

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 16th JULY 2024

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[9:30]

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

QUESTIONS

1. Written Questions

1.1 Deputy H. Miles of St. Brelade of the Chair of the Comité des Connétables regarding safeguarding training provided to Parish staff. (WQ.246/2024)

Question

Will the Chair advise what safeguarding training is provided to Parish staff who are in regular contact with members of the public, and whether such training is mandatory?

Answer

Protecting children and vulnerable adults from harm, abuse and neglect is important for all. Training on safeguarding and promoting the welfare of children and adults for all staff working with or in contact with children, adults, families and carers should therefore be appropriate and in line with the recommendations of the Safeguarding Board's training strategy.

Safeguarding training is provided and is mandatory for Parish staff employed to work in residential homes and nurseries, for example Westmount Day Nursery, St Ewolds Residential Home, and Maison St Brelade.

- St Ewolds Residential Home – Care staff – Safeguarding Partnership Board- Working together to safeguard adults at risk
 - All Home staff - Ihasco online training -Safeguarding level 2
- Westmount Day Nursery – Nursery Staff – 6 hours of safeguarding and child protection training from Virtual College, followed by annual updates - Ihasco online training - Safeguarding level 2
 - All Nursery Staff (online with Virtual College) Jersey Children's first Level 1: Introduction
 - Level 2: Essentials
- The Designated safeguarding leads, in addition complete the following:
 - Early Help Well-being Assessment (3 hours in person)
 - Role and responsibility of the Lead worker (6 hours in person)
 - Using and Sharing Chronologies (3 hours in person)
- Maison St Brelade - Safeguarding Foundation Course, mandatory for all staff, provided by in-house qualified trainer.

For Parish staff undertaking a general customer service role who have limited contact with members of the public on an occasional, or ad hoc, basis training may be desirable and be offered, but is not mandatory e.g. Community Services Staff – Government of Jersey, Level 2 Safeguarding.

In relation to volunteers, including those serving their Parish in an honorary capacity, training is provided to members of the Honorary Police and to Community Support volunteers. Honorary Police training has previously been delivered by SPB (the Safeguarding Partnership Board - Level 1 (children) training courses) and by the States of Jersey Police (Safeguarding and vulnerability training (adult safeguarding)). Two members of the Honorary Police have completed the 'Train the Trainer' Course to deliver training in-house in the future.

1.2 Deputy M.B. Andrews of St Helier North of the Minister for Treasury and Resources regarding expenditure incurred by the Government as a result of storm Ciarán. (WQ.247/2024)

Question

Will the Minister advise the total additional expenditure incurred by the Government as a result of storm Ciarán?

Answer

As a result of the Jersey Met Office forecast in October 2024, a number of Government departments and external organisations worked together to support the preparation for Storm Ciarán, and subsequent emergency response and recovery phases.

It should be noted that the restorative works in relation to Storm Ciarán are still ongoing in 2024 within the Government of Jersey estate portfolio and open public spaces. A total of £2.74 million was spent on clear up/repairs, restorative works and accommodation for displaced residents from the incident in October 2023 through to 31 May 2024.

The financial impacts of the Storm have been mitigated to some extent by the Government insurance policy, with receipts totalling circa £1.1 million, of which £0.4 million is still to be received during the year once repair works are completed.

1.3 Deputy M.B. Andrews of St Helier North of the Minister for Education and Lifelong Learning regarding Jersey’s nurseries and other pre-school settings. (WQ.249/2024)

Question

In respect of Jersey’s nurseries and other pre-school settings, will the Minister advise –

- (a) what plans, if any, he has to address staff shortages;
- (b) what Government funding, if any, is currently offered to support staff in this sector to obtain childcare qualifications; and
- (c) what consideration, if any, is being given to offering grants to people entitled to work in Jersey (and who are registered as unemployed) to undertake childcare qualifications, and, if this is not being considered, why not?

Answer

- (a) An early years ‘workforce’ working group was stood up in 2022 to address this issue as we have been monitoring this for some time. Through the work of the [Best Start Partnership](#), a group of key stakeholders enabled the independent publication of the first Childcare Providers Survey at the end of 2023/24. This has given an accurate insight into key themes relating to this sector, including staffing, available places, and registered numbers. We know that in 2023 there was a 78% vacancy rate.

The actions of the group to date have included:

Funding for over 50 new places for students to study Early childhood Education and Care qualifications at Highlands College for both Level 2 and Level 3 pathways.

