

2024.11.25

2.3 Deputy M. Tadier of St. Brelade of the Minister for Sustainable Economic Development regarding the safety record of the tendering companies for passenger and freight ferry services: (OQ.230/2024)

I will bring us back down to earth. Will the Minister state if the safety record of the tendering companies was a factor in the previous decision-making process for passenger and freight ferry services, and whether it will be a consideration in the current tender process, and, if not, why not?

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

I thank the Deputy for his question. I think it is an important one. As part of the previous tender process, all bidders were required, as part of that invitation to tender, to submit a health and safety plan, which was evaluated as part of the technical evaluation criteria. Tenderers were asked to demonstrate an effective safety policy and the necessary organisation to implement it. The invitation to tender document also set out that any successful tenderers must comply in all respects with the provisions of the Health and Safety at Work (Jersey) Law 1989 and other relevant health and safety legislation. Now, the procurement exercise was focused on the information provided in the tenders and so did not take into consideration, any past incidents the bidding parties may have been involved in. But I do personally want to add, from my perspective, that I have been involved in the recovery operations around the loss of the L'Ecume and the 3 lives on board. From my perspective, while I fully accept that the tender process does not take that into account, the loss of those 3 lives lives with me and in my thoughts at all times, not just within this process but in all matters around maritime matters. It guides me in terms of the health and safety implications of all the decisions we make with regard to administering the seas.

2.3.1 Deputy M. Tadier:

I learned today from a written answer I got to a written question that Jersey does not have corporate manslaughter on its statute book. So, where maybe we could have expected, in other places like England and Wales, for a company to be held to account for certain criminal offences which might result in manslaughter, in Jersey that is not the case. We currently have a live case where 2 individuals who work for Condor are being prosecuted for manslaughter, which might otherwise, as I said, be a corporate manslaughter charge if that was within our statutes or within the Jersey law framework. Given that is the case, can the Minister clarify why it is not a criteria to look at current safety records and any prosecutions that might be hanging over either company when deciding whether or not to trust them with the safety and lives of visitors coming to and from Jersey?

Deputy K.F. Morel:

I think the Deputy raises some interesting questions around corporate manslaughter, not ones I am able to answer directly in that respect but I think the Deputy is right to raise them. I cannot say why those records are not taken into account, except in order to ensure a fair tender process. The process itself looks at the bids and looks at those tender documents that are recorded. The awarding stage of the process ultimately involves political discussion, I think if those matters are to be raised that is where they will be raised but the process itself could only look forward in that respect. I believe that is most likely why those records were not involved.