months?

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

As I mentioned earlier, Condor have declined that offer of 7 months, but had they agreed in itself there is no funding involved in supporting the delivery of the operating agreement. What we were suggesting was just an extension of the existing operating agreement so there would not have been

any direct cost implications in that respect. With regard to the existing contingency arrangements, we would have had to make a call. The existing contingency arrangements for freight are in place until the end of December this year, and certainly we have to, and we would have had to, had the 7month agreement been taken up, decide then as to whether or not to continue to maintain that freight contingency. No decision had been made around that at this point.

[11:30]

3.16.1 Deputy T.A. Coles:

Is the Minister able to confirm that as part of the procurement of any future ferry service that this standby vessel will no longer be funded by Government?

Deputy K.F. Morel:

My entire stance in this matter, certainly since I was informed of a decision by Guernsey, has been to ensure that Jersey is in a position where it does not have to fork out money - that is poor language - does not have to spend money on either contingency vessels or on future bailouts or be denied the opportunity to have fleet investment, which gives us a fleet that we can be proud of for the Island in the future. There is no question in my mind that any future contract that we enter into would deliver us a service whereby we do not need to maintain contingency vessels. If we did need to maintain contingency vessels, then I would suggest it was not a contract that we should enter into.

3.16.2 Deputy I. Gardiner of St. Helier North:

Can the Minister explain what led to the decision to set up that arrangement? What was the trigger?

Deputy K.F. Morel:

I believe this has been reported in the media. Last December, I received a request from, I believe it was, shareholders of the ferry company concerned, quite simply for £40 million to ensure that they could continue operating the services and of that £40 million, £10 million was apparently urgent. This followed a previous request for a guarantee of £80 million to underwrite the services. These requests led me to believe that, number one, I did not think that a £40 million investment in a company that effectively was telling us it was on the edge, would have been an effective way to secure our ferry services. As a result, I took the decision that we should look for a contingency arrangement to ensure that, should the demise of that ferry company occur, we had contingency to ensure that food and medicines could be delivered to this Island on an ongoing and continual basis. Because those lifeline freight services are, as I have said before, the very food that we eat. It was those requests that sent myself off. I have to say I am very grateful, it was not just I who went out looking for contingency arrangements. I was accompanied by - I will say he was not in Government at the time - Deputy Luce, because I knew he had a large understanding of maritime matters, *et cetera*. I also felt that it was appropriate - Deputy Luce was in Scrutiny at the time but not on the Panel that scrutinised me - that the Assembly could be afforded the comfort of knowing that it was not I just acting alone in that matter, that there were other eyes saying: "No, this is the right thing to do." So, that is a very brief explanation of what happened last December.

3.16.3 Deputy I. Gardiner:

Just to make sure that I understand it correctly, these measures were put in place to protect the Island in case Condor went bust and the Island would be protected. Is my understanding correct?

Deputy K.F. Morel:

That is correct.

3.16.4 Deputy J. Renouf of St. Brelade:

The Minister said that the arrangement runs out at the end of December. The current contract with Condor runs until the end of March. Will the contract to provide standby vessels be continued until the end of March? If he is looking to do that, will he be looking to share it with Guernsey, as he has currently been doing?

Deputy K.F. Morel:

The Deputy does put his finger on an important point. The current costs of those contingency arrangements are shared on a 50-50 basis with Guernsey. Because we have not made a decision and we have not yet discussed the continuation of those contingency services, I do not know Guernsey's position on that, because quite simply we have not yet asked. I think it is really important that the Assembly understands that one of the things of going through this ferry procurement process was that it is quite possible that Condor may not win the contract. So, I did write to the company, the board of the company, as recently as 23rd September on precisely this point, asking for certainty around their ability to continue the contract up to the end of March as their contract currently says ... the operating agreement currently says. I was asking, in the event that they do not win the contract, are they able to continue providing those services. The response at the time effectively asked for money to guarantee the continuation of those services and effectively asked for a sum of many millions of pounds to continue those services until the end of March. That is another matter in my mind because they are currently contracted to continue those services, yet I was being told that they would require payment, or may require payment, in order to do so.

3.16.5 Deputy J. Renouf:

The Minister has talked about the Condor contract. He has a contract with a provider of lifeline service on standby. Is he able to say whether he has opened negotiations with that company about continuing to provide that service, given the extreme vulnerability that he seems to be hinting at in terms of the service from Condor? Can he say who that contract is with and if he has explored other options in case that contract might not be able to be extended with the current provider of that backup service?

Deputy K.F. Morel:

I am happy to say that the DFDS are the provider of those contingency services through a contractual basis. They have chartered 2 vessels which remain on 48-hour cool-down standby to the Island in the event that they are needed. So far, we have had to extend this, I believe, 3 times. Please forgive me if I have not got that exactly right, but about 3 times we have had to extend it so far. There has been no problem in maintaining the continuation of those services and should we desire to continue the contingency arrangements I have no reason to doubt that we would be able to do so as long as we give appropriate notice of our desire to continue that. The market for chartering vessels is constant and so if we choose not to continue with the contingency arrangement those vessels will, I am sure, be chartered by other companies or jurisdictions or other parties. As long as we give the notice, the appropriate amount of time, I have no reason to believe that there will be any difficulty in securing those chartered vessels for a longer period.

3.16.6 Deputy T.A. Coles:

I am sure the Minister will be glad that this is probably the last question he is going to have to answer on ferries today. The Minister made reference to investment in vessels within the answers to one of these questions. Can the Minister just confirm that this will be investment by the companies alone, or whether Government will be involved in investment in new vessels?

Deputy K.F. Morel:

That is a very interesting question. It has been my opinion that absolutely this is about the companies investing in vessels themselves. In fact, I was disappointed at one point in the past where it was suggested that Government should be investing in those vessels as well. I have made it very clear

that, no, the routes themselves enable profit to be made and that profit should be reinvested in vessels. It is Islanders who pay through their ticket prices, who pay through logistics firms, that book freight on to boats, that pay for that investment into the future. The idea that Government should in some way pay for that investment, I think, is unnecessary. The models I have seen about future fleet investment show that it is unnecessary.

3.17 Deputy B.B. de S.V.M. Porée of St. Helier South of the Minister for Justice and Home Affairs regarding updating the Island's Work Permit Policy: (OQ.219/2024)

Will the Minister detail what progress, if any, is being made in updating the Island's Work Permit Policy and explain why the publication of a new policy has been delayed?

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

I had hoped to have the updates to the Work Permit Policy published in August. However, after the briefing at the Housing and Work Advisory Group, it was requested that further consideration was given to certain elements. This has taken longer than expected and I hope that the updated policy will be published in the coming weeks.

The Bailiff:

Very well. That brings questions to Ministers with notice to an end. We move to questions without notice. There is also an urgent oral question to follow on after that. The first period of questions is for the Minister for Health and Social Services.

4. Questions to Ministers without notice - The Minister for Health and Social Services

4.1 Deputy I. Gardiner of St. Helier North:

Would the Minister advise if he is looking into the option to move more services into the community, as it was suggested previously?

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

Apologies. I appear to be a little confused. Moving services into the community, I am not entirely sure ...

Deputy I. Gardiner:

I can clarify. The U.K. Government has made this shift in healthcare from hospital to communities as a central part of the mission to improve healthcare and lower the cost. We did have these discussions about moving more services from hospital healthcare to the community during the previous term of the Jersey Care Model, would the Minister agree with this approach?

Deputy T.J.A. Binet:

In a word, not entirely. I think there is a balance to be struck. We are building an expensive new hospital. It makes perfect sense to keep people in hospital for as long as they need to be in hospital, and at the same time I know that over the course of the longer term, we are going to be looking at helping to improve care in the community as well. I think that we need to take a balanced approach to those 2 things.

4.1.1 Deputy I. Gardiner:

Thank you, Minister, for the question ... for the answer. As we all know, we have a 30-bed block in the hospital, and definitely care in the hospital is more expensive than the proper care in the community. What is the Minister putting in place, that the successful transition from the hospital - when a patient is ready - to the community will be in place and will avoid bed blocking in the future?

Deputy T.J.A. Binet:

It is not always entirely clear about the difference in cost, depending on the level of care, so we have to bear that in mind. We do have a ... I think it is 30 or 32, what you might ... I do not like to use the term 'bed-blockers' but that is what we have at the moment. We are in a very difficult situation, that we are using all the beds that are currently available, so we are just having to fine-tune things until we get more beds constructed. That is not really going to happen until such time as the new hospital is built, and hopefully that will be completed at the end of 2028 or very early in 2029, so really, we are just in the difficult position at the moment of having to do the best we can with the facilities that we have got.

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

Complaints and learning from mistakes is a key form of progress. Can the Minister confirm the best method to raise issues and complaints with the health service?

Deputy T.J.A. Binet:

I do not know if it is my hearing, but I just missed the end of that question as well, so if the Deputy could repeat the last part of the question.

Deputy T.A. Coles:

Certainly. Can the Minister confirm the best method to raise complaints and issues within the health service?

Deputy T.J.A. Binet:

Yes. I do know that their complaints service works because my inbox is full of them. Yes, there are 2 methods. You can go on to the government website, there is a route through there, and you can go direct to the P.A.L.S. (Patient Advice and Liaison Service) at the hospital. I have to say they do a very good job, so those are the 2 routes.

4.2.1 Deputy T.A. Coles:

Will the Minister confirm how regularly there is a review panel that goes and looks at the complaints and discusses lessons learnt?

Deputy T.J.A. Binet:

I have been caught off-guard there. I cannot answer that question off the balls of my feet, but I am certainly happy to let the Deputy know, hopefully later today.

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

Has the Minister considered creating separate heads of expenditure for the separate sites within the New Health Facilities Programme?

[11:45]

Deputy T.J.A. Binet:

No.

4.3.1 Deputy A.F. Curtis:

Yes. A topic of separate heads of expenditure is in the transparent declaration and was covered by the *J.E.P. (Jersey Evening Post)* today, with the editor making note that following the need to ensure value for money, and I quote: "The picture will change once a builder has been chosen and the project gets underway. At that point, it is essential that Islanders are able to gauge the process and the cost and make an informed and accurate assessment of how things are going." Following that, if not now,

when does the Minister believe it is appropriate to create and provide separate heads of expenditure to deliver that balance?

Deputy T.J.A. Binet:

We are going to be working on 3 principal sites. I do not think there will be a time when it is ever completely appropriate to have separate heads of expenditure. What I have committed to all along is to divulge as much financial information as I possibly can, as soon as I possibly can, without jeopardising our ability to get the best value for money for the taxpayer. I have made that position clear throughout and I maintain that position going forward.

4.4 Deputy J. Renouf of St. Brelade:

The previous Our Hospital project proposed a health estate of under 70,000 square metres. According to the Government's feasibility study, the proposed new health estate - Overdale, Kensington Place, Enid Quenault and St. Saviour - will be over 100,000 square metres, which is a 50 per cent increase. What effect does the Minister think this increase in the health estate will have on running costs?

Deputy T.J.A. Binet:

It is very difficult to tell. I wish I could be more forthcoming. What we are going to be doing ... I fully appreciate that separating inpatient and outpatient will introduce some cost increases, but we have to bear in mind that it will probably introduce considerable efficiency savings. I have to say that when the acute section moves out of the Kensington Place/Gloucester Street block, we will be left with a considerable site, and we are currently reviewing the entire health estate to see if it can be rationalised to the extent that much of it could be moved on to that site. That will free up a lot of property at various parts of the town and provide us with a new and efficient unit in the centre of town. I think collectively the quality of care that can be delivered from the 3 premises once they are finished will be hopefully exemplary. Some extra costs will be incurred; some savings will be made.

4.4.1 Deputy J. Renouf:

The Minister has previously identified unavoidable pressures on future health spending, including more expensive treatments, greater longevity and the cost of buying care in the U.K. Why is he adding to those unavoidable spending pressures with an avoidable increase in operating costs caused by a vastly increased health estate?

Deputy T.J.A. Binet:

I simply do not agree with the statement.

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

Since my return to public duties following my own ill health, I have been out and about in St. Saviour asking people what their concerns are. I am a teetotaler at the moment and I do not smoke cannabis or use it, so I cannot be stoned or drunk, but I have been shocked by the feedback I am getting from constituents about the completely inexplicable situation with regard to medicinal cannabis prescriptions on the one side and the Island promoting itself as a medicinal cannabis grower at large, which is going to be a huge economic implication. Would the Minister be candid with the Assembly and say whether or not he thinks that the decisions of this Assembly made previously are now coming out into a real nightmare situation that is getting worse and worse and growing? I do not underestimate it. This is not a joke, this is deadly serious, but is it not a nightmare?

Deputy T.J.A. Binet:

I can imagine the headlines if I stand up and say that I agree that it is a nightmare. What I will say is I would accept that we are in a difficult position. Decisions have been made without sufficient forethought and I think we are paying the price for that now. What I have tried to do is set out the work that is taking place to address all of those issues. I did send an email out several days ago

detailing those actions and we are moving as quickly as we possibly can. Unfortunately, there is nothing else we can do, other than seek to put right the position that was created for us by previous Assemblies, but I do thank the Deputy for raising the issue because it is a serious issue.

4.5.1 Deputy P.F.C. Ozouf:

I apologise to the Minister for having to ask this, but given ... and I do not wish it to be regarded as an overly dramatic issue, but he is dealing with a massive situation at Health, and this is a self-imposed one, that has been imposed by this Assembly. Knowing what he now knows, do we need to bring a rescindment motion on the 2 issues, which are growing cannabis for export and prescribing medicinal cannabis, and put that on hold while he can get on with the important things that he needs to get on with?

Deputy T.J.A. Binet:

I think I have to part company on this. You cannot, as an Island, promote an industry, encourage people to invest in it, and you cannot put businesses on hold. That simply does not happen. What we have to do is rather hastily introduce the legislation that is required to facilitate those businesses. As for the use of cannabis, I want to try and be a little bit more positive. I was just going through the room on this side, and I was reminded by a Deputy that we do have to bear in mind that medicinal cannabis does provide a lot of relief for a good number of people, so I think we have to look on the positive side as well. While there are difficulties to overcome, we have to be mindful of the fact that there are benefits being enjoyed by a number of people, so we have to put those in balance.

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

Clearly there is a different paradigm that could be pursued between community-based healthcare, which the U.K. is now pursuing, versus the hospital-based approach the Minister is pursuing. What evidence base has the Minister used to form his thinking, especially when he just answered earlier and he stated that a 50 per cent increase in the hospital estate will lead to increased running costs and will he share that evidence with the Assembly?

Deputy T.J.A. Binet:

Once again, I think we have to be careful about the accuracy of questions. Yes, there might be a 50 per cent increase in the health estate, but there will be a certain degree of rationalisation as well. You also have to bear in mind that modern facilities require more space per individual patient. We are going to be providing single rooms for people rather than wards of 6, so there is an improvement in the quality of care. Giving somebody more room in which to exist and spend their time does not necessarily of itself produce a cost increase, so I think we have got to be a little bit careful when we are asking these questions not to be too simplistic.

Deputy H.L. Jeune:

My question was about evidence and the paradigms between community-based care and hospital-based care.

The Bailiff:

Yes. Your answer was criticising the question but not answering it, Minister, so ...

Deputy T.J.A. Binet:

That is a fair comment. Evidence base: I am surrounded by professional people who carry with them a great deal of experience. The team that are managing the hospital, the lady that is the project leader was the deputy project leader on the last hospital project. I have available to me a great deal of experience from people with a good deal of knowledge, so that is the way I work. I am very impressed with the team of people that I have been working with and I have no reason to suspect that the advice that I have been given from them is in any way at fault.

4.6.1 Deputy H.L. Jeune:

I was wondering if the Minister, beyond the specific people who have, as you said, professional advice, but usually there is wider evidence based on research that is done, through academic research or the wider discussions around the health community, as such, beyond Jersey in this discussion between these 2 paradigms. I was wondering if he has looked at those and if he could share that evidence base with us, why Jersey is choosing to go to hospital-based rather than a community-based approach.

Deputy T.J.A. Binet:

As I suggested in one of my earlier answers, we are doing a combination of both. We decided upon a hospital some time ago and we are going to continue with that. I would also say that the experienced people with which I am working at the moment have also got access to an awful lot of people from elsewhere and an awful lot of information from elsewhere and I know that they have been in consultation very widely over the course of both the last project and of this one, so we started this project with a lot of previously collated information from various sources.

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

The Health Advisory Board recently identified an additional £5 million worth of funding pressures within the Health Department. Can the Minister explain how these pressures will be met?

Deputy T.J.A. Binet:

We are hoping not to go to the full £5 million. We are making every effort that we can, short of closing wards and theatres - which I do not think anybody in the Assembly would appreciate us doing - and I have to say we are in constant contact with the Treasury as things develop.

The Bailiff:

Still only 15 seconds left.

4.7.1 Deputy L.M.C. Doublet:

Will the Minister be seeking extra funding from the Minister for Treasury and Resources?

Deputy T.J.A. Binet:

It could be the case.