Support from Skills Jersey to mentor apprentices following this part-time route for a Level 3 qualification.

Working with the childcare industry through the Jersey Early Years Association (JEYA) to enable options to be considered that has allowed nurseries to employ and work with colleagues that might not have the qualification but do have relevant and current experience.

Following proposals from Jeya members, changes have been made to the work permits that now include 'nursery practitioner' as an eligible category. This has enabled a number of Kenyan childcare practitioners to join the childcare workforce. This has been a positive collaboration between Jeya, and the CYPES Childcare and Early Years Service (CEYS) and a local recruitment company.

Highlands College host and attend regular meetings with the owners and managers of nursery settings to provide direct feedback on student uptake, performance and course content to ensure high quality graduates are entering the sector.

A recruitment campaign is planned to attract people into the sector.

Jeya, CEYS and the Best Start Partnership have and will continue to attend all secondary school's careers fairs to target school leavers.

- (b) The Covid Recovery Fund (2022-2024) fully funded all students wanting to study a Level 3 and a Level 2 course at Highlands College.

Recruitment and retention initiatives saw childminders receive up to £500 retention benefit to address cost of living pressures in 2023 and CYPES launched their childminder incentive scheme which covers 'start up costs' for new applicant childminders up to £1,500.

CYPES fully fund all professional development courses that are offered to all early years staff from both nursery settings and schools. This has been possible due to the financial commitment from the Education Reform Programme to direct funding into CPD for the early years sector. To date, £200,000 has been made available and co-ordinated between CEYS and the JCCT to enable and facilitate training. In 2024 this funding has provided access to:

- Makaton level 1
- MAYBO safer and positive approaches to behaviour in the Early Years
- Support for Early Literacy, Communication and Language through Helicopter Stories, A Fresh Approach to Making it REAL and The Drawing Club with Gregg Botterill (an expert off island trainer).
- Self-Regulation webinar
- SENCO support package
- Good Autism Practice
- Knowledge Makes Change Seminars – an opportunity to hear from early years specialists and share best local, national and international practice.

The Government has funded the Level 3 Early Years SENCO qualification for all nursery settings to have at least one member of staff trained and qualified to enhance the quality and provision for all children as well as those with SEND.

Eligible applicants can receive government funding for degree level courses such as the BA Hons Childhood Studies offered by University College Jersey, via Student Finance. The Maximum annual grant amounts are £9,250 for course fees and £8,915 for maintenance.

- (c) Back to work teams work with childcare providers to seek suitable opportunities for those seeking a return to the workplace. This does require careful planning and consideration as the needs of young children have to be prioritised and safely and appropriately met. Practitioners require an enhanced DBS check, First Aid training and Safeguarding training in addition to some knowledge of child development. A risk benefit assessment will be undertaken to ensure that any suitable candidates are supported to take up an opportunity, if and when appropriate.

The Registered Childminder ‘start-up grant’ is currently available to all new applicants which covers all costs associated with becoming a childminder, including the Level 3 qualification in Home-Based care.

1.4 Deputy M.B. Andrews of St Helier North of the Minister for Justice and Home Affairs regarding the introduction of a points-based immigration system. (WQ.250/2024)

Question

Will the Minister advise whether consideration is being given to introducing a points-based immigration system, and if not, why not?

Answer

The Jersey Customs and Immigration Service have explored the possibility of adopting a points-based immigration systems for foreign nationals to take employment in the Island. They determined that adopting such a system would increase bureaucracy and be more complex, both for employers and JCIS, and less flexible than current Jersey immigration systems. The current systems have enabled the creation of Jersey specific temporary routes that do not exist in the UK and has enabled the development of safeguards to be introduced to limit the risks of employee exploitation. It is important to highlight the Jersey Business report on Barriers to Business. This report identified that increased Government bureaucracy hindered businesses therefore it is appropriate at this time not to adopt a points-based immigration system but to constantly review current systems to ensure they remain fit for purpose in maintaining the safety and security of our borders.

1.5 Deputy M.B. Andrews of St Helier North of the Minister for Social Security regarding the Community Cost Bonus. (WQ.251/2024)

Question

In respect of households which can claim the Community Cost Bonus, will the Minister advise whether consideration is being given to increasing the tax liability figure of £2,735 in line with inflation, as a means of making the Bonus more accessible; and if not, why not?