The Bailiff:

Very well. That brings the Question Time for this Minister to an end.

5. Questions to Ministers without notice - The Minister for International Development

The Bailiff:

The next question period is for the Minister for International Development. Does any Member have any questions?

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

I understand that Jersey Overseas Aid has previously made grants to United Nations organisations towards preventing famine in Gaza. Can the Minister explain whether Israel's move to ban U.N.R.W.A. (United Nations Relief and Works Agency) will prevent any further aid getting into Gaza?

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

I thank the Deputy for her question. Jersey Overseas Aid has, in the past, not directly contributed to U.N.R.W.A. However, we have contributed to other N.G.O.s (non-governmental organisations) in the area, which are international health partners and the World Food Programme, but undoubtedly - and it has been recognised by the U.N. (United Nations) Security Council President that U.N.R.W.A.'s supply was the backbone for the aid in Gaza at this time - it is going to have a very detrimental effect to the aid getting in. However, if I could just put this into context. Before the events of 7th October last year, there were 500 trucks of humanitarian aid getting into Gaza. Now there are 28, and it has been recognised that we are now witnessing a famine on the shores of the Mediterranean in 2024. That is not food security, but a famine, so yes, it will have a detrimental effect, but aid will hopefully still be getting in.

5.1.1 Deputy C.D. Curtis:

Will the Minister be able to update us on any improvements, any progress that can be made around this?

Deputy C.F. Labey:

I certainly will. As the good Deputy has visited the offices of Jersey Overseas Aid, I would welcome any Member who wants to come in and find out more about what we do and the details of any projects. We are more than happy to share that with them.

5.2 Deputy J. Renouf of St. Brelade:

I was pleased to see a display of some anger, I think, on the part of the Minister in relation to the situation in Gaza. Can she say whether Jersey has any intention to currently try and provide aid into Gaza through the various routes that she has mentioned?

Deputy C.F. Labey:

Indeed, and that is what I alluded to in Deputy Curtis's question. We have been providing aid in Gaza. In fact, since the events of 7th October last year, Jersey Overseas Aid this year alone has provided about £700,000 worth of aid through various N.G.O.s, and altogether with the contributions the year before, Jersey has provided about £1 million worth of aid to Gaza.

5.2.1 Deputy J. Renouf:

Can she confirm that the intention is to continue doing that, despite the Israeli actions in shutting down aid through U.N.R.W.A.?

Deputy C.F. Labey:

We certainly look for opportunities when we can get aid in.

[12:00]

Our last contribution was to Lebanon. We made a contribution a couple of weeks ago of £150,000 to U.N.I.C.E.F. (United Nations Children's Fund) in Lebanon because, as the Deputy will be aware, some of the children have fled over the border there.

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

Could the Minister outline how she ensures that Jersey's O.D.A. (official development assistance) spend remains fully transparent so external organisations and local stakeholders can monitor fund allocation, assess project impact and provide feedback to improve aid effectiveness?

Deputy C.F. Labey:

I am not entirely sure how to answer this question. Our O.D.A. ... in actual fact, all our budget is open to scrutiny, and we believe we have got processes that are open and transparent, and we are

more than happy to share them with people. We have a website which is accessible, and our projects can be looked at there.

5.3.1 Deputy H.L. Jeune:

Most donors use monitoring tools that allow external organisations and local stakeholders to access real-time information to help impact evaluations by external organisations on funded projects. Has the Minister considered utilising international monitoring tools such as the International Aid Transparency Initiative to support transparency of Jersey's O.D.A.?

Deputy C.F. Labey:

I believe we do use real-time monitoring equipment to look at our projects. If the Deputy has a look on our website, she will be able to see that that is what we do.

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

As winter is fast approaching, can the Minister share an update on Jersey's continued commitment to the humanitarian response in Ukraine?

Deputy C.F. Labey:

Yes, I thank the Deputy for her question. It is extremely timely, as winter is approaching, and I confirm, in answering the question, that Jersey Overseas Aid is committing to standing with Ukraine at this time. Recently we responded to an appeal by U.N.H.C.R. (United Nations High Commissioner for Refugees) for their winterisation programme and we contributed to that fund. That provides not only cash, but also help with generators and heating equipment and other such things, and indeed the Bailiff's Fund also contributed to that too.

5.4.1 Deputy B.B. de S.V.M. Porée:

As part of transparency, can the Minister share with the Assembly what sort of support has J.O.A. (Jersey Overseas Aid) given so far to this war?

Deputy C.F. Labey:

Yes. Since the war started, Jersey has contributed in total £4.1 million. Now, that is not all from Jersey Overseas Aid - it is from your fund, Sir - and for a small Island, I think we ought to be incredibly proud of our donations to the Ukraine. [Approbation]

Connétable A.S. Crowcroft of St. Helier

My question has been asked.

The Bailiff:

Are there any other questions for this Minister? If there are no other questions for the Minister, then I close this period of questions and the next question is the Chief Minister, who will take up all of the remaining time available. [Laughter]

6. Questions to Ministers without notice - The Chief Minister

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

Can the Chief Minister confirm what he can do to restore confidence in his Government in the face of indecision around the ferry terminal?

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

We can resolve it as quickly as possible. I do not think the Government, at this stage, has completely lost the confidence - I hope not - of States Members and members of the public, but we are alive to

the fact that it needs to be sorted, but reiterate it needs to be very, very carefully considered because of the ramifications and consequences of getting it wrong. Our intention is to resolve it and make an appointment as quickly as possible.

6.1.1 Deputy K.M. Wilson:

Could the Chief Minister explain what contingency he will have in the event that no decision will be made by the end of December?

Deputy L.J. Farnham:

There will be a decision made, and the contingency will depend on that decision. For example, if the decision is to remain with the existing operator, depending on the financial guarantees and so forth provided, that would lead to one set of contingency. If it was to change to a new provider, that could require a different set of contingencies, depending on when the existing operator decided to cease sailing, so it depends on the outcome, but we will, without fail, make a decision in the timelines outlined by the Minister for Sustainable Economic Development.

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

Has the Chief Minister identified where the funding is going to come from to reinstate the moveable toddler play service?

Deputy L.J. Farnham:

Yes, and I discussed the matter with the relevant Ministers and money is going to be allocated from the Chief Minister's pilot fund.

6.2.1 Deputy H.M. Miles:

Was the Chief Minister disappointed that he needed to change government policy in this respect via social media and how will he ensure in future that he can shape policy before it is announced?

Deputy L.J. Farnham:

I do not think there was any government policy change in this at all. This was a decision taken externally by an arm's length organisation, Jersey Sport, who do an excellent job, working on the back of a report to focus on providing more input to sports. They decided that this particular activity did not fit in that portfolio, so decided to cut it. Having seen that and seen first-hand the consternation it was causing, I decided to post a tweet and subsequently discussed it with the relevant Ministers and found a solution. It is not a change in government policy, I think it is reacting to the decision of an arm's length organisation that keeps a valuable service going.

6.3 Deputy J. Renouf of St. Brelade:

At the end of questions with notice, we heard a devastating critique of Condor's financial position from the Minister for Sustainable Economic Development, which revealed that they asked for £40 million to keep going a year ago, and in September asked for more money just to continue with the contract until the end of March. What is stopping the Government just giving the contract to the other operator, DFDS?

Deputy L.J. Farnham:

I am not sure it is advisable or wise to comment on or provide an answer to that question in this forum, given the fact that we are in the middle of discussions with both operators.

6.3.1 Deputy J. Renouf:

Can I change tack then and ask what will the Government do if Condor asks for more money just to complete the contract by the end of March?

Deputy L.J. Farnham:

I think that is a hypothetical question, because it depends on the outcomes of discussions and appointments, so we would have to address that if the matter arose and base it on the circumstances at the time, but what I would say is this Government will not do anything that compromises or endangers our lifeline freight service, either if that resolves itself in the appointment of a new operator or means we have to utilise a contingency, we will ensure those safeguards are in place.

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

Is the Chief Minister aware of countries such as Australia, who are planning to legislate for social media use in children? Is he aware of the harms of social media use in children and is he planning to address this for our children in Jersey?

Deputy L.J. Farnham:

I think we are all becoming more aware of the ramifications and the harm in some cases of the use of social media across society, not just in children, but especially in children. That is something we have not, as far as I am aware, discussed as yet, but I would defer to the Minister for Education and Lifelong Learning or the Minister for Children and Young People because they might be thinking about that. I would think in the not too distant future we need to be addressing those sort of matters.

6.4.1 Deputy L.M.C. Doublet:

I believe there was a piece of work led by former Deputy Jess Perchard in a previous Government. Would the Chief Minister agree to look into that work and follow it up, if necessary?

Deputy L.J. Farnham:

Yes, I am happy to discuss with the relevant Ministers.

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

In recent news, the Bishop of Huddersfield stated that the Archbishop of Canterbury's position is untenable due to his handling of abuse allegations. In light of this ongoing controversy, what has the Chief Minister discussed with the Dean of Jersey regarding the issue and what is Jersey's official position on the matter, particularly given the Island's historical and institutional links to the Church of England and its handling of similar abuse cases?

Deputy L.J. Farnham:

First of all, I have to say I have been preoccupied with other matters and have not had a chance to familiarise myself with that story through the national media, and subsequently I have not had any discussions with the Dean on it.

6.5.1 Deputy R.S. Kovacs:

How does the Chief Minister believe the abuse controversy will impact trust in the local church and what steps will the Government take to prevent abuse in Jersey's institutions in general, particularly in addressing concerns around safeguarding, transparency and institutional accountability?

Deputy L.J. Farnham:

I believe the church and all religious organisations are alive to this issue and many have taken great steps to combat it. Of course it has not been fully resolved, as we have heard, and I think it is something we need to be mindful of in this Assembly and the Government, but at this moment in time I am not aware of this being part of our workstream. However, I am prepared to discuss it with the relevant religious leaders if necessary, if only just to be updated on their procedures and their policies and strategy for combatting it.

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

Question time is necessary, it is not personal; however, searching questions are required, as uncomfortable as it is to the Chief Minister. I put it to him how can he say with one breath that Condor Ferries is OK to sign a contract, because he said Condor Ferries could be signed, and in the next breath hear with his ear the Minister for Sustainable Economic Development saying Condor Ferries is effectively broke and you cannot sign a contract? How can he justify those 2 statements and give confidence to Islanders that he, as Chief Minister, is holding the right sort of management level, giving the right signals and support to his Ministers?

Deputy L.J. Farnham:

I think we were referring to Brittany Ferries. Condor Ferries is certainly not broke, Brittany Ferries is certainly not broke, and I do not think the Minister made that assertion. He did alert Members to the fact that Condor Ferries have a significant amount of borrowing. I think we need to be careful here because, as I said in a previous answer, we are having discussions with 2 reputable shipping companies, Brittany Ferries, who are the majority shareholder in Condor, and DFDS, so I refute the fact we have made assertions that Condor are broke or going broke. The Minister has alerted Members to the concerns over the level of borrowing they have primarily in relation to being able to invest in ships in the future. We have to be very clear, no assertions that anybody is going broke, but it is right to consider the financial implications into the future.

6.6.1 Deputy P.F.C. Ozouf:

I am afraid to say the Chief Minister is not going to get away with answering a question like that because will he confirm that the counterparty to sign the tender is Condor Ferries Limited and not Brittany Ferries? It is spelt publicly out in the J.C.R.A. (Jersey Competition Regulatory Authority) document of the acquisition. It is not Brittany Ferries, Brittany Ferries is simply the potential acquirer of 51 per cent. Would he confirm for the avoidance of doubt, because he is slipping around with the answer, that it is Condor Ferries which the Minister is talking about and it is Condor Ferries that have got the financial problems, and he says earlier that it is fine?

[12:15]

Deputy L.J. Farnham:

I think the Deputy is slipping around with the question because I am not sure ... is he talking about the existing agreement, the existing service level agreement, or is he talking about a new agreement?

The Bailiff:

Well, I think the Deputy is juxtaposing the thought that the relevant party, I will not name them at this point, has had financial difficulties to the extent it is required to ask for subsidy as against the assertion that that same party could sign a contract to continue or to deal with the ferry service. I think the simple question is, are these the same parties? It is really ...

Deputy L.J. Farnham:

Well, I will attempt to ...

Deputy P.F.C. Ozouf:

I can put it simply, are we talking about a deal with Condor or not because Brittany Ferries is not the player. Could he confirm it is Condor Ferries that we are talking about? He said earlier he has got confidence in them.

The Bailiff:

Now, I appreciate that you are exercised about this, Deputy, and I appreciate that it is a matter of obviously concern to Members in the Assembly, but we have to maintain decorum with it and address questions through the Chair. I have already indicated what I think the question was about. The

question time is far from over so I am afraid the Chief Minister will have a few more opportunities to answer questions.

Deputy L.J. Farnham:

I did not think injury time was allowed in question time but very well.

The Bailiff:

No, there is not injury time but there is 5 minutes left. **[Laughter]**

Deputy L.J. Farnham:

The current service level agreement, as I understand, is signed between the Harbourmaster and Condor Ferries. When that was signed, they were owned by Macquarie. The shareholding is now changed, and Brittany Ferries are a shareholder. I would suggest that any new agreement would not necessarily be signed with Condor but perhaps I could suggest the Government would be more comfortable with that new agreement being with Brittany Ferries. This is part of the discussions that are ongoing on who would be the signatory to a contract. There is nothing decided in that area yet, these are all part of the complex discussions that have been had and continue to be had.

6.7 Deputy I. Gardiner of St. Helier North:

Written Question 375 asked the Chief Minister to provide a detailed breakdown per Ministerial portfolio of each of the projects and workstreams which have been delayed or stopped. In his answer the Chief Minister advised that: "I have asked officers to review these responses, which were then down to Scrutiny, to ensure that this information has been provided and published for all Ministers." Would the Chief Minister advise if he will publish one joint document for clarity for the public and for all States Members per each Ministerial portfolio which projects were cancelled or delayed?

Deputy L.J. Farnham:

Yes, I think in the answer I alluded to the fact that I believe Ministers in the course of their engagement with Scrutiny had provided this information. I have asked officers to ensure they have and will ask them to consolidate that information if required, no problem.

6.7.1 Deputy I. Gardiner:

I thank the Chief Minister. It was a really helpful oral answer for the previous question by his Minister for the Environment. Some Ministers have provided; some Ministers have not. When this will be published, would it be published this or next week ahead of the Budget debate so that we can really consider what we are voting for?

Deputy L.J. Farnham:

I am sure we can consolidate the majority of what has already been published and I will ask officials to make sure it is as comprehensive as possible.

6.8 Deputy J. Renouf:

Can I ask whose idea was it to offer the 7-month extension to Condor and was it in response to the Hospitality Association letter?

Deputy L.J. Farnham:

I am not sure it was directly in response to the Hospitality letter but probably partially in response to the Hospitality letter because they made very clear their concerns about the delay in the land bookings for next summer, notwithstanding that in previous years the timetable has not been published until later on. As I said before, it was a genuine attempt to provide some certainty to help Brittany Ferries to enable them to get their timetables up and take bookings for next summer and then to allow us a

bit more time to complete the process. I think in the meeting the idea was originally suggested by Deputy Morel and I agreed with it, I thought it would be a sensible solution.

6.8.1 Deputy J. Renouf:

One commentator at the weekend described the invitation to Condor to continue is like telling your partner you want a divorce but asking to keep on sleeping together for another 7 months while you sort out your new relationship. Why did the Government think this would ever be attractive to Condor?

Deputy L.J. Farnham:

Trying to compare the analogy. **[Laughter]** As I have said before, it was a genuine attempt to provide some certainty for the travelling public and for Condor to allow them to extend their operational agreement until the end of October next year. That was the intention, nothing more and nothing less than to try and be helpful to the travelling public, to Condor and to allow more time for us to deliver our decision. There is no more to it than that.

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

Does the Minister feel that the procurement processes of the Government are considered robust enough to handle such issues like what we have just heard where Condor was in financial difficulties or was asking for subsidies on its current contract, but it was still allowed to continue to bid quite far down the line within the procurement processes? Are there enough checks and balances put in place in a procurement process to ensure these types of issues are raised early enough in the process?

Deputy L.J. Farnham:

In short, yes, I do. I am not prepared to go into the detail of those of course in this forum for reasons outlined before, while we are in the middle of discussions. I am sure the Minister for Sustainable Economic Development will provide a private briefing to Members when we can go into that in more detail, if necessary, but I do believe that the procurement procedures in this were robust enough. Unfortunately, Jersey and Guernsey could not agree on an outcome, and I am not sure there is any contract or agreement that can ever get Jersey and Guernsey to agree on both things, but we did our best. I do not think that is the fault of the process, I think that is just because the Islanders had different views and different decisions for their own reasons at the end of the day.

6.9.1 Deputy H.L. Jeune:

I think once this whole process is put to the seabed, would the Minister agree that a full investigation should be undertaken and if there is identification for more robust procurement processes to be put in place, for those to be enacted and a review taking place?

Deputy L.J. Farnham:

Well, as we all know, we never stop learning from what we do, and I expect the process to be well-scrutinised. Whether we want to take it further than that ultimately is a matter for the Assembly, but we certainly need to learn from it. When I became Minister for Economic Development in 2014, I inherited something called the Liberation which was one of Condor's new vessels with a new operating agreement, which we learnt since then trying to work with has been difficult because it does not contain the controls that we need. We have learnt from that, and any new contract will have taken that into account, so I can assure Members that whoever we end up with, the contract will be much sharper and much more appropriate to protect the Island. I might even suggest we give them a 50-year lease, so we do not have to deal with it again for a long time.

The Bailiff:

That brings the period of questions to the Chief Minister to a close.

Deputy J. Renouf:

Sorry, we are just all looking at the clock which seems to suggest there is a bit more time.

Deputy L.J. Farnham:

I do not mind.

The Bailiff:

The clock that is operating is going on the system that is up here. I have functioned entirely throughout the morning on the clock that is on my iPhone and I can say the time has elapsed definitely. **[Laughter]** I would be extending it artificially were I to do otherwise, I am afraid, Deputy Renouf, which is not within my gift.

7. Urgent Oral Question

The Bailiff:

There is now an urgent oral question that I have given permission for Deputy Renouf of the Minister for Sustainable Economic Development. I will allow 7 minutes for this because that was the nominal allowance that I made for all of the other oral questions which were dealt with during the question period.

7.1 Deputy J. Renouf of St. Brelade of the Minister for Sustainable Economic Development regarding ...

I will read quickly. Will the Minister explain how he justifies more than £5 million of direct grants to Visit Jersey, Ports of Jersey, the rural and marine support schemes and others, when the main purpose of the schemes has always been advertised as to improve productivity?

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

A very interesting question and one that I think is quite simple to justify. It is correct that a significant proportion of the Living Wage Support Scheme is focused on the visitor economy and the rural and marine economies. The first reason for that is both the visitor economy and the rural and marine economies have been identified as being significantly impacted by the increase in the minimum wage which has risen, I believe, if everything goes ahead as planned, it will have risen 72 per cent in 5 years. That obviously causes stress and concern for those businesses. As I have said, the visitor economy and the rural and marine economies have been identified through economic analysis as being 2 of the sectors which are most significantly impacted. With regard to the actual impact on productivity, the inclusion of Visit Jersey and Ports of Jersey is entirely focused around the concept of them extending or growing our visitor economy by bringing more visitors to the Island, particularly in the shoulder and the winter months. By doing so, they will be increasing the productivity of those businesses that they frequent. At the moment, a hotel, for instance, is full in August but not full in October. By providing more visitors to them in October their return on investment, the productivity of their assets increases. They are employing staff who will be put to work in terms of gaining more value by having more tourists spending with them during those months whereas at the moment they are not. In terms of the rural and marine economies, that is much more focused on competitiveness. At the moment the rural and marine economies have to compete against European, British and other economies that highly subsidise their agricultural sectors. Given that how agricultural and marine sectors are primarily export sectors, in order for them to remain competitive, given the wage rises that are being put upon them, we believe that it is absolutely right to use the existing support schemes to reduce the impact of those wage rises and by doing so help those industries remain competitive against the international markets ...

The Bailiff:

Minister, I have to ask you to bring your question to an end.

Deputy K.F. Morel:

... highly subsidised international markets in which they operate.

7.1.1 Deputy J. Renouf:

Focusing on the Rural Support Scheme, the Minister told me off in September for referring to subsidies. The current Rural Support Scheme, there is an extra £1.1 million going into this, has 3 tiers, 3 different types of grants, none of which are related to productivity. How can he ensure that the money going to the Rural Support Scheme will go to increasing productivity or, if it is not doing that, make sure that it is not just a general subsidy to employers?

Deputy K.F. Morel:

As I have discussed, the agriculture and the marine elements of this is focused on competitiveness so that they can remain competitive in their international markets. We have analysed the impact of the rise in the minimum wage on those sectors and in the case of this sector, that £1.1 million has been calculated as the amount that the industry will have to pay extra in terms of wages. Therefore, by putting in the £1.1 million we are effectively balancing off the increased cost, that helps them remain competitive in their export markets.

[12:30]

That in itself gives them a chance to increase in productivity because if they are to sell more, their high-quality products are able to be sold in overseas markets at a competitive rate, that then provides them with the opportunity to increase their productivity as well, but the primary focus for agriculture and marine is on competitiveness.

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

Would the Minister agree that there is always going to be consequences of putting a decision off or making the wrong decision? As we have heard, the implications of the cannabis industry is causing major issues to some benefit. The ferry services, Sir John Vickers was not listened to, we have now got problems and he is having to deal with it. He lodged yesterday a package of measures of £20 million on the well-intentioned idea of this Assembly to move to a living wage. There has been no scrutiny, there are lots of questions about it, it has been taken from the Social Security Fund; that is probably going to be a problem for the Government. Does he really think that he should be pressing ahead with this package in this absence of information and only yesterday Members having received the detail of what is a huge amount of money being spent? Is it not about time to say: "Enough is enough, we need to pause this"?

Deputy K.F. Morel:

I would not mind a bit of clarification on the very end: "We need to pause this." We need to pause what, the Living Wage Support Scheme or we need to pause the rise in the minimum wage?

Deputy P.F.C. Ozouf:

I think both of them and that the 2 are inextricably linked. We are doing something, we are blindly going ahead with basically dealing with things that have unintended consequences in ...

The Bailiff:

Well, no, clarification is one thing; a second preamble is a different thing. Yes, please, Deputy.

Deputy K.F. Morel:

That 7 minutes continues to tick down. From the perspective of a States decision taken in 2021 in response to Deputy Southern's proposition, that proposition which was adopted by the States Assembly said that we would bring the minimum wage up to two-thirds of median wage by 2024. That is what is being delivered on, it is a States Assembly decision. As a result of that States Assembly decision and the desire of the Government to deliver on that decision, we are saying that we understand the stress that that places on employers, and employers of all sorts from businesses to charities and all other institutions in between. What we are saying is we want to help you cope with these pressures by helping you become more productive. Jersey unfortunately has a very low rate of business investment. It is lower than the U.K.'s rate of business investment and in itself the U.K.'s rate is the lowest of the G7 nations. I am very concerned about business investment in this Island, I am very concerned about the rate of productivity in this Island. By designing a package of support measures which focuses primarily on productivity but also has competitiveness as part of it, we are helping businesses in this Island make those investments in themselves that they become more productive, more resilient and robust to be competitive in the future and to make sure that Jersey has a high-performing economy for the future. In that sense, I do believe this is absolutely the right thing to do.

The Bailiff:

A supplemental question?

Deputy P.F.C. Ozouf:

Not at this stage, it is not right to take up any more time, but there is a clear problem here.

The Bailiff:

There is one minute to go.

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

Unlike previous schemes, the decision-making on how and who gets funds seems to have been outsourced to Jersey Business. Does the Minister believe they have the capacity to deliver?

Deputy K.F. Morel:

Yes, in short; we have been working with Jersey Business on this. We are making sure that they have the resources and part of that support package is a very small amount to help resource Jersey Business in this. But it is absolutely right that we look to an independent grant provider who does that work rather than having that within Government. I think that is absolutely the right thing to do. We also design the processes to be swift on the one hand where it is small amounts of grants and to be more onerous on the other hand where they are larger grants, so that we are able to help deliver for businesses in the way that they need to. I do think it is absolutely the right thing to do.

The Bailiff:

That brings the time that I have allocated for this urgent oral question to an end. There is one further stage before we move on to Public Business which is a statement to be made by the Minister for Education and Lifelong Learning. We are 5 minutes off the normal adjournment time, thereabouts, 5 or 10 minutes off it, it is a matter for Members whether they wish to continue, as they know if there is a statement then there will be a 15-minute question period.

Deputy L.J. Farnham:

I would like to propose we do it now.

Deputy I. Gardiner:

I would like to propose an adjournment, please.

The Bailiff:

There is no point in wasting time deciding whether to do it now. The Chief Minister has proposed that; I will just propose to put that. Is it seconded? [**Seconded**] Members agreeing to continue until we finish the statement, kindly show. Members against? I think for me to make a judgment call on that, other than to count you all manually, we will have to do the *appel*. I invite Members to return to their seats. The proposition is to continue with the statement from the Minister until it is concluded. I ask the Greffier to open the voting. A vote *pour* means we continue until we finish that matter.

POUR: 23		CONTRE: 14		ABSTAIN: 0
Connétable of St. Lawrence		Connétable of St. Clement		
Connétable of Trinity		Connétable of Grouville		
Connétable of St. Peter		Connétable of St. Saviour		
Connétable of St. Martin		Deputy L.M.C. Doublet		
Connétable of St. John		Deputy K.F. Morel		
Connétable of St. Mary		Deputy I. Gardiner		
Deputy C.F. Labey		Deputy P.F.C. Ozouf		
Deputy S.G. Luce		Deputy Sir P.M. Bailhache		
Deputy M.R. Le Hagarat		Deputy D.J. Warr		
Deputy S.M. Ahier		Deputy H.M. Miles		
Deputy R.J. Ward		Deputy J. Renouf		
Deputy I.J. Gorst		Deputy C.D. Curtis		
Deputy L.J. Farnham		Deputy H.L. Jeune		
Deputy S.Y. Mézec		Deputy K.M. Wilson		
Deputy B.B. de S.V.M. Porée				
Deputy M.R. Scott				
Deputy R.E. Binet				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy M.B. Andrews				

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

8. The Minister for Education and Lifelong Learning made a statement regarding the Early Years Plan

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

I was expecting to go to lunch then. At the end of October, I published my Early Years Plan. This formed part of my commitment to ensure transparency as the work on early years progresses, both with the Assembly and the public. In particular, the Children, Education and Home Affairs Panel wish to know how the work to develop the extended nursery provision would be progressed. Reports can sometimes be lodged without any real discussion in this Assembly. Today I would like to make this statement and take questions on the plan to encourage transparency and to be clear on the plan itself. Within the Common Strategic Policy 2024-2026 that was approved in May 2024, I and the rest of the Council of Ministers made the top priority of this plan to extend nursery and childcare provision. It is important to remember why this priority was proposed and approved. Importantly, evidence is clear that increasing the capacity of a quality provision of early childhood education and care can have a transformative and positive effect on young children. As Minister for Education and Lifelong Learning, this is something I care deeply about. Secondly to that, there are a number of further benefits which will be recognised by the delivery of this Government priority and felt by a large proportion of Islanders, either directly or indirectly. Namely, improved access and choice for

families as childcare spaces increase, a strengthened position for Jersey to attract and retain working families, utilisation of capacity in school workforce and/or other premises, increasing training and support for the existing nursery provision and a drive to increase the value of those who work in this vital sector. I have listened and heard from parents with young children, online petitions, emails and direct messages how difficult it can be to secure childcare for their young children. This does not just impact upon those people directly, it impacts on our wider economy and retention of a working-age population. We are committed to actions, not words, and this is what we have done. In order to truly understand how to best respond to the demands, we have begun a series of pilots, each with its own specific scope, objectives and measurements. Running pilots means that we can test these operating models to better inform our policy decisions ahead of moving to a universal offer and increase capacity at the same time. Pilots also assist in wider understanding of the economic impact of any change and how they best support provision across the sector. From September of this year we have 3 schools operating pilot schemes, 2 provisions for 2 to 3 year-olds have opened prioritising those with greatest need. These children were unable to access current nursery provision. This is created within existing government school buildings. This does not mean there is a formal classroom teaching, the sessions are tailored by professionals for the age group and ability. We are simply utilising existing space in government buildings, thus reducing the overheads. My sincere thanks go to those schools and Jersey Child Care Trust for developing the provision at such pace. This is a brand-new model where a third-party provider is operating from existing government locations and one we are open to rolling out further. Trialling extended wraparound care for 3 to 4 year-olds in 3 government pre-schools, we know that limited hours in government pre-school settings without wraparound care can make it difficult for working parents. We hope that these pilots will show us whether extending the provision and providing greater parent and carer choice creates more overall capacity within the system where there is identified need. All the pilots will be reviewed at the end of the academic year in 2025. Over the course of 2025 we hope to build on these pilots and C.Y.P.E.S. (Children, Young People, Education and Skills) officers are already exploring options. All these actions are for context and build upon progress that has already been made, and I acknowledge all the previous work in this area. The evidence paper on optimising E.C.E.C. (Early Childhood Education and Childcare) commissioned in 2023 and published by Isos Partnership on 1st August 2023 has been used to shape a future policy. The roundtable events from November 2023 to January 2024 identified key guiding principles which continue to inform policy development. This constitutes a significant level of engagement across the sector before any pilots commenced. Early years policy has been a constant area of focus over the last decade for each Minister in post and I would like to thank the previous Minister and Assistant Minister for focus in this area. We are here thanks to a significant amount of work that has gone into research, consultations with parents and families and professional providers across the industry. The report itself details a number of key milestones. I will not list them in this statement; it can be read. The feedback and engagement with our nurseries, childminders, nannies, and regulators, schools and charities have all helped to shape our analysis and improve the accessibility families have to early years care and education for their children. Among other priorities, their input and consultation have helped us understand that recruitment and retention in this sector is a challenge, and so from September we have begun a recruitment campaign assisted by the Best Start Partnership to promote the range of careers available within the early years sector. Further work is already underway to co-develop a plan to include investment through continuing professional development. The right care at the right moment requires a responsiveness and sensitivity that should be recognised as serious professional work. We must recognise the value of those who work in this sector to our society. I am grateful to all of those who represent the industry that have met with me, written to me and offered their valuable insight and experience. We want the changes we are developing to benefit those who utilise early years childcare and education but also the providers of this care. First and foremost, however, we want the changes to benefit the Island's children. I am sure Members will agree that the work delivered and priorities have been done at a significant pace. I am both impressed and grateful that we are already offering

placements for children in their pilot schemes that prior to this were not accessing early years care. The work, however, does not stop here. As I have previously mentioned, officers are already working on further pilots to be rolled out. This is crucial as it evidences a track record delivering positive change, making further investment in early years a decision we can make with confidence. The investments required will be benefits that impact current generations but also beyond for years to come. Thank you for the opportunity to make this statement. I hope Members have the opportunity to read the published report and I would welcome any questions they have.

The Bailiff:

Very well, there is now a period of 15 minutes of questions.

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

I am sure this is probably an error but one of the policy initiatives from the previous Government was a start-up grant for childminders, which was implemented last year, I believe. Is the Minister maintaining this and how else is he supporting childminders to offer their services to families?

Deputy R.J. Ward:

I thank the Deputy for the question. I was sat here thinking there will be something I have not got in my extensive notes. I believe that is the case, but I will not say anything to the Deputy in case. Let me double check and get back to you. I will reassure the Deputy I am meeting with childminders. We were meant to meet recently but there was illness, and you have to meet after work because they are working all day. I have met with the chair of the childminders' group, and I am going to meet one to one with childminders to reassure and ensure on all sorts of areas the development that we have. But, yes, I absolutely support childminders, and we want to increase the number of childminders if we can.

8.1.2 Deputy L.M.C. Doublet:

I thank the Minister for his answers. The Childminders' Association is part of the Best Start Partnership. Is the Minister meeting with the Best Start Partnership and what were the partnership's views on this? Were there any that expressed any dissent to this plan?

Deputy R.J. Ward:

Ironically, I met with Dr. Cathy Hamer online recently to have a good discussion. One of the problems is Best Start Partnership meetings are always when the Ministerial meetings are, so I am going to have to prioritise those.

[12:45]

Best Start Partnership represents from across sector, every single part of the sector, and I think in general the response is very positive. What we need to ensure is that every part of the sector understands the change and is reassured that the changes we are going to make are for the best interest of everyone involved. It is counterintuitive to do anything that would limit nursery places when we are trying to increase nursery places, so by running pilots we can ensure that that does not happen, and the Best Start Partnership is a really key source of information for us as we move forward.

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

In the report there is a focus on training. Can the Minister explain what support will be given for training and also confirm whether the full-time childcare studies are included in critical skills courses so that students can claim income support and, if not, why not?

Deputy R.J. Ward:

We are currently working with the Minister for Social Security to update those critical skills courses so that it is much easier placed and, yes, I would want those courses to be included in that. Sorry,

the first part of the question, I was so focused on the second part, could you just repeat the first part?
Sorry.

Deputy C.D. Curtis:

Yes, just generally about the support given for training.

Deputy R.J. Ward:

So far, in the recruitment campaign, 46 candidates have engaged with the Early Years Recruitment team; 4 candidates have applied for vacancies through the Early Years Recruitment team. There are going to be 16 early years settings, nurseries, pre-schools, playgroups and charities and 18 candidates attended the events. The support is both the beginning of encouragement to get people involved in the sector, the provision of course is to support them in the sector, and provision of training and C.P.D. (continuing professional development) within those already in the sector itself so that we can increase the skills across the board which is what we need to do.

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

The pilots going ahead are all offering something slightly different; what measures, outcomes and data is the Minister using to determine the individual pilots have been successful and cost-effective?