Answer

The Community Costs Bonus was made more accessible in 2022, when I brought an amendment to the Government Plan to increase the number of people who would be eligible for the bonus, to include people in households on a relatively low income. As the threshold for tax liability has increased by over 20% since 2022, I am confident that the current tax liability still meets the aim of my original amendment.

1.6 Deputy D.J. Warr of St. Helier South of the Minister for Housing regarding ‘Affordable and Right-Size Housing Provision on the Waterfront’ (P.37/2024). (WQ.252/2024)

Question

In respect of ‘Affordable and Right-Size Housing Provision on the Waterfront’ ([P.37/2024](#)), which was adopted as amended, will the Minister explain what evidence was used to ascertain the need for first-time buyer homes and that consequently led him to support the proposition?

Answer

I have long held a position that Jersey is experiencing a housing crisis and that a greater proportion of the homes built on the Waterfront should be designated for first-time buyers to help alleviate this crisis. Therefore, no extra evidence was necessary to persuade me that supporting P.37/2024 was the right thing to do.

The proposition was in line with my manifesto commitments, which I believe are important to uphold. It is also important to recognise that the Waterfront development is a long-term programme, and the Assembly will be able to make a revised decision in the future should we find ourselves in the position of demand for first-time buyer homes being satisfied. If we do find ourselves in such a position, I would see this as a measure of success, not failure.

1.7 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Infrastructure regarding ‘A Review of Sport and Physical Activity in Jersey’. (WQ.253/2024)

Question

Further to [A Review of Sport and Physical Activity in Jersey](#), will the Minister provide an update and delivery timeline for each of the 21 recommendations?

Answer

The Assistant Minister with responsibility for Sport agreed timelines and ownership for delivering each of the recommendations in March.

We continue to work with Jersey Sport and with colleagues in HCS and CYPES on the recommendations from the review of sport and physical activity and a budget and programme review is underway.

Of the 21 recommendations, 6 are complete, 10 are in progress and 3 are yet to be commenced and 2 recommendations were rejected:

Complete recommendations:

R2: Jersey Sport should review its internal reporting arrangements

R4: a review of Jersey Sport’s budget should be carried out

R5: Jersey Sport should publish a fundraising strategy

R8: establishment of a ministerial group for sport and physical activity

R9: the Government of Jersey should identify a single point of contact for Jersey Sport

R12: Jersey Sport should publish its Board of Directors skills matrix

Recommendations in progress, with a target completion date of December 2024 unless otherwise indicated:

R1: the Government of Jersey should review the skills required of its staff carrying out the oversight function with Jersey Sport. (Ongoing)

R3: review of arm's length arrangement with regard to audit requirements. (December 2025)

R 11: Jersey Sport should undertake a review of its delivery function.

R13: review of safeguarding and child protection in sport.

R14: Jersey Sport should review its provision for sport.

R15: Jersey Sport should consider the suitability of separate branding for the Move More programme.

R17: the Government of Jersey should develop a new strategy for sport and physical activity.

R18: the Government of Jersey should set revised KPIs for Jersey Sport and develop a value for money indicator for the funding Jersey Sport receives.

R19: Jersey Sport should publish policies on equality and inclusion.

R20: the Government of Jersey should review its direct delivery approach for facilities.

The following recommendations have not yet been started:

R7: review of Channel Islands Lottery funding for sport (to be actioned in 2025)

R16: strengthen school sport and PE (to be actioned in 2026)

R21: future delivery of sport and physical activity (to be actioned in 2025)

Recommendations 6 (ringfence 1% Government budget for sport) and 10 (establish the work of sport and facilities team into one Department) were rejected.

1.8 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding maintenance undertaken by Jersey Property Holdings. (WQ.254/2024)

Question

Will the Minister detail –

- (a) the number of maintenance requests made by business tenants of Jersey Property Holdings for each of the last 3 years;
- (b) his department's annual expenditure on minor and major works for each of the last 3 years; and
- (c) explain how requests are prioritised, including those relating to health and safety?

Answer

- (a) the number of maintenance requests made by business tenants of Jersey Property Holdings for each of the last 3 years;

Since Jan 2021 – YTD there have been 102 helpdesk requests (classified as reactive works) across the portfolio for the properties classified as 'cafes'.

Helpdesk calls are received both internally and externally by the public, building users, internal JPH staff or via 3rd parties so it is difficult to determine whether they are direct from the business tenant as the work requests are input by the JPH administration team.