Deputy R.J. Ward:

Yes, we have sort of a catch-22 with data because when you run pilots and you run a range of pilots, you are going to obviously get perhaps data from different areas that are not compatible with each other. For example, those pilots that are being run by those young people, those children with additional needs which cannot access nursery, one of the indicators would simply be the numbers that are being able to access nursery. There are key indicators, which I am not a specialist in early years provision of teaching, other areas I might be able to talk you through that, but certainly J.C.C.T. (Jersey Child Care Trust) have particular indicators which show progression of one of those groups, so that would be one of the examples of that. The other key indicator is whether there is an uptake, for example, of the wraparound provision. We are trying to identify where the need is and then address that need. If the need is not there, then we work in other areas, but we have got to be flexible and we have got to be able to utilise all of the facilities that we have in order to provide that childcare in the best possible way we can.

8.1.5 Deputy H.L. Jeune:

I think what the Minister was talking about was about assessment of the children themselves where my question was really asking was that wider monitoring an impact of the pilot projects for, I suppose, his vision of providing wraparound care and nursery care for both 3 to 4 year-olds and then for those that are younger, for 2 year-olds as well. I am not quite sure about what the Minister's vision is in the future, so I suppose that is my second question. Then related to what I was asking before, is how will he be measuring those pilot projects, because they are all slightly different, to help to I suppose support his vision?

Deputy R.J. Ward:

I thank the Deputy. The vision is very clear, the vision is to provide the nursery provision that is necessary for the Island so that we can introduce a N.E.F. (Nursery Education Fund) for 2 to 3 year-olds which supports parents with 2 to 3 year-olds. Initially I am looking around 15 hours, but we will see how that goes. The second clear part of the vision is to ensure that all of the resources we have, the facilities we have are utilised to their utmost so that parents can access childcare when they need it, where they need it so that they can utilise the facilities that we have, and doing so at the right time for the right reasons. It is not about setting up a competition for nurseries that are already there, it is about providing the extra nursery places that have been identified through the Isos Report and all of the work that is going on. I think that is clear as to what I want to do to make sure that is

available. In terms of the measurements, there will be numerous. One will be, are those places being filled, are there still large waiting lists, are the provisions being used effectively around the Island in terms of the places being used that we provide and, finally, are there places available so that we can offer a universal 2 to 3 year-old offer and parents can access it? Because it is easy to say: "Here is your offer" if there are no nursery places available. Those are the sort of general indicators as to whether that works for me in terms of introducing it, in terms of standards that already happens with the standards that are set by the department anyway in nursery care.

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

Could the Minister explain whether there has been any impact assessment on the effects in the private sector by introducing the pilot projects? Could I also ask, if I may, that the targeting of these pilots is not going to be protected just in the St. Helier area, but we are looking broadly across the Island to be able to expand the provision?

Deputy R.J. Ward:

I thank the Deputy. Yes, one of the reasons for undertaking a pilot is to see the impact across the sector. As I said before, it is completely counterintuitive of our need for more nursery places to then produce a system that closes down nurseries. I do not believe that is what we want to do, that is not our aim, it is not about competition, it is using the facilities that we have often in schools that are not being used, so we do not have to build new facilities, but we can use them. Part of that will be to use facilities across the Island because there are non-town schools, if I can put it that way, which have plenty of places that can be utilised. The best way to do that is exactly why we are running pilots, both in terms of those young people who cannot access and need extra care in the settings that they are in, and also to utilise those spaces as best possible without damaging in any way the resource and the capacity that we have already. One of the good things about using the school facilities is there is a huge flexibility in schools. If that lead is not there, it is a lot easier to, if you like, move away from that facility there than it is for another company that is set up in a particular way. It gives us huge flexibility and we will need that flexibility because of the variation in numbers that we will have and the unpredictability in some ways of the numbers longer into the future but that is perhaps another question that someone might want to ask.

8.1.7 Deputy K.M. Wilson:

Could I ask the Minister, will the pilots take into consideration the diversity of need? Is it possible that there may well be a 2-tier service emerging from the pilots?

Deputy R.J. Ward:

Obviously, all of our provision for early years should take into account diversity of needs because children are not one big conglomerate of sameness; indeed, it is exactly the opposite, so I would say that to begin with. I do not see it as 2-tier, I would say more specialist help in particular areas, but I would not tier those 2 things. The nursery provision will be appropriate, the right provision at the right time for the right needs in the best possible place we can do it. In fact, some of the dialogue around what we are doing I would like to change, and I would like to from this point really move away from that notion of 2 tiers. It is about getting the right need where it is needed. Some children may need more input from specialist areas, all sorts of specialist areas, but that is going to enable those children to develop so they are in a better position when they do start school later on. That is the success of intervention in early years which I hope we can undertake.

8.1.8 Deputy I. Gardiner of St. Helier North:

The Minister referred to the Isos Report during his statement, what plans does the Minister have to progress on all recommendations in the report and if he had consulted with the Jersey Early Years Association for progressing all recommendations?

Deputy R.J. Ward:

There were quite a few recommendations in the report. I have met with the Jersey Early Years Association twice already and I am meeting again on 5th December. There has been consistent officer engagement as well from that sector of the provision. The main summary recommendations, we have to prioritise in terms of nursery. There was one, for example ... I have got so many notes here, I should have cut them down a little bit, to be honest. The guiding principles were really key about we need holistic and joined-up work across the service, we need a stronger, clearer offer to families but not a one-size-fits-all. This is the challenge but also I think the very successful thing that we can undertake. We have had these discussions, we are on all sectors of the provision of early years, we have come up with some key principles which are on the Isos Report. What I have decided to do is to focus on the provision of early years nursery provision. Other areas such as family hubs, they can absolutely happen. They are part of a different provision though and they are separate from these. It is not either/or, it is both of these things, but this part of the C.S.P. (Common Strategic Policy) voted for by this Assembly is about the provision of nursery provision on the early years so we can move towards a universal offer for 2 to 3 year-olds. I think that is a very separate but a very key thing that we have to do in the coming years.

8.1.9 Deputy I. Gardiner:

It is important to understand that 75 per cent of the 0 to 5 providers are in the private sector. The private sector reached out to Scrutiny and raised concern. What work has been done to understand this concern and whether they are real and can be mitigated to continue provision to early years 0 to 2 which might be affected by the Minister's plan?

Deputy R.J. Ward:

I thank the Deputy. There are a number of concerns raised from our Scrutiny letter which we can address. Some of those areas, I have to say, I simply do not agree that they are issues that were going to be a problem. Other areas such as the effect of increasing nursery places on current private nurseries, I am not - and I will say this again - producing a competition. If there are long waiting lists, if there are waiting lists we will have to ...

The Bailiff:

I am sorry, Minister, that brings to an end the period available to you for questions as a result of this statement. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The Assembly stands adjourned until 2.15 p.m.

[12:58]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

All right. With the 2 Members sitting down we are quorate, just. It might have been a short afternoon otherwise. Before the luncheon adjournment, indeed at the beginning of the sitting this morning, Deputy Wilson asked me to review the contents of the answer provided to Written Question 403. That question was addressed to the Minister for Sustainable Economic Development and insofar as is relevant it reads: "In relation to the Island's ferry tender process, will the Minister advise ..." and

then there are a number of subparagraphs, (e) says: “The total expenditure on the tender process, including contingencies and how value for money has been demonstrated.” The answer is provided in the same letter to paragraphs and the answer to (e): “Although there is a description of certain aspects of the tender process there is no reference to sums involved, including contingencies or otherwise.” It seems to me that if those figures are available and if there is no reason why they cannot be provided, then the question at (e) certainly asks for them in requiring total expenditure. If there is a reason why they cannot be provided or they are simply not available, then the answer should explain what that reason is and that it is not available. In my view, answer to section (e) does not meet with Standing Orders and I direct that the Minister provide a revised answer to that part by 9.00 a.m. tomorrow morning.

PUBLIC BUSINESS

9. Draft Family Division Registrar (Change of Status and Title) (Jersey) Law 202-(P.56/2024)

The Bailiff:

We now move on with Public Business. The first item is the Draft Family Division Registrar (Change of Status and Title) (Jersey) Law, P.56, lodged by the Minister for Justice and Home Affairs. The main responder is the Chair of the Children, Education and Home Affairs Scrutiny Panel, and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Family Division Registrar (Change of Status and Title) (Jersey) Law 202-. A Law to change the status and title of the Registrar of the Family Division of the Royal Court and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

I am bringing this draft amending legislation forward to rectify what senior members of the Island judiciary and other legal representatives have for a long time seen as an inaccuracy in the status and title of registrars in the Family Division of the Royal Court. Currently registrars are officers of the Judicial Greffe but, in reality, they are family judges in the Family Division of the Royal Court who are accepted as being members of the judiciary within the Courts of Jersey. The primary role of a family judge involves the exercise of judicial determination, the issuance of judgments and associated acts of court, determining rights between litigating parties with those determinations being open to appeal before the Royal Court for Family Division-related issues. In this regard, a function of the family judge is akin to the roles carried out by other members of Jersey’s judiciary. Classification as a member of the judiciary effectively safeguards the independence of these roles and maintains the separation of powers between the judiciary, the executive and the legislature and is where the role of family law should lie. It is imperative that the legislation and working structures relating to family judges reflect both the appropriate employment classification and reporting structures. We are lucky at the moment as we have 2 highly-qualified and respected individuals who function as family judges but we cannot afford to rest on our laurels. I am aware that the complexity and number of cases which the family judges deal with continues to grow. We need to ensure that we are able to retain existing staff and attract highly-qualified, skilled individuals in the future who have the required qualifications and experience. The amendments I am proposing today will make the role of family judge more attractive, while also reflecting the important work a family judge undertakes. In summary, this legislation amends the Royal Court (Jersey) Law 1948 and formally establishes the office of family judge within the Royal Court and amends the status and title of Registrar to formally become a family judge as a member of the judiciary. I am grateful to the Children, Education and

Home Affairs Scrutiny Panel for their comments paper and for them having taken the time to be briefed on this matter. I move the principles.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, then I close the debate. Those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Does the Children, Education and Home Affairs Scrutiny Panel wish to scrutinise the matter, Deputy Curtis?

Deputy C.D. Curtis of St. Helier Central (Chair, Children, Education and Home Affairs Scrutiny Panel):

No, Sir.

The Bailiff:

How do you wish to deal with the matter in Second Reading, Minister?

9.2 Deputy M.R. Le Hegarat:

I would like to take the Articles in the legislation as one. If the Assembly is happy with this, I will continue. The effect of this amending legislation is twofold. Firstly, in order to recognise the judicial nature of the role and the responsibilities a registrar carries out on a daily basis, this draft legislation formally amends the title of Registrar to Family Judge and alters the status of the person to that role from being a member of the Judicial Greffe to that of a family judge appointed by the Bailiff. Secondly, it establishes the Office of Family Judge in the Royal Court in respect of the Family Division and formally allocates to the family judge the judicial functions previously delegated to the registrar by the Judicial Greffe. If I may give a little more detail, registrars now function as family judges mainly under powers delegated to them from the Judicial Greffier. The initial legislative functions and responsibilities allocated to registrars were set out in the Matrimonial Causes (Jersey) Law 1949. Under the law, registrars had responsibility for the authentication of decrees, orders and other instruments in relation to matrimonial matters. Although a registrar still performs these duties, their responsibilities have expanded both in number and complexity considerably since the commencement of the 1949 law and even more so as the Royal Court continues to allocate wider responsibilities. The remit of a registrar for family-related matters now incorporates similar responsibilities as are expected from other judges in Jersey's Royal Court. In order to safeguard both the independence of the role of family judge and the judiciary, this legislation proposes a change to the employment status of a family judge from an employee of the States Employment Board to a member of the Island's judiciary with future appointments overseen by the Bailiff. This approach brings the employment status of a family judge into line with other similar judicial appointments. The draft law specifies that the Bailiff is responsible for the appointment of family judges and sets the minimum qualifications required to be held by a person appointed as a family judge. The appointment process followed will largely be in line with that followed by the appointment for a commissioner of the Royal Court and the magistrate. I am aware that we need to retain the independence of the judiciary while also ensuring that there are the correct governance arrangements in place to cover the appointment processes for members of the judiciary. I am conscious that these proposals do not include any statutory provisions which govern how these appointment processes will be administered. That said, the Bailiff does follow set processes for judicial appointments. The need to uphold the independence of the judiciary and importance, improve governance surrounding appointments was highlighted in the consultation Judicial Independence and the Establishment of a Judicial and Legal Services Commission. To ensure consistency, any statutory amendments to the appointment processes for members of the judiciary will be addressed as a whole and are outside the scope of the issue I have brought for you today. To ensure uniformity across judicial salaries and that remuneration is proportionate to the demands of the role, the salary of a family judge will be

determined by the States Employment Board following consultation with the Bailiff and negotiation with the post holder. Importantly, this draft legislation provides that any person who is currently in post as a registrar immediately before this law comes into force automatically becomes a family judge on its commencement. Any newly-appointed family judge will be required to swear on oath. The oath as detailed in the legislation is similar to that sworn by a newly-appointed commissioner. I am proposing consequential amendments to other pieces of States legislation in order to recognise the judicial nature of the role of a family judge and to remove those functions which the Judicial Greffier previously delegated to the registrar and impose those functions on the family judge. Rules of Court will also need to be appropriately updated. There are also a number of housekeeping amendments which assist in recognising the judicial nature of the role of family judge and help maintain the actual and perceived independence of the judiciary. These include those which enable family judges to be members of the Public Employees Pension Scheme. In conclusion, this draft legislation proposes amendments to the status and title of those who carry out the important functions of a registrar of the Family Division and formally recognise them as a family judge. We need to ensure that our legislation enables our judiciary to retain and recruit suitably-qualified and experienced people. I believe that the changes in this draft legislation will help to achieve this. I commend this draft legislation to the Assembly and ask States Members to support my proposals.

The Bailiff:

Are the Articles seconded? [**Seconded**] Does any Member wish to speak on the Articles? If no Member wishes to speak, then I close the debate. Those in favour of adopting the Articles, kindly show. The *appel* is called for. I invite Members to return to their seats. The vote is on the Articles and I ask the Greffier to open the voting.

POUR: 37		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy R.E. Binet				
Deputy H.L. Jeune				

Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

The Bailiff:

Do you propose in Third Reading, Minister?

9.3 Deputy M.R. Le Hegarat:

I do, Sir.

The Bailiff:

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

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

I wondered whether the Minister, in highlighting the importance of judicial independence and the proper processes that no doubt informally may be enforced - I know that a previous Constitutional Review Sub-committee spoke of the importance of a Judicial Appointments Commission - was going to give this any consideration in the forthcoming time, as it is a standard which is adhered to by the Latimer House Principles of which she is proudly wearing a Commonwealth Parliamentary Association badge which is a default position for the Commonwealth.

The Bailiff:

There is no doubt about it, I am sure, Deputy, that that is an appropriate question in many circumstances but debate on Third Reading has to be the adoption or otherwise. If the law is passed in Second Reading, they cannot go wider than that.

Deputy P.F.C. Ozouf:

I should have made the speech earlier.

The Bailiff:

Does any other Member wish to speak? If no other Member wishes to speak, as that was not a speech, I close the debate and put it to the vote. All those in favour of adopting in Third Reading, kindly show. The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting and Members to vote.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				

Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

**10. Draft Royal Court and Stamp Duties and Fees (Jersey) Amendment Law 202- (P.67/2024)
- as amended (P.67/2024 Amd.)**

The Bailiff:

P.66 has been deferred because the Minister is not available, so we move now to Draft Royal Court and Stamp Duties and Fees (Jersey) Amendment Law, P.67, lodged by the Minister for Treasury and Resources. The main responder is the Chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

[14:30]

The Greffier of the States:

Draft Royal Court and Stamp Duties and Fees (Jersey) Amendment Law 202-. A Law to amend the Royal Court (Jersey) Law 1948 to make new provisions for the remuneration and expenses of Jurats and the Stamp Duties and Fees (Jersey) Law 1998 to increase court fees and to make other amendments to that Law. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law.

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

I am going to propose the law as amended.

The Bailiff:

Yes, I beg your pardon. Well I think we do that in Second Reading because it is an amendment to one of the specific Articles, so I think you propose the principles. By all means indicate whether you accept the amendment as you go but we will not put it. There is no reason to put it as amended.

10.1 Deputy M.E. Millar (The Minister for Treasury and Resources):

Apologies. I am pleased to propose this draft law as amended and if it is passed then it will achieve several key objectives. Firstly, the law abolishes Jurat Stamps which are the last remaining physical excise stamps by repealing the related 1938 law from an Appointed Day. Since 1938 the sale of these stamps has funded the *honoraria* of our Jurats. Upon the law's enactment, stamp sales will cease as soon as relevant departments have updated their computer systems to collect the updated fees. In future, the Treasury will fund the annual *honoraria* for Jurats through the regular annual budgeting process. I have committed initially to setting aside £65,000 annually which would be distributed among the Jurats by the Bailiff according to various criteria relating to their service. This sum is greater than the revenues currently arising from the sale of Jurat Stamps and, in my view, represents good value for the taxpayer. Jersey greatly benefits from the dedication and indeed hard work of our Jurats and this change provides a more appropriate level of remuneration, albeit still very small for the work they do. Secondly, the draft law adjusts judicial fees, fees from matrimonial proceedings and probate fees, aligning them with inflation. This specifically affects the so-called lettered rates which are defined and used in the fee schedules of the 1998 Stamp Duties and Fees Law. Thirdly, a new lettered rate, the Q rate, of £5,000 is introduced into the 1998 law reflecting the costs involved to the judicial system of more complex cases for proceedings involving costs exceeding £10 million. The draft law makes most judicial fees in Schedule 1 of the 1998 law non-refundable, recognising that the bulk of the costs to the judicial system are incurred even if cases are settled late, thus avoiding a final hearing. However, the designated officer, who will be the Judicial Greffier in most cases or is sometimes the Bailiff or Viscount, will retain discretion to make refunds in appropriate circumstances. Additionally, I would point to the following changes in the draft law. For now, we need to keep the references to "stamp" in the 1998 law even though physical stamps will no longer exist. We have updated the definition of "stamp" in the 1998 law to reflect this and government receipts for payments will serve as evidence of fee payment going forward. I emphasise that this change does not affect the 2 stamp duties in the 1998 law which are effectively taxes, namely, duties on mortgages and freehold land transactions. No changes are made in respect of these and they continue to be addressed through the annual Budget and Finance Law procedures. This legislation marks a significant step forward in modernising the administration of our judicial processes and I commend it to the Assembly.

The Bailiff:

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

Deputy P.M. Bailhache of St. Clement:

I wonder if I could have your guidance as to whether it is appropriate to speak on my amendment at this stage on the principles of the Bill or when we come to the Articles. But when we come to the Articles, the Article above which I wish to speak will not be there because it is not going to be proposed and I do not wish to be ruled out of order.

The Bailiff:

Well, it seems to me the Minister has indicated she is accepting the amendment and, therefore, you are right, the Article will not be proposed. I think if you wish to make some reference to it, Deputy Bailhache, now is probably the appropriate time.

10.1.1 Deputy P.M. Bailhache:

It is worth making the point, I think, because the amendment raises an important point of principle which is the extent to which matters should be delegated to the Executive, to the Government by this

Assembly. All Governments like to accumulate power. Sometimes it is right that functions should be transferred from the States to Ministers if it is more convenient, for example, or if it is a minor administrative task which should be more effectively undertaken by a department or by the Executive, but sometimes it is not right. I made this very point recently in another debate in relation to the approval or ratification of treaties entered by the executive. The Minister was not present when I made the speech but I hope its content will have been relayed to him and we will perhaps have the opportunity to talk about that on another occasion. But in this case it seems to me that decisions as to how much citizens should have to pay in order to access justice in order to bring proceedings in the Royal Court or in the Magistrate's Court should not be left to one individual, that is to say a Minister, however reliable the president incumbent might be. As a matter of principle, such matters should be decided by the States and so I am grateful to the Minister for her decision to accept my amendment and I shall be supporting the Articles when they are moved, minus the Article which is not to be proposed.

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

Just following Deputy Bailhache's intervention about the Articles that are not there, I wonder when the Minister sums up, if she could take the opportunity of explaining why, on this occasion, the Executives sought to take this power because it appears that Deputy Bailhache was absolutely right and this is a good opportunity to explain why they did and why they changed their minds, if I may politely ask.

The Bailiff:

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

10.1.3 Deputy M.E. Millar:

I thank the Deputy for his amendment which, as I said, I will be accepting and to reflect both Deputy Bailhache and Deputy Ozouf's comments. As the Minister for Treasury and Resources, I am always mindful of the costs associated with achieving States business and it is a guiding principle across legislatures that, where practical, business should be conducted in a cost-effective and timely manner subject of course to ensuring proper scrutiny by the elected legislature. As a general rule, primary legislation is more expensive than regulations and regulations are more costly than orders. That is one of the reasons why I supported the principle to allow for order-making powers to amend the lettered rates set out under specific schedules in the Stamp Duties and Fees Law. Order-making powers allow for the Minister to amend certain sections of legislation in an efficient and cost-effective manner. Order-making powers can still be challenged under Standing Order 26(3)(e) which requires a 2-week launching period for a proposition to annul them. This ensures that a check and balance remains for States Members. My initial proposal for an order-making power was made with the intention of enabling more regular and timely reviews and possible adjustment support fees. In the present case, the initial approach of the proposition would have helped us avoid the situation we face today with P.67 where I am asking Members to approve a substantial increase in fees. The Schedule 1 fees were last updated in 2022 while those in Schedules 2 and 3 were last revised in 2018. Another good reason for the order-making power was to reflect that the departments involved and the officers involved are non-Ministerial departments so your own Chamber, Sir, the Viscount's Department and the Judicial Greffe are non-Ministerial. They often find it difficult to find Ministers to bring forward propositions for them and to gain time within the legislative timetable and, indeed, this whole proposal has been slightly delayed while we worked through who was going to support the proposition. I would say that I do not necessarily agree with Deputy Bailhache that there is an access to justice point. I think it would be very unlikely that a Minister would increase fees to such a level that people were excluded from the courts and I cannot believe any Minister rationally seeking to do that. I would also just remind the Assembly that Article 7 of the Stamp Duties and Fees Law,

particularly bearing in mind access to justice gives the Viscount a power to exempt a person who wishes to bring court proceedings from judicial fees subject to terms and conditions. That is a provision that the legal profession are very, very familiar with. When I was Viscount, we regularly and frequently received requests for exemptions from fees. They were always granted in family proceedings, particularly those involving children or family matters, and they are also available in civil law matters where the Viscount considered that there was a reasonable case with merit. The existence of judicial fees and court fees is not a barrier. There is no barrier because the Viscount has the power to grant people exemption from fees normally on the basis that, if they recover an adequate award, the fees will be paid at a later date. So I was not intending to go into all of that, but I just did feel I wanted to, as a lawyer myself, touch on the access-to-justice point. As I say, I accept the amendment and we just have to now make sure that we do have to try to get a more regular approach because it is not helpful to do big amendments. I would have thought it is better for people to do more regular smaller increases than to do 5-yearly amendments that are significant, so that is my rationale.

The Bailiff:

Those in favour of adopting the principles, kindly show. The *appel* has been called for. I invite Members to return to their seats for votes on the principles and I ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
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. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy R.E. Binet				
Deputy H.L. Jeune				

Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

The Bailiff:

You have already indicated, Minister, I think that you accept Deputy Bailhache's amendment.

Deputy M.E. Millar:

Yes, Sir.

The Bailiff:

Are Members content to take the Articles as amended? In which case, how do you propose in Second Reading, Minister?

10.2 Deputy M.E. Millar:

En bloc, please, Sir.

The Bailiff:

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading?

10.2.1 Deputy P.F.C. Ozouf:

Can I say to the Minister I hope this is not going to be out of order because she struck out what she said, but she gave an absolutely exemplary explanation from her experiences no doubt of a Viscount of why this Assembly's time should be taken with things. I compliment her for that and I am somehow doubting why I am now being asked to support something in which she gave such a compelling reason to maintain by order.

The Bailiff:

Very well. Does any other Member wish to speak? In no other Member wishes to speak, I close the debate and call upon the Minister to respond. I am sorry to interrupt. I forgot to ask the Scrutiny Panel whether they wish to call the matter in. Deputy Miles, I do apologise.

[14:45]

Deputy H.M. Miles of St. Brelade (Chair, Corporate Services Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

I was not expecting to, but thank you. Sorry, please do respond.

10.2.2 Deputy M.E. Millar:

I am grateful for the Deputy's comment, but I think I have already committed myself.

The Bailiff:

Those in favour of adopting in Second Reading, kindly show. The *appel* is called for. I invite Members to return to their seats and the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
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. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

The Bailiff:

Do you propose in Third Reading, Minister?

10.3 Deputy M.E. Millar:

Yes, Sir.

The Bailiff:

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

10.3.1 Deputy P.F.C. Ozouf:

Very briefly, Sir. There is an expression called “buttering up” and in our approving in the Third Reading, I just wondered whether or not, in having got this approval through, the Minister was going to be so helpful in relation to other stamp duty amendments. I am just making a very cheeky point.

The Bailiff:

Sorry, was that an argument as to whether we should adopt this vote in Second Reading?

Deputy P.F.C. Ozouf:

Yes, it was. It was a definite argument in favour to amend an amendment on statute, Sir.

The Bailiff:

I am not too sure it was, Deputy.

Deputy P.F.C. Ozouf:

I think it was an amendment to an amendment, Sir, yes.

The Bailiff:

I am not going to call upon you to answer that. Does any other Member wish to speak? If no other Member wishes to speak, then I close the debate. The *appel* is called for. I ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
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. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				

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

11. Pets in Rental Properties (P.70/2024)

The Bailiff:

The next item of Public Business and, in fact, the final item of Public Business other than the in committee debate is Pets in Rental Properties, P.70, lodged by Deputy Catherine Curtis. The main responder is the Minister for Housing and there is an amendment lodged by Deputy Warr. Deputy Curtis, do you accept that amendment?

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

Yes, Sir.

The Bailiff:

Very well, then we will deal with that amendment separately. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion to request the Minister for Housing to bring forward for approval before 31st March 2025 any necessary legislative changes to ensure that any tenant of a rental property be permitted to keep or acquire a pet or pets unless the landlord of the property provides a reasonable reason for not permitting this, and for the criteria determining these reasons to be defined within the relevant legislation.

11.1 Deputy C.D. Curtis:

I expect that most States Members will have pets. I am sure that we can all appreciate the heartache and distress to ourselves, our families and our pets if we had to give them up. If for any reason we had to move house, we would not expect to have to give up our pets. Those of us here who run our own households and have pets expect to be able to keep them. As the saying goes, a dog is for life and not just for Christmas. If that is good enough for us, it is good enough for all. Most States Members are fortunate enough to own their own homes. I am lucky to have a long lease with a pet-loving landlady, but we are not all that lucky. Nearly 50 per cent of Jersey's households are rentals. Around one-third are private rentals and many of those are one, 2 or 3-year leases so moving house happens frequently in the lives of private renters. Those renters would most likely love to own their homes, but either cannot get together a deposit of tens of thousands of pounds or cannot get a mortgage. It is not like in the past when people rented for a year or 2 while looking to buy their own place. Nowadays, many Jersey residents will spend a major part of their lives in rental properties. These are their homes. Can we really justify denying people the opportunity to own a pet for most

or all of their lifetimes? Can we think it is OK for children to grow up without ever having a pet or to have to give up a beloved family pet? I will now give a few examples of how blanket bans on pets affects our Island population. So, firstly, a couple with 2 pet dogs whose home was destroyed by the tornado still do not have a home because they will not give up their dogs and the houses they have seen, which are suitable, have a ban on pets. An older lady who had to give up her cat several years ago and still misses him. A family with 2 children in which the father died unexpectedly who had to move to a cheaper house but were told they could not keep their dog. A care worker with a little dog who has to leave her home of many years at the end of her lease because it is being sold and she cannot find anywhere with outside space that will allow her dog. I hold weekly constituency meetings and I have had many people call in to tell me about their difficulties with renting and this issue of blanket bans on pets is causing a lot of distress. I will now quote from the report to the proposition: "In Jersey, it is estimated that approximately one cat per month is given up to the cat sanctuary due to accommodation restrictions. Data supplied by J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) shows that 17 pets per year on average were disclaimed to the J.S.P.C.A. due to the landlord specifically not allowing pets, another 42 per year where the reason given for disclaiming was moving and another 6 per year where the reason given for disclaiming was change in circumstances. The J.S.P.C.A. also finds that not allowing pet ownership in accommodation affects their potential for rehoming a pet. As well as hearing from many tenants, I have heard from some landlords. I have had 3 landlords write to me who have blanket bans on pets because they have had bad experiences in the past. These seem to be goodhearted responsible people and I understand why they are wary. However, banning all pet-owning tenants is not the way to go. They have said to me that landlords should be able to do what they want with their properties and I agree with them, but while landlords should have the right to do what they want with their properties, so should tenants be able to live the way that they want in their homes. As soon as a landlord agrees to a lease or any other contract with a tenant, there is a negotiation to those rights. All I am trying to do is to stop blanket bans so the landlord could still choose the tenant that they think suits the property best. The landlord can absolutely refuse pets if the property is not suitable. While drafting this proposition, I asked to meet with the Jersey Landlords Association to inform them and to get their feedback. We discussed the responsibilities of a landlord and my understanding is that it is a huge responsibility to be a good landlord. My understanding also from our discussion was that good landlords consider each case on its merits and do not apply blanket bans. The J.L.A. (Jersey Landlords Association) has since sent all States Members a letter describing their concerns. I have to say I am in agreement with the items they list as potential adequate protections for landlords. I think we are generally all in agreement here. The only contested point is whether it be in the form of guidance or legislation. Unfortunately, guidance will not be sufficient. Like every other group of people, landlords include good and bad. Guidance will have no impact on bad landlords and what is under consideration here is the rights of people to live in their homes the lives that they wish to live, so legislation is necessary. Sometimes pets cause damage to property. I expect we have heard and probably will hear from some Deputies in this debate some of these horror stories. Fleas, destroyed carpets and mess. That is caused by some bad tenants who do not take care of their pets. Perhaps they are overwhelmed or perhaps they just do not care. Either way, it is a nightmare for the landlord, but there are ways for a landlord to seek recompense for any damage caused by a pet to the property. For instance, landlords could require a tenant to pay for a landlord's reasonable costs towards maintaining insurance or an additional pet deposit could be requested. That seems completely reasonable and I understand the Minister for Housing would bring the details of the legislation back to the States Assembly for consideration. Letting out properties is a business and anyone who has ever run a business knows that it is inevitable that there will be some bad customers. That does not mean it is OK to ban them all. Research conducted by the Dogs Trust and Cats Protection reveals that in over a third of cases where cats or dogs have not been allowed by a private landlord, the landlord did not proactively decide this based on the individual tenants or pets but either followed generic advice or used a standard tenancy template. The charity claims that allowing pets in rental properties is not just good

for tenants. There are advantages to landlords too as it could increase the length of time tenants choose to rent a property. The research shows that some 26 per cent of tenants would stay longer in a property if they were allowed to keep a pet. Not that long ago, it was acceptable and legal for landlords to put blanket bans on children. Thankfully, those days are gone. Pets are part of the family and all this proposition does is to remove blanket bans on pets. Landlords will still be able to choose their preferred tenant, will still be able to refuse pets for a valid reason, and will be able to claim higher funds from a tenant to put right any damage. Any one of us who cares about animals and the men, women and children in those 50 per cent of rented households in Jersey must support this proposition

The Bailiff:

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

11.2 Pets in Rental Properties (P.70/2024) - amendment (P.70/2024 Amd.)

The Bailiff:

There is an amendment to the proposition brought by Deputy Warr and I ask the Greffier to read the amendment.

The Greffier of the States:

Page 2, delete the words “for approval”. Substitute the words “any necessary legislative changes to ensure” with the words “guidance to tenants and landlords so”. After the word “permitted”, insert the words “to request”. Substitute the word “legislation” with the word “guidance”.

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

I am not sure if we should declare an interest because I am a landlord through my business and I am not sure if we need to make that declaration. I will make that declaration anyway. I read the Minister for Housing’s comments to my amendment of this proposition. In it, he states - and I paraphrase - if the Deputy believes that legislative framework for pets in rental properties should be an excessive and costly way to solve this issue, he should vote against the proposition, and he is of course right. However, I recognise the many benefits, including mental health benefits of pets particularly for people living by themselves, and so rather than vote against the general principle, I am seeking a less onerous approach in the interests of all concerned. Politics of the possible using soft policy levers. In a recent article published in the *J.E.P.*, a commentator observed that most of the issues that the Government of Jersey needs to deal with today do not need any legislation to be created. Rather there is simply a need to sort the problem. So we are drowning in red tape. We need to stop this obsession with creating new laws where other alternatives are available. We struggle to build because there are so many legislative hurdles. It is a constant cry from small businesses and responsible landlords as they endeavour to make headway in a challenging marketplace. We have the responsibility to seek alternative solutions instead of constantly resorting to more law. We have recently seen the rented dwelling licensing regulations come into effect. When it was being proposed to this Assembly, I recall it was sold as a light touch, no cost regulation. I wonder how many landlords today would agree with that summary. We have a Minister for Housing itching to bring in new legislation around a new Residential Tenancy Law when so much regulation is already in place and not enforced with a light and proportionate touch. Where does it end? Private landlords who currently supply 25 per cent of the homes in this Island are already walking away due to the increasing burden of red tape being placed upon them. That leads to greater demand for those properties that remain and will potentially push up rents.