However, it is estimated that 80% of the reactive helpdesk calls came from the business tenant.

The number of helpdesk calls received/logged has been documented by site below.

Site	Number of Helpdesk calls Jan 21 – Jul 24
Plemont Bay Cafe	4
Le Braye Cafe	0
First Tower (Lookout) Cafe	1
Old Station Cafe (Millbrook)	1
Driftwood Cafe	2
Greve de Lecq Cafe Groundsite (Colleen's)	0
St Aubin's Promenade Cafe and Public Toilets	36
Gunsite Cafe & Bunker	3
Liberty Wharf - Move On Café	0
Havre des Pas Bathing Pool and Cafe	55
La Fregate Cafe	0
Seaside Cafe and Car Park	0

(b) his department's annual expenditure on minor and major works for each of the last 3 years; The expenditure can be separated into 3 distinct categories, Reactive, Planned Preventative Maintenance (PPM) and Project Delivery.

There were 302 Works orders created between Jan 21 – Jul 24, totalling a spend of £553,051.

The split is shown below by year:

	Reactive	PPM	Project delivery
2021	£173,950	£1,043	£108,205
2022	£9,109	£1,832	£22,877
2023	£56,761	£3,526	£1,105
2024	£75,593	£14,240	£84,810
Total	£315,413	£20,641	£216,997

It can also be shown by site:

Site	Sum of Commitment
Havre des Pas Bathing Pool and Cafe	£356,000
Greve de Lecq Cafe Groundsite (Colleen's)	£106,819
First Tower (Lookout) Cafe	£24,021
St Aubin's Promenade Cafe and Public Toilets	£17,081
Old Station Cafe (Millbrook)	£18,300

Plemont Bay Cafe	£13,647
Le Braye Cafe	£2,054
Liberty Wharf	£1,237
Gunsite Cafe & Bunker	£1,015
Plemont Bay Café	£300
Driftwood Cafe	£276
Seaside Cafe and Car Park	£30
La Fregate Cafe	£18
Greve de Lecq Former Cafe Groundsite (Parking)	£12,259

(c) explain how requests are prioritised, including those relating to health and safety?”

Pre-Planned Maintenance schedules are in place to ensure our sites are compliant and scheduled in a way to ensure our statutory obligations are achieved. JPH manages c.8,250 PPM activities a year across the portfolio.

However, reactive and projects works order will be prioritised by the allocated site maintenance officer.

Criteria considered will include building use, operational impact, public use, reputational impact and, most importantly, consideration of the health & safety of site users.

The various priorities and split from Jan 21 – Jul 24 is shown below:

Priority Type	Emergency - In core hours (9-5)	5 working days	10 working days	15 working days	30 working days	90 working days	Planned	Projects
Number of Work Orders	30	72	31	6	17	2	142	20

1.9 Deputy J. Renouf of St. Brelade of the Minister for Infrastructure regarding the public realm taskforce. (WQ.255/2024)

Question

In respect to the Island’s public realm, and reference to a public realm taskforce during Questions Without Notice on 25th June 2024, will the Minister state –

- the membership of the public realm taskforce;
- the lead States Member on the taskforce;
- the Accountable Officer responsible for delivering the public realm strategy;
- what role, if any, the Deputy Chief Minister has on the taskforce; and
- what budget has been allocated to this work in the coming year?

Answer

In line with the Common Strategic Plan priority to ‘deliver a plan to revitalise Town’, a group or taskforce will be formed to focus on this work.

- (a) the membership of the public realm taskforce will be discussed at the next meeting of the Regeneration Steering Group;
- (b) the lead States Member is expected to be the Infrastructure Minister;
- (c) the Accountable Officer responsible for delivering the public realm strategy is the Chief Officer of the Infrastructure and Environment Department;
- (d) the Deputy Chief Minister's role in this new group will be discussed at the RSG meeting;
- (e) the funding will principally be drawn from existing budgets and discussions are ongoing with the Council of Ministers regarding future funding.

For clarification, the delivery of the Public Realm Strategy remains the responsibility of the Infrastructure Minister. This new group will focus on the wider strategic priority of revitalising town and will involve the Connétable of St Helier and the Minister for Sustainable Economic Development.

Separately, the Deputy Chief Minister is undertaking initial exploratory work to look at potential improvements across a range of areas to benefit the community, including a more adventurous public realm programme, sport facilities and illness prevention. At this early concept stage, there is no requirement for an independent budget or resources. As this project progresses, it will be submitted to the Council of Ministers for approval, and the Assembly will be updated accordingly.