[15:00]

Homelessness is a very real consequence. In the comments to my amendment, I referenced the use of a policy framework. In 2023, the Government Engagement Framework was published. The

framework focuses on the best practice policy development processes across government, but the principles apply to any project or proposal where the public's views are sought. There are 3 phases to policy development. It starts with the initial development of proposals followed by policy implementation and subsequent evaluation. For example, when evaluating policy, it is important to engage with the public to understand how a policy will affect them. Too often, Government jumps straight in with legislation or spending money when other more economical and quicker solutions could be used instead. The policy framework document mentions policy levers describing them as 'hard and soft depending upon the outcomes we require'. Hard policy levers such as legislation cost more and take longer. Whereas soft policy levers such as producing guidance or public communications campaigns are cheaper and quicker to enact and can be just as effective. The Minister even says in his comments that the practice of allowing pets exists as best practice across the rental market where good landlords will happily allow their tenants to have pets so long as it is appropriate in that particular property. Surely guidance will only serve to strengthen this practice without imposing restrictive new rules. I turn to the proposition and want to highlight to the Assembly the very real implications of committing this proposition to legislation. There is a real risk that requiring legislation to define the reasons for refusal will fail to address many situations where a refusal would otherwise be justified and reasonable but, by being absent in the legislation, would render any refusal by a landlord an illegal act. The proposition seeks to grant all tenants occupying whatever tenure of property the right to keep and acquire a pet or pets. Would the eventual legislation include staff, service or tied, registered and unregistered lodgings? We do not know. The proposition, if adopted, poses the risk of a significant change to the agreed terms and conditions of an existing lease or tenancy agreement freely entered into by a landlord and tenant and which could be imposed upon a landlord at any time in the future with limited options to object. What is a reasonable reason to refuse consent? In the absence of a dispute resolution service such as a tribunal or other binding mechanism for the resolution of a disagreement in the event of a refusal, this leaves both a landlord and tenant without an alternative to legal proceedings. What an incredible waste of valuable judicial resources. There are so many more questions that need to be covered when it comes to legislation. Multiple pets in multiple occupancy buildings; defining what constitutes a 'pet'; the number of pets; insurance cover. If we introduce a separate pet deposit scheme, how much should that be? I have been given examples of thousands of pounds worth of damage which does not remotely relate to the level of deposit taken. When it comes to the social housing providers, I recognise that they do have a policy of allowing pets in their properties subject to safeguards regarding nuisance. What we must remember though is that these providers rent their properties on an unfurnished basis. Whereas the vast majority of private sector rentals are on a semi-furnished basis in that soft flooring is almost always provided. While professional deep cleaning can work, even moderate exposure to animal fouling will result in soft flooring and, in many cases, underlay being so contaminated that replacement is necessary. So the point I am trying to make is that legislation brings with it an incredible burden of legal responsibility, of which I have only just scratched the surface. Furthermore, the unamended proposition seems to try to address problems relating to a statistically insignificant number of tenancies claiming that only 17 pets per year are being affected due to the landlord specifically not allowing pets. This appears to be the only number attributable to landlord intervention and there is no data about whether there were reasonable reasons behind these. It would seem to indicate that the problem is managed sufficiently well already. The report accompanying the proposition is not sufficiently refined as to provide sufficient information or guidance on how the industry should react to the changes proposed and it could be argued that the rights and responsibilities of landlords to manage is being altered without proper checks and balances being put in place. Arguably, the issue of animal welfare in terms of suitability of accommodation should be the most important factor, but seems to have been overlooked simply in favour of granting the default right to home pets. Proper consultation is required on such matters, but the Minister's comments paper reveals that this is an issue which has already been considered and which will only require a few extra lines in the already planned legislation to deliver it. I wonder whether the Minister

will put work on his new Residential Tenancy Law on hold to consult with all relevant interest groups on this matter. While no compelling argument for this legislation has been made, if the principle of the proposition is to be progressed, then adopting a more structured approach would seem much more appropriate, hence my amendment to the proposition requesting guidance rather than legislation which, in turn, could lead to approved guidance. For example, the code of practice produced by the Health and Safety Inspectorate is already seen as very valuable for the construction industry and work environment. This approach may well result in better outcomes for landlords, tenants, neighbours and pets. In his comments papers, the Minister for Housing indicates that much of the work for legislation for a right to keep a pet has already been prepared. Turning that to a guidance document using soft policy levers should then be a simple matter and not take up further valuable law drafting resources. In conclusion, I would like to finish with a point I made earlier. Most of the issues that the Government of Jersey needs to deal with today do not need any legislation to be created and here I believe is a case in point. Using the very straightforward analytical approach as proposed in the Government Engagement Framework document simply confirms that legislation is the inappropriate response to the issues raised in this proposition at this time. I urge therefore Members to support my amendment to the proposition.

The Bailiff:

All right, Deputy. Is the amendment seconded? [**Seconded**]

11.2.2 Deputy S.Y. Mézec of St. Helier South (The Minister for Housing):

With respect to the issue of pets in rental homes, the States Assembly has 3 options before it today, which can be summed up as, number one, do nothing; number 2, do something; or number 3 do something that gives the appearance of doing something which is actually doing nothing. This amendment asks for us to do the latter, rather than allow a straight debate between the 2 tangible options, and while the proposer may purport this to be a compromise position it is an inefficient surrogate for the do-nothing option. It asks me to expend time and energy on something that will have no legal effect and will in all likelihood be ignored by those who ought to pay the most attention to it. Guidance that is non-binding will provide neither tenants nor landlords with tangible rights or responsibilities and provide no framework for resolving disputes. Only legislation can provide these, and I am currently in legislation mode. I am producing a new Residential Tenancy Law, which is my top mission this year, and we are well on track to delivering a draft law soon after many missed deadlines in this journey and I stand ready to add the issue of pets in rental properties into the mix if Members want me to and I will leave it alone if they do not. Incorporating it into the work we are already doing will be extremely easy because it has already been considered. It was part of Deputy Warr's consultation on this last year and the Renters' Rights Bill in the U.K. shows a good example of how it can be framed. To produce guidance instead of legislation will have to be a separate project. For the Residential Tenancy Law we are planning a publicity campaign and guidance that will accompany it but guidance on an issue that will not be included in that law will have to be provided as standalone because if it was included in that wider project it would give a misleading impression that it was a matter covered by the legislation when in fact it would not be, and I do not want to cause confusion on this kind of thing or leave people with a false impression that they have rights and responsibilities that in fact they do not have when the rest of that project will be focused on rights and responsibilities that will have legal effect. So there will have to be a demarcation between these projects, and my officers will have to produce a different product and whatever form that guidance takes, perhaps a glossy leaflet, it will have to have a disclaimer on it which says something along the lines of: "And by the way, none of this is binding so you can ignore it at your will if that is what you choose" because that is what this amendment would deliver. But, at its worst, theoretically the non-binding guidance could be harmful. The guidance will say what landlords should do and also what tenants should do, but nothing would stop either party from cherry picking from that to find the most convenient combination for them or in fact choosing to take all of the proposals from one side of the

arrangement and none from the other side. The guidance could theoretically serve as a blueprint for being unnecessarily harsh. So the cleanest way to resolve this issue is to reject the amendment and tell me what your appetite is for something more meaningful to be done on this and if there is no appetite to address this in legislation that is absolutely fine, I will keep my focus on the other matters in the Residential Tenancy Law that I am keen to pursue, but if Members do have an appetite for it I will come back to the Assembly when we debate that Residential Tenancy Law with some extra Articles in it that will provide the framework of rights and responsibilities for landlords and tenants that clarifies that tenants will have the right to ask permission to have a pet and that landlords should have reasonable grounds for refusing this request. That legislation will provide for these reasonable grounds that landlords may invoke if they do not wish for their tenant to host a pet in their property. It will not be an absolute right for every tenant to have whatever pet they like in their property when that is not appropriate or when the landlord has decent grounds for saying no to it. I can confirm that my intention would be to include every single one of the things that the Jersey Landlord Association has put in their letter to us, which we received yesterday, in that legislation. What they have proposed in there is absolutely right. We were already looking at that and I agree with it wholeheartedly. That will feature every single part of that and if there are any issues at all with what I come up with it will all be subject to another vote next year when the legislation is brought and there will be an opportunity to scrutinise it, to amend it, or even reject it if I do not do a good enough job with it. So today is not about giving me a blank cheque on this. I have said that I will commit to making sure that if P.70 unamended is adopted that when I bring forward a Residential Tenancy Law I will provide for individual votes to be taken on those Articles so Members can express a final verdict on it at that point. I would ask Members, please, do not ask me to occupy my time with something that will produce no tangible benefits whatsoever. Let us stick to the debate and give me your steer on whether you want me to do it properly or to leave it for now and I will respect that steer either way. I ask Members to reject the proposition.

[15:15]

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

I must say that I am very concerned about bringing forward more unnecessary legislation which will directly affect every landlord in the Island. It seems that the proposer of the proposition believes this to be a simple implementation process but the consequences of such an action will lead to multiple cases of legal action, which only our learned friends will profit from. Members, I am sure, will have read the correspondence from the Jersey Landlord Association which lists a number of serious concerns, the first of which is pet-related damage to property. This can include, it states: urine staining of carpets, underlay and floorboards, claw and bite damage to doors, windows and furniture, and pet hair and smells, which are very difficult to remove. This problem was highlighted recently. Only last week there was a court case in central London which revolved around the renting of a property in Notting Hill for the not inconsiderable sum of £5,000 a week - and we worry about the expense of renting in Jersey - when the landlord sought £10,000 in compensation for claiming that the tenant had failed to prevent her cat from urinating on the furniture and carpets. I believe that this sort of event will become commonplace in Jersey if we endorse the proposition unamended today. The Jersey Landlord Association also highlighted concerns of allergies for tenants where it mentioned that certain pets make it difficult for future tenants to live in a property or for the landlord to make the property totally clear of all animal hair. I am aware that cat allergies can be quite debilitating and I also know that the proposer of the proposition has taken a keen interest in food allergies and shown great concern for that particular group of individuals who suffer severe reactions, but in this instance she seems to be trying to regulate to allow that those who have cat allergies are not given similar protection and may well endure an allergic reaction because of a previous tenant's cat, or she presumes that the burden of responsibility will lie with the landlord to fund a deep clean of all properties where cats have been permitted to reside under law. The proposer in her report suggests that we should introduce an additional pet deposit for new tenants, which must lead to the

question: who would be able to afford such an additional cost and also would we therefore need a pet deposit scheme to oversee this and of course who would administer it and how would it be funded? We also have to consider whether there is a problem to be resolved in the first instance. Do we have any data available that shows tenants are being denied the possibility of keeping animals in their rented properties and, if so, what were the reasons for their refusal? I personally have not heard of such a scenario presenting itself but without any evidence to support the conjecture I do not believe that Members should make any rash decisions. Finally, I am unsure what the definition of pet or pets is. For example, if I had a pet pig named Rasher **[Laughter]** would I be permitted under the law to keep Rasher in my rented accommodation? On that topic, I would ask if the Attorney General can define to the Assembly what a pet or pets are under the law and whether such a classification has been incorporated in any other legislation.

The Bailiff:

Does it matter what the pig's name is, for the purposes of the Attorney General's advice?

Deputy S.M. Ahier:

Absolutely not, Sir. **[Laughter]**

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

Sir, may I make a declaration of interest, the earlier Member who made a declaration, and I should make a declaration and I am a landlord and I could say that I have got a cat allergy and a horse allergy but I do not know whether it excludes me, but I have.

The Bailiff:

Mr. Attorney, I think you have been asked a question about the definition of pets in statutes.

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

Well, I am tempted to refer to Siberian hamsters but perhaps I should not. The legislation would face a basic choice between attempting to define a pet or leaving the language as it is, of just generic language of a pet, and that would in the event of any dispute leave it for the court to determine whether the creature in question was a domestic pet or some other form of animal species. In terms of whether there is legislation where a pet has been defined, I would suspect that somewhere in the vast bodies of legislation throughout the world I am sure that has been attempted but I am not sure that I could be specific today as to when and how that has been done or where and how that has been done. I am sorry if I cannot give more specific guidance to the questioner.

11.2.4 Deputy B. Ward of St. Clement:

The proposition, pets in rental properties, was raised and discussed at our recent St. Clement Parish surgery. The parishioners that attended unanimously agreed that this should be managed and agreed between the landlord and the tenant via, for example, amending the individual leases and especially around any cost incurred for repairs or any deep cleaning that may be required at the cessation of the lease. It was felt that this approach would maintain reasonable and beneficial good relationships between the landlord and the tenant and that both parties knew exactly where they stood. The parishioners also stated their objection to use legislation due to the number of excessive and costly variables, as we have just heard, and felt that this was not the way to address this issue at this time. The parishioners were also very concerned at the short length of time the original proposition proposed by Deputy Catherine Curtis was expected to be brought in by April 2025. They wanted to know why the rush. Anyway, just to finish, I just want to say that I want to support our parishioners' views and to state that I will be supporting the amendment introduced by Deputy Warr.

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

While we are now just debating an amendment I shall address both that and the main proposition if I may and speak only once.

The Bailiff:

By all means.

The Connétable of St. Mary:

Thank you. First of all, to outline my own credentials, as it were, I was an accidental landlord some 40 years ago or became one, and while I have been fortunate in having tenants who have stayed with us for several years at a time I have during that period entered into a number of agreements and, except in one case, I have welcomed the idea that they have pets and they have kept pets. I do in fact prefer prospective tenants to have pets and I say so for 2 reasons. First, as Deputy Curtis said, or indicated, I am one of those fortunate to have been brought up with a family of cats and dogs from an early age. I like to think I benefited from that and I wish everyone else to benefit if they wish. Secondly, and perhaps not so altruistically, I find owners of pets tend to have a caring, responsible disposition and I like to think that if they were tenants they would address those same qualities to the maintenance of the property itself. So I am firmly in support of the principle that pets should be allowed where possible and I will do everything to encourage, whatever it takes to encourage, landlords to say that. That said, my acceptance of pets has been a definite one on each occasion. The standard lease I entered into, and I think it is standard throughout tenancy agreements, is that the tenant shall not keep a pet, or maybe animal, dog or bird, to answer the question of what is a pet, maybe a reptile too, without the written consent of the landlord, and I believe that is important. The landlord has a responsibility other than to just the tenant. He has to have in mind the neighbours, some of whom might be tenants or not, to take into account barking dogs and the like and there may be all manner of reasons, and I think that a restriction could lead to some landlords withdrawing from the market or adding to the reasons why they might wish to do so. So for that reason I believe that the present situation, i.e., written consent to be required, should stay. There has been little reference to the U.K. Renters' Reform Bill and it is the case that within that Bill, which I believe is not due to come into law for another 2 years or so, there is a clause which reads: 'It is an implied term of every assured tenancy to which this section applies that (a) a tenant may keep a pet at the dwellinghouse if the tenant asks to do so in accordance with this section and the landlord consents' and it goes on: '(b) such consent is not to be unreasonably refused by the landlord' and there then follows a list of provisions culminating in the one as to what happens should that condition not be complied with and it concludes: 'In proceedings in which a tenant alleges that the landlord has breached the implied term ... the court may order specific performance of the obligation.' So what I am pinpointing is the fact that in those detailed regulations there is built into the equation, as it were, the need for details culminating in court proceedings, and that is not what we need here surely. At the moment the situation is relatively simple and I hope that landlords on the whole will agree it is not a matter that we need to waste court time on. To go back to my other point, it is that the Minister for Housing has helpfully explained that, yes, there is to be a new residential letting law, and in fact the Scrutiny Panel eagerly await its production and we have booked out time to receive it. I make the point that as that is on track I do question why there is a need to bring this particular proposition at all. It will be addressed within that law; it will go to Scrutiny and in that connection I think it is worth reminding Members that when a similar exercise was conducted by Scrutiny in relation to the licensing regulations the panel put forward 11 amendments, 9 of which were accepted by the Minister. The point I seek to make is Scrutiny is there to help the process. It will go into more detail as to what the pros and cons of the argument are, and I suggest that that is the place where it should be gone into in more detail and this really serves to muddy the waters rather than anything else. So on that basis I am inclined to urge Members to reject both the proposition, and I will come on to the amendment cited in a minute, and reject the main proposition on the basis that if certain fears can be allayed they can be addressed in the Scrutiny process which will be much more thorough than time has allowed

on this occasion. Turning to the amendment itself, I find myself in the unusual position of agreeing both with Deputy Warr and Deputy Mézec, or alternatively disagreeing with both of them on various items. I accept Deputy Mézec's point that the guidance does not lead to clarity. The purpose of guidance surely is to support or better interpret legislation already in place rather than replace it, so on that basis I too am inclined to, as palatable as it might seem initially, reject that amendment as well. That said, Deputy Warr does raise a number of very good points, which applies to the main proposition as well, the introduction of legislation, the amount of detail required, the court process, et cetera, and the possibility of landlords not being as willing to let as they did previously. On that note I will finish. I believe that while, as I have said, I very much support the idea of animals being accommodated wherever possible I believe it is an unnecessary step at this stage and that the interests of clarity will be better served if we left it alone until the main draft comes through from the Minister for Housing when Scrutiny will scrutinise it properly, seek views of the public and we can have a better informed result.

[15:30]

11.2.6 Deputy C.D. Curtis:

I am pleased to see that Deputy Warr recognises that discriminating against tenants with pets is a problem that needs attention. Deputy Warr supports guidance being put in place to allow for a code of practice to evolve. I have to say that while I appreciate his concern this amendment is, at its best, rather pointless. Addressing the concerns raised in the short report of his amendment, firstly a shortage of statistical data. This sort of data is not collected in Jersey but if we are not living in a bubble, in an ivory tower, we will know from talking to people that is a problem. We will also know it is a problem from the data described by the J.S.P.C.A. and the cat sanctuary. We will know from the posts every single week on social media of families desperately looking for a pet friendly home to rent. There is even a Facebook page specifically for this problem called Pet Friendly Lettings Jersey with 6,500 followers. I mean, what more proof do we need? I had a very nice landlady come to my constituency meetings to discuss my proposition and her way of doing things is to get to know her potential tenants and discuss with them the responsibilities she expects them to have around their pets. The potential tenant either agrees or disagrees and then the landlady chooses the most suitable tenant. Agreed duties like carpet cleaning, keeping the garden mess-free, *et cetera*, can be included in the lease. The amendment of Deputy Warr raises concerns about changes made to existing leases or tenancy agreements. I think we all know that existing contracts are there not to be broken or changed, so this is not a valid concern. Deputy Warr raises the possibility of homelessness if this proposition to legislate against blanket bans on pets goes ahead, and that is scaremongering. In his speech he also mentioned that tenants with pets would require carpets being replaced at the end of the tenancy and I do not believe that is true. I know that my last few rentals with my cats and dog did not require new carpets and I received back my full deposits, and I think this is normal practice. Deputy Warr's speech appeared to be based on the comments papers from the Minister for Housing rather than the proposition, which is disappointing. Deputy Ahier mentioned his concerns around pet allergies. It is normal practice nowadays for tenants to pay for a professional end of tenancy clean and no one is going to go into anaphylactic shock after moving into their new home because cats used to live there after a clean. A requirement for professional end of tenancy cleaning can be a part of the lease. Whether a pet can be defined is not a realistic argument against this proposition. Deputy Barbara Ward mentioned her discussions at her Parish but I wonder how many of her group were tenants. I will remind States Members that the draft legislation will come back to the Assembly and, as the Constable of St. Mary said, Scrutiny would examine it too; that is if the proposition is voted through. A primary duty of States Members is to make legislation. To produce guidance on this matter instead of legislation is a poor and weak response. It will not be more expensive and guidance will be insufficient. I urge Members to be brave and to vote for what they believe in, whether that is to support the rights of half our households to live in their homes as they see fit, being able to keep their beloved pets, which requires legislation, or whether they wish to protect the right

of a small number of landlords who support blanket bans. That will mean voting against this amendment and then by voting either for or against the original proposition. Guidance will be insufficient and therefore I will vote against this amendment.

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

I am just really going to speak to this amendment. I was planning and still am planning to speak with respect of the main proposition but I would like the Assembly just to have a look at what this amendment is saying and consider whether they agree with me that this in itself is red tape. The definition of red tape, at least according to one definition I am seeing, is a needlessly time-consuming procedure. When I looked and saw what the meaning and what this proposition is doing I just thought this does not really make sense. It is asking us to: “Request the Minister for Housing to bring forward, before 31st March 2025, guidance to tenants and landlords so that any tenant of a rental property be permitted” - that is nice: “permitted to request”, thanks - “to keep, or acquire, a pet or pets unless the landlord of the property provides a reasonable reason for not permitting this”, so there is a barrier to the permitting, “and for the criteria determining these reasons to be defined within the relevant guidance.” Now, as Deputy Barbara Ward has pointed out, a lease is a contract and a contract can be negotiated, so any landlord can give reasons for just saying no, and any tenant can simply ask for something and have a reasonable discussion, but this is almost ... I am sorry, I do regard it, and I do not like to use words that could be potentially regarded as disrespectful, but when Deputy Mézec used the word “pointless” I found myself in agreement with this. I think that this is a smoke screen. It gets in the way of just debating on whether or not there should be support given to tenants in terms of this position of asking where it is reasonable that they should hold a pet and to give a reasonable kind of indemnification or whatever else it might be to occupy a property. The speeches so far have somewhat gone into the territory of the main proposition and I find them extraordinary. I will come back to that because I think you could be talking about children. That has been changed. You could be talking about all manner of things that you could and to be saying we want Government to give guidance to landlords giving reasons to say no. I am sorry, I cannot support this proposition for that reason. It does not make sense.

11.2.8 Deputy P.F.C. Ozouf:

Dare I say I am not going to enter into the discussions about cats or dogs or whatever; it is a really difficult issue. Frankly - and I do not wish to be in any way disrespectful - the elephant in the room if there was one in relation to housing, and it is an analogy that works, the elephant in the room in relation to people’s ability to rent properties is an absence of supply. It is all very well for this Assembly to take up time dealing with rules and regulations but the market is not working. The Minister for Housing who is advancing this amendment ... I will be supporting Deputy Warr; I think it is the best balanced solution it seems to me, but it is very difficult when we are having a debate about pets. We have the Minister for Housing a month ago that said he wants the social rented market to be smaller than the private sector rental market. It is the opposite, he wants the rental market to be smaller than the social rented market, so we are crowding out private landlords, putting more and more red tape, putting a tax on them. That has gone well. It is absolute nonsense. People may tweet or they may titter at an elephant in the room but the truth is there is a crisis in Jersey’s housing market, there is huge unfairness in terms of the rentals that people are being asked to pay because there is a continued failure by this Assembly and previous ones to deliver on supply. The same is true in the United Kingdom, and I am afraid fiddling while Rome burns and not talking about the real issue, is a real issue. I am so sorry that we have to debate these issues because if the market was working we would not be here. I would prefer talking about the supply side of how to deal with the real issues; not this.

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

I would like to congratulate Deputy Warr for coming up with something new. We have heard of the carrot, we have heard of the stick; Deputy Warr has invented the feather in an approach to tackling red tape and regulations. Something that is light and gentle, looks good, but really does not do much unless you want to come off your perch. As Deputy Scott says, this proposition really does not achieve anything. It does not do anything. By issuing guidance with nothing behind it we are really doing nothing. This is just a little bit of smoke and mirrors to allow people some sort of comfort; a soft solution in allowing people to keep pets, but it does not achieve anything. What I would say to Members is you need to come off the fence, come off the perch, and nail your colours to the mast in the second part of the main proposition. You can either support Deputy Curtis and bring in legislation that requires landlords to give a good reason why a pet should not be kept, or you do not and you allow the status quo to continue. As Deputy Ozouf mentioned, there is negotiation within tenancies and so people can negotiate whether a pet exists or not, but sometimes we need better guidance on these things. Unfortunately guidance is only strong when it has some sort of backing to it, otherwise it could just be simply dismissed and achieves nothing. I believe Deputy Warr's amendment to this main proposition is nothing more than additional red tape, a waste of resources, and also a waste of paper.

11.2.10 Connétable R. Vibert of St. Peter:

As Constable - and privately I have seen both sides of allowing pets in a tenanted property - we have over 65 accommodation. I have to say the lease does say that there are no pets, but on a number of occasions I have come to an agreement with tenants moving in who have got an existing pet, or perhaps want a pet for company, and generally there have been no problems. Where there has been a little bit of damage that has been rectified and that has been an agreement between us and the tenant and worked very well. On the other side of it, I do have a property in the U.K. that is rented out to students mostly and last year there were 3 students in the house; it is a 4-bedroom house and one of the rooms was supposed to be locked. When I went to visit the property in the summer and opened the front door I was greeted by a somewhat unpleasant smell and it was quickly traced to the bedroom that should have been empty where someone had been keeping a cat for the past year. Carpets removed, underlay removed; that had no effect. I got some professional cleaners in from Canterbury and they had a go at it, but when I left the property 10 days later there was still a smell from that room. I have to say, not necessarily only because of that experience, but also because I have seen it work in practice, I will be supporting Deputy Warr.

Deputy P.F.C. Ozouf:

Sir, a point of order?

The Bailiff:

Yes.

Deputy P.F.C. Ozouf:

I am the only one that has declared an interest and that was a speech ... I completely agree with the Constable but surely we should be declaring conflicts of interest in a matter which is before the Assembly. I seek your guidance. I have declared an interest, it was late, I apologise, but other Members who have an interest surely should declare it.

The Bailiff:

Generally the declaration of interest relates primarily to a declaration of pecuniary interest, and I do not think there is a pecuniary interest at play here for 2 reasons; on its face it is not a pecuniary matter, but also this is not the legislation, this is the in principle will legislation come forward which covers this particular area. Ultimately though I think it is a matter for Members as to whether they think it is appropriate to declare an interest. There would be nothing wrong - as you have done, Deputy - with declaring an interest in your capacity as a landlord. It may be appropriate for Members to

understand where other Members are speaking from, but I do not think it is a matter of conflict of interest in the way that a pecuniary interest might very well be.

[15:45]

Deputy P.F.C. Ozouf:

Sir, I am grateful. I just was quite confused; the Constable is talking about the cost of clearing up cat litter and I thought that was definitely financially but maybe I will accept your guidance and sit down.

The Bailiff:

I am not sure that the Constable was declaring it as a personal pecuniary difficulty, possibly a parochial one, I am not sure.

The Connétable of St. Peter:

It was a personal one but I thought that speech did confirm that I was a landlord, in the U.K., not in Jersey.

11.2.11 Deputy I. Gardiner of St. Helier North:

Following the declarations; my husband is a landlord and in the contract I think that he has that if tenants would like to have a pet they would need to engage, and tenants did engage and his tenants do have a dog. So this is the declaration finished. Another declaration, personally, I grew up with pets, 5 different pets, they changed, but we will not go into the pets. It is not about the pets. Why I asked to speak is following Deputy Mézec and Deputy Coles' speeches. For me the situation in this life is never black and white. It is never 2 solutions; there are always options how we can progress. I cannot understand why we need to go from zero, having nothing, to 100, having hard legislation. Have we tried something different? Have we tried to give the guidance? Does any landlord receive a guidance from the Government saying what landlord is expected to do? We are talking about reprioritisation, prioritisation, budget restrictions; we do not have funds to develop modern legislation to bring forward that we discussed today. We do not have enough money to develop very important legislations, and we did not try to give guidance. So maybe as a first step we just give a guidance and see if it will work. If it does not work we can move to legislation but why go from zero to 100 at the same time. This is why I will be supporting the amendment.

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

I would like to declare that I am a landlord, and also a landlord who some years ago now had a property leased out, a property that had been completely redecorated. Six months later the tenant left after keeping a pet there unauthorised, and the property needed to be completely redecorated again. When I read this proposition the one word I worried about - and others have expressed the same opinion - was the word 'pet' and the lack of a definition. Members fear not because when the Attorney General was speaking previously, I just went to the Oxford Dictionary to look at pet and it says this: 'A domestic or tamed animal kept for companionship or pleasure.' The example they give: 'The pony was a family pet.' I rest my case.

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

I would just like to start by questioning the assumption that has proceeded throughout this whole debate so far that homeowners are free to keep pets. I am aware of at least 2 residential flat developments, one is for the older community, where people buy those flats in St. Clement and where the rules of the Housing Association - I am sorry, my law fails me, I cannot remember the name of the structures - but the residents' rules state very clearly that if you have a pet when you buy you may keep it but you may not replace that pet or acquire one after you move in. There are other flats in the Island where the rules and the articles say that flat owners may not keep pets. So to have a blanket assumption that if you own your own property you, therefore, can have whatever pet you want is, I

think, misplaced and it would do no harm to do some research on that. If we are going to make landlords allow pets then surely we must consider whether people, having bought their own property, should also be allowed to have pets. The other question that occurs to me is whether all of the Members here who are so keen to require landlords to have pets, I would be quite interested to see a show of hands how many of them would also like to see dogs on beaches, because many people do not want dogs on beaches. I do; I am a pet owner, I would love to walk my dog on a beach at any time on or off a lead, and many of the people who are promoting dogs in rented properties I suspect would not agree to the prospect of a dog running wild or free on a beach. As regards the question of guidance, many of our regulatory systems in the Island rely on a combination of law, codes of practice and guidance. It works very well in financial services and people do understand what they must require. It is very clear. To suggest that guidance is completely irrelevant feels incorrect and slightly heavy handed. I also just have to reflect that our C.S.P. included reducing red tape and bureaucracy. I do not see that legislation is any less red tape and bureaucracy than guidance, or that guidance is any less or more burdensome to either Government or landlords than legislation, so I think I am inclined to support the amendment.

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

I stood up to declare an interest as a landlord. I do agree with Deputy Ozouf; it is reasonable for us to declare this, even if it is not a direct pecuniary interest it is an impact on those who do either positive or negative. I would secondly just touch on what Deputy Millar commented about the restrictions on properties and on the topic of guidance. An application that came to the Planning Committee recently for a development had a density of over 150 dwellings per hectare, and the reason I say that is under extant guidance by the department and the Minister, dwellings must come with a residential management plan. The submitted residential development plan for this development had over 31 conditions that were applied, including no keeping of pets. I say this because clearly context is important in these cases and ponies versus cats and dogs - to Deputy Luce's point - is very relevant. But I also ask in this sense maybe there is a chance for guidance with regards to those who are looking to buy property in new developments. We are seeing schemes come forward that equally propose fairly blanket bans on pets, which may even enter the private market for all ages, so I would look to the Minister for the Environment to consider what guidance needs to be included within those residential management plans for new developments of what is considered very high density. I will leave it there.

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

Not too long ago it was admissible to advertise properties with the caveat no children, and thankfully we as a society have moved on from that position, and it took legislation to do that. However, pets are a different kettle of fish. There are lots of reasons why pets may not be suitable for certain properties and indeed certain closeknit neighbourhoods. So equally I recognise that pets can be really good for people's mental health and well-being, and generally a happy tenant is going to stay in that property for longer, which is generally a good thing for a landlord. But I believe that adopting the amendment to P.70 would be a gentler way to change hearts and minds on this subject, and if it transpires in a year or 2 that the guidance is ineffective then a proposition could be brought back to the Assembly. If at that time it was successful, the guidance which has already been formulated - if this proposition is successful - can inform that legislative change. Also, if legislation is brought forward, guidance will have to form part of that process anyway, so either way guidance is going to have to be put in place. Andium already have a policy position on this matter and so formulating guidance based upon that policy should not be too onerous a task for officers. I am going to support this proposition because I think it is a good way forward.

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

It may come as no surprise that I have got nothing useful to say. I just wanted to declare that I am a landlord as well, that was all.

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

Firstly, I must commend Deputy Catherine Curtis for bringing something forward that she believes in. I might not necessarily agree with what she is bringing forward, however, I think it is very important that we do discuss these matters. For somebody like myself, I am a bit concerned about the prospect of legislation potentially being brought forward today. I do think there is room for guidance initially to be brought forward, and that is due to a few concerns that have been brought to my attention, for instance rabbits living on balconies in social housing. I do not really believe that is an appropriate thing to do. So I think there is a need for guidance to be brought forward to safeguard animals and their welfare, because I think that is quite important. But there is a broader issue if you are looking at legislation, for instance, because some animals are really not appropriate for certain units of accommodation. With myself, I live in Andium Homes, and where I live there are several dogs who bark continually. Due to this being a regular occurrence of course there are neighbours who are often coming up to me saying: "Look, we have got an issue, there is a noise disturbance and the children cannot get to sleep." That was one real-life example that was brought to my attention. Due to there not being a reason to ... it is not about evicting the tenant, but to remove the animal. It is a longstanding issue unless there are a number of complaints and, formally, Andium might take action. But if you are looking at it from the landlord's perspective, if you have entered into a contract with a tenant and then all of a sudden you have got a tenant who is living next door and you have also agreed with them that they can have a dog, and a dog is barking ... you have got a night shift worker trying to get their head down to get some sleep during the day and they cannot because there is a dog who is barking, then really the tenant would be within their right to go to the landlord and say: "Well, I am sorry, but I am really getting fed up with this noise due to the dog that is next door." So if you are looking at it from the perspective of the dog obviously has to remain in the property, if that is the basis of where we are looking at it from the perspective of this proposition, then it is going to create more problems than it is going to solve. So I think the landlord has to use discretion at the beginning and if they believe that an individual who has maybe got a number of pets is not suitable then I think it is only wise that they turn down the tenant. This is going to potentially cause another issue when we are looking at parents who have got young children but they have also got pets. If the pets are the issue and that is the reason why the landlord is turning them down then there could be all sorts of legal complexities because the household could quite rightly say: "I am sorry but we have got children and you are turning us down." It could again create several problems, and for our judiciary there would probably be more demand for their services due to elements of discrimination within our legislation. You do have to bear in mind that the landlord has a responsibility to ensure that the property that their tenants live in is habitable, and also there is no noise disturbance. If you are looking at it from a landlord who has an apartment block and they have 4 units, you need to make sure that everybody is able to live in peace. I am certainly aware on several occasions where tenants are not living in peace due to the fact that their neighbours have pets who again can be quite disruptive and noisy.