2. Oral Questions

2.1 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the public car park at Cyril Le Marquand Court (OQ.136/2024)

Will the Minister explain why the public car park at Cyril Le Marquand Court remains closed despite the housing development being completed; and will he state when the public car park will be opened?

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

I thank the Deputy for his question. The Cyril Le Marquand Court development has been undertaken by Andium, and included within its design was the construction of a 136 public space car park to be provided to Jersey Car Parks under a leasing agreement. Members will be aware the development has been the subject of delays emanating from the COVID pandemic and then the contractor going out of business, all of which have been reported in the media. The delay to the car park construction programme has been a direct result of these unfortunate events. Currently Andium's new contractor is undertaking the snagging works to bring the car park to the required standards to allow Jersey Car Parks to take occupancy and commence the lease. The developers latest programme for these works show us taking occupancy and the final commissioning during August, at which point Charles Street Car Park will be open to the public.

2.1.1 Deputy D.J. Warr:

I thank the Minister for his answer. When was the Minister first made aware of the delay in the reopening of the public car park and did he make any effort to communicate this with the business community of St. Helier, given the economic impact the lack of parking in town is having on traders? If not, why not?

The Connétable of St. John:

I am not sure the date that I was made aware that there was a problem but we do not have a lease starting until we take that lease from the current contractor. It is not in our hands at the moment. I am delighted to say in terms of parking that the hopper bus has seen the usage double since we started

to promote the hopper bus, and encourage the Deputy and other Deputies in St. Helier to continue to promote the hopper bus so that more and more people can get in and around town.

2.1.2 Deputy M. Tadier of St. Brelade:

I think it arises from the supplementaries, but there are lots of areas in town which are not accessible by car and presumably people with mobility issues still manage to get around. Would the Minister look holistically about arrangements for accessibility in town and where car parking is either not available at all or roads are not available to cars to make sure there is infrastructure so that mobility can be assured in all parts of St. Helier?

The Connétable of St. John:

We are working with the representative of the blue badge holder to see if we can improve parking for those communities. I am answering a question about that later. I have to recommend Shop Mobility, which is based at Sand Street Car Park, which does enable lots of people to get in and around the precincts, in and around town, using their services.

2.1.3 Deputy I. Gardiner of St. Helier North:

My supplementary also is coming from the Minister's response to the supplementary. We all welcome the hopper bus service that has been mentioned by the Minister. There is a difficulty to find online very quickly the route of the hopper bus. Would the Minister ensure that it has been published widely because the elderly people asked me and I could not find it immediately?

The Connétable of St. John:

I am more than happy to do that. I am also going to encourage both LibertyBus and my department to promote the hopper bus some more.

The Deputy Bailiff:

Final supplementary, Deputy Warr.

Deputy D.J. Warr:

No, thank you.

2.2 Deputy M. Tadier of the Minister for Justice and Home Affairs regarding an update on the Haut du Mont explosion investigation (OQ.144.2024)

Will the Minister provide an update on the Haut du Mont explosion investigation and state when the public will be informed of the likely cause of the incident?

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

I thank the Deputy for the question. As the Deputy will appreciate, the ongoing investigation is complex and while a working hypothesis was established in the immediate aftermath of the explosion, a definitive understanding of the cause requires detailed expert opinion and evidence. The final expert's report has been received and has informed the investigation strategy. The 3 suspects continue to be released on conditional bail. A charge file is well advanced and will be submitted to the Law Officers' Department in due course. The States of Jersey Police remain in close contact with the Law Officers' Department and the file will go to them in due course. They remain in close contact with the families and will ensure that updates are made on a regular occasion, and I would suggest that if they do not hear anything from their dedicated family liaison officers that they make inquiries with them because it is very important that they keep them updated. As this is an investigation, and a file will be submitted to the Law Officers' Department for consideration of charge, the public will not be informed of the cause at this stage.

[9:45]

2.2.1 Deputy M. Tadier:

I hope the Minister appreciates that I asked this question not lightly, and she knows that I have also made inquiries directly with her, but I have had communication from a member of the public whose family was directly affected and he talks of the need for closure in this issue. Not just for those directly affected but I think because it is also a matter of public interest that many people in the Island would like to know what is going on and if, indeed, the houses that they live in are safe. Does the Minister accept