[16:00]

It is only once that I have been aware of an animal being turned down when the owners separated and there were 2 dogs and they mutually decided that they would take a dog each, but for one of the owners when they were moving into a property with their new partner the landlord said no. I happen to understand the reasons why, because the dog was a toy dog, it was probably under 7kg, and it was yapping all the time. My friend who took on the dog because their partner had no choice but to take on the dog because they had a friend who mutually stepped in, they were immobile, they looked after the dog for about 4 days and they had to say: "Look, I am sorry but it is not appropriate for the dog to remain here" so my friend had no choice but to take it on. But even when I spoke to my friend

since the publication of this proposition and I asked them for their views, they said to me: “Well, Max, where you live my dog would not be ideal because it would bark.” They have their own property, they have got a mortgage, and they were saying to me every single time people come past the property the dog would bark and it was loud. So if this was in social housing or if it was in the private sector you can imagine there would be many people who would be raising grievances. Who would they go to? They would go to the landlord and that would create a problem for the landlord, especially so when for instance you have got children in the property as well. It adds another layer of complexity. Even in my case, I have recently got myself a Glen of Imaal Terrier - there are about 3,200 Glens in the world - it is a very rare breed, and he is a very well-behaved dog but when he was a puppy and when he was very, very young he caused quite a lot of damage. My hallway carpet, for instance, he damaged that. My carpet in my lounge, again, it is damaged, plus my bed as well, so there has been hundreds of pounds worth of damage. Now, somebody like myself I do not mind because it is my personal choice and it is the property that I live in and I am entitled to have my dog because that is what the rules are. But if I was a landlord, I have to say, I would not be happy if I came in to inspect a property if the previous tenant had left to find hundreds or potentially even thousands of pounds worth of damage. Of course that would be an expense that would have to be covered. We also have to consider as well, with some private rental units we do have people who are on income support who live in those units, so what happens if there is £3,000 or £4,000 worth of damage? How can someone who is on a transfer of £250 a week have to then find finances somewhere to then cover that liability? So it will create a systemic issue and the landlord would have to then chase the person to obviously put the payment forward to then cover the expenses. That would again create another issue. So as much as I do respect the fact that Deputy Catherine Curtis is truly doing something that she believes to be the right thing, I am very concerned about the proposal. I do also feel that with the amendment it will provide clarity, both for landlords and tenants, to realise the expectations, to safeguard the animals and the animals’ interests, but to also as well set out from the outset of any contract what the expectation is for all sorts of animals as well. For instance, as I mentioned earlier about a rabbit living on a balcony, I do not think that is right for the animal and so I would put guidance in place to ensure that if you are to get a rabbit then it is probably best that you get an outdoor area if you are looking to find yourself a property. But there is another thing as well that I nearly forgot to mention, even when I was on one of my walks probably about 3 months ago, my dog Samson was quite young then, and we encountered a young family at St. Andrew’s Park. The parents who I was speaking to who were with their daughter, said to me: “We have got a dog at home and when we got the dog he caused so much damage to the wallpaper.” Now, I do not know whether it was a property that they owned outright, if it was a property where they had a mortgage or whether they were living in social or rented accommodation in the private sector, but again that could be a very big cost, especially if you are a middle class or lower class family and you are 2 working parents and all of a sudden you have got your animal who is causing all sorts of destruction to the property. Of course the landlord, quite rightly, will be saying: “Well, I am sorry, this is not an expense to me, this is an expense to you.” I think it is quite important that if the tenant is to bring animals with them or to acquire them since the inception of their tenancy agreement then it is for the tenant to cover that cost. Because the landlord, to be fair ... and it is a credit to the landlord that they have been accepting of the pets, and if the pets have proven to be disruptive and if they have caused damage then I think it is for the tenant to pay up. Even in my capacity as a tenant, I would be very happy to do that if it was my responsibility that my dog, for instance, caused damage to the property, maybe damaging the skirting boards, then it is an expense that I ought to cover, it should not be the landlord. I think I will probably just leave it there.

The Bailiff:

Thank you very much indeed. Does any other Member wish to speak on the amendment? If no other Member wishes to speak on the amendment then I close the debate and call upon ... sorry, there is a disembodied voice from the firmament. Was that Deputy Ward, is it?

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

I am sorry, Sir, and I thank the Assembly for putting up with me not being there, but I was being cautious because I have got perhaps a few symptoms and there is a bit of COVID around so I am trying to be thoughtful of everyone else. I have listened to the debate with interest and I want to raise a few points before people vote on this supposed guidance. We have to remember the language is really important. So many people talk about “properties”, these are people’s homes and these are people’s homes that people are renting at considerable cost. I know so many individuals, young people who are paying 30 to 40 per cent of their income each month on the rent alone, plus leaving large deposits, and when they cannot afford that deposit or they do not get it back in time they are going to often the bank of Mum and Dad or to friends in order to take those deposits out. That is a significant amount of money left there for exactly the type of issues that are being raised. Often it is insisted that a professional clean is undertaken at the cost of the tenant, the person living in that home. But it seems to me that a number of Members are quite happy to say: “Well, we have a 2-tier system ‘ere.” If you are lucky enough to perhaps own your own home, as I have a mortgage - lucky enough to have a mortgage, that is a strange phrase but there we go, that is modern times - then you can have a pet, you have that privilege of having a pet and you can be allowed to own a dog or a cat or whatever. Then we have obviously the smokescreen arguments about whether it is a dog or a horse or whatever. We are talking about people’s lives here and we are talking about people who perhaps want to have a pet to make them feel better, to have a companion, to have a friend that they go home to. Some people who live alone may well want to do that because it is good for their health. We have a rescue dog; he is the best thing that ever happened to us because I think he rescued us more than anything else, but I cannot think of what it would be like to have to give that pet up to move into rental accommodation. It would be a horrendous experience and not something I want to do. But I am privileged enough to have a mortgage to be able to do that. I am not a landlord; I am a pet owner. I think we need to be very careful when we talk about just guidance because underneath all of the debate here and all of the messages that are coming across, we can have guidance, but: “There are a huge number of problems and we do not really want to allow people to have pets, but we can produce some guidance and we can see off this proposition from Deputy Catherine Curtis by saying that we feel we have voted for something to do something” but it will make no difference whatsoever and we are, therefore, not making decisions. It is interesting that some people who are talking about not wanting to make legislation are currently insisting on legislation regards fireworks. So sometimes legislation fits and sometimes legislation does not fit. That is a slight concern. There are some huge benefits for having pets. Pet owners are often extremely responsible because they have someone else to look after. They have to organise their time, they have to organise their home. If you train your pet well then it does not become a problem. As for damage to a home, the extremes that are being talked about, there could be extremes in any situation with any tenant or any person in terms of illness, in terms of their responsibility, in terms of any behaviour within a home. If you rent out your home that is always going to be a risk. I understand to some extent why such large deposits are taken to protect that, but then also there is the opportunity to take out insurance if that is wanted. So we have a simple decision today; we either vote for guidance that will genuinely do nothing at all and just produce an extra piece of work for the Minister, and leave the situation as is with people being denied the right to have a pet because they are unfortunately having to rent and do not have the same rights as everybody else. Or, as the Minister has suggested, we vote against this amendment and vote on the main proposition itself and give the Minister the opportunity to simply add this into the legislation, come up with something meaningful, come up with something that is controlled, and have many more controls of the having of a pet than anything else, and make a genuine decision that may work into the future, and give people the rights they need to live a life that they are paying through the nose for. I think we have seen a lot of extreme arguments here about the world falling in if people are meant to take pets in their homes. But we are talking about the well-being of people in our society and the well-being of animals as pets, and those 2 things together I think we should discuss properly

rather than try and negate a meaningful proposition with a piece of guidance that to me does nothing at all. So I urge Members to reject the amendment and let us vote on the main proposition.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the amendment? If no other Member wishes to speak then I close the debate and call upon Deputy Warr to respond.

11.2.19 Deputy D.J. Warr:

I thank all those Members who have spoken and had what I think is an excellent debate. I am not going to rehash all the arguments again, I would just like to thank Deputy Catherine Curtis for bringing this proposition. It is a useful discussion point because it does matter to a lot of people, and I also would say that I recognise the many benefits, including mental health benefits, of pets, particularly for people living by themselves. As Deputy Gardiner has said, what we have to think about is this journey, this journey from guidance through to legislation. Let us start that journey with guidance. I do not think it is a complete waste of time. I think it is important that we put things in place or give people ideas about what their responsibilities are. It is interesting this differentiation between homes owned and there not being restrictions. Deputy Millar has highlighted that is not the case; there are complexities around there. Also it is good to hear from Deputy Barbara Ward who has talked about her constituents who are very concerned about legislation coming in. In conclusion, legislation is not necessary for allowing tenants to have pets in rental properties. With the correct guidance and policy framework a code of practice could evolve that would be more beneficial to both tenants and landlords and provide less risk for straining of their relationship and contractual agreements. I urge the Members to vote for my amendment.

The Bailiff:

Do you call for the *appel*?

Deputy D.J. Warr:

I call for the *appel*.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on the amendment to P.70. I ask the Greffier to open the voting and Members to vote.

POUR: 24		CONTRE: 17		ABSTAIN: 0
Connétable of St. Helier		Connétable of St. Clement		
Connétable of St. Lawrence		Connétable of Grouville		
Connétable of Trinity		Connétable of St. Mary		
Connétable of St. Peter		Deputy G.P. Southern		
Connétable of St. Martin		Deputy C.F. Labey		
Connétable of St. John		Deputy L.M.C. Doublet		
Connétable of St. Saviour		Deputy R.J. Ward		
Deputy S.G. Luce		Deputy C.S. Alves		
Deputy K.F. Morel		Deputy S.Y. Mézec		
Deputy M.R. Le Hegarat		Deputy T.A. Coles		
Deputy S.M. Ahier		Deputy B.B. de S.V.M. Porée		
Deputy I. Gardiner		Deputy M.R. Scott		
Deputy P.F.C. Ozouf		Deputy C.D. Curtis		
Deputy Sir P.M. Bailhache		Deputy R.E. Binet		
Deputy D.J. Warr		Deputy A. Howell		
Deputy H.M. Miles		Deputy T.J.A. Binet		
Deputy J. Renouf		Deputy R.S. Kovacs		
Deputy H.L. Jeune				

Deputy M.E. Millar				
Deputy M.R. Ferey				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

[16:15]

11.3 Pets in Rental Properties (P.70/2024) - as amended (P.70/2024 Amd.)

The Bailiff:

Very well, we now return to the debate on the main proposition now, as amended. Does anyone wish to speak on the main proposition? If no Member wishes to speak on the main proposition then I close the debate and call upon Deputy Curtis to respond.

11.3.1 Deputy C.D. Curtis:

I have a lovely dog, a rescue dog. I could talk at length about my dog but do not worry, I am not going to. My proposition is a result of many people coming to speak to me about their difficulty in finding a place to live because they have a pet. Some of the arguments raised in this debate have not been valid. For instance, if you stop and think for a moment about the suggestion that people cannot move into a house if they are allergic to cats because cats lived there before, well, how often do you hear about this being a problem when people buy a house? It is really not a problem. I think Deputy Ozouf said it is a waste of time to debate this when there is a supply problem but, no, it is not. It is a matter which affects many people. Some States Members have made light-hearted comments during the debate. I hope they are aware of those listening who have been badly affected by blanket bans on pets. Not taking this matter seriously is a slap in the face for many Islanders. I am sure it is not intentional but it is showing a lack of respect for many Islanders. By voting for the unamended proposition you would have voted to end blanket bans. Landlords would still have been able to choose the tenant they think best suits their property. They would still have been able to refuse to have pets for valid reasons. There are tenants with pets who have damaged a property but that does not mean it is OK to ban all tenants with pets. We do not ban all drivers because some are dangerous. We do not ban all alcohol because some misuse it. We should not think it is OK to discriminate against responsible pet owners because some are bad. Any States Members who think this is not a problem for many Islanders is living in their own little bubble. Guidance will not be sufficient to prevent blanket bans on pets, which is discriminatory against good tenants. It is very disappointing that the majority of States Members could not support this legislation, but not surprising. However, guidance is better than nothing at all and I ask States Members to support the proposition.

The Bailiff:

Do you call for the *appel*, Deputy? The *appel* is called for. I assume Members are already in their seats. I ask the Greffier to open the voting.

POUR: 29		CONTRE: 10		ABSTAIN: 1
Connétable of St. Helier		Connétable of St. Clement		Deputy M.R. Scott
Connétable of St. Lawrence		Connétable of Grouville		
Connétable of Trinity		Connétable of St. Mary		
Connétable of St. Peter		Deputy C.F. Labey		
Connétable of St. Martin		Deputy S.G. Luce		
Connétable of St. John		Deputy M.R. Le Hegarat		
Connétable of St. Saviour		Deputy S.M. Ahier		
Deputy G.P. Southern		Deputy R.E. Binet		
Deputy L.M.C. Doublet		Deputy A. Howell		

Deputy K.F. Morel		Deputy T.J.A. Binet		
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy S.Y. Mézec				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy M.B. Andrews				

The Bailiff:

Very well, that ends the Public Business in respect of which a vote will be taken. The last item on the Order Paper is the in-committee debate relating to whether old-age pension should be exempt on tax. I am proposing to allow a half day for the debate. As Members will know, it is one of those occasions where it is possible for Members to speak on more than one occasion. Similarly, no vote is taken, not even an indicative vote, therefore, it is a matter for Members how it proceeds. I would suggest - although it also is a matter for Members - that we will, therefore, adjourn this evening and start tomorrow morning and deal with the half day of the debate at that point. However, before I turn the matter over to Members, Chair of P.P.C. (Privileges and Procedures Committee), did you have anything you wished to add at this point?

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

No, I would just like to speak at the beginning of the debate but I agree that we should probably start tomorrow. Thank you.

The Bailiff:

Very well. Do Members agree that we will start tomorrow morning at 9.30 a.m. in the usual way or do Members wish to discuss that? Very well, there seems to be relative unanimity in the sense of *nem con*, and accordingly the Assembly will stand ...

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

May I raise a point in relation to the propositions that are being lodged today? I know that the Greffe have been working very hard, as you have, Sir, in approving various Budget amendments. You do not notify the Assembly anymore but they are lodged as a matter of course on the website and they will be dated today, presumably?

The Bailiff:

I believe that is the case, yes.

Deputy P.F.C. Ozouf:

Thank you, Sir, and grateful thanks to all the staff who have been involved.

The Bailiff:

Behind the scenes the Greffe staff have been working enormously hard to get the various amendments lodged in time. **[Approbation]** It looks like they are all over the line.

Deputy M.R. Scott:

Sir, I just wonder, could I propose that we stay just to see the votes in favour and against, please?

The Bailiff:

Just to see what?

Deputy M.R. Scott:

Well, you have proposed that we do not continue tonight and I was just asking if I can put a proposition to continue.

The Bailiff:

You would like to propose before the Assembly that we do continue this evening?

Deputy M.R. Scott:

Yes.

The Bailiff:

Very well, is that seconded? **[Seconded]** Then does any Member wish to speak on this, otherwise it might just be sensible to put it to the vote. I am not going to risk a stand. A call for the *appel*; thank you very much. The vote is on should we continue this evening with the in-committee debate, Deputy Scott's proposition. I think the position must be that if the vote is adopted we continue and then we will have to decide how long we continue for because it is now 4.30 p.m., and if it is rejected then we will stand adjourned and start at 9.30 a.m., stopping at 12.45 p.m. in the usual way, allowing a half day for the debate. A vote *pour* is a vote to continue for some period yet to be determined. I ask the Greffier to open the voting.

POUR: 17		CONTRE: 22		ABSTAIN: 1
Deputy C.F. Labey		Connétable of St. Lawrence		Connétable of St. Martin
Deputy S.G. Luce		Connétable of Trinity		
Deputy L.M.C. Doublet		Connétable of St. Peter		
Deputy S.M. Ahier		Connétable of St. John		
Deputy R.J. Ward		Connétable of St. Clement		
Deputy S.Y. Mézec		Connétable of Grouville		
Deputy Sir P.M. Bailhache		Connétable of St. Mary		
Deputy T.A. Coles		Connétable of St. Saviour		
Deputy H.M. Miles		Deputy G.P. Southern		
Deputy M.R. Scott		Deputy K.F. Morel		
Deputy C.D. Curtis		Deputy M.R. Le Hegarat		
		Deputy C.S. Alves		
		Deputy L.J. Farnham		
		Deputy P.F.C. Ozouf		
		Deputy B.B. de S.V.M. Porée		
		Deputy D.J. Warr		
		Deputy J. Renouf		
		Deputy M.E. Millar		
		Deputy M.R. Ferey		
		Deputy B. Ward		

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

The Bailiff:

Accordingly, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[16:24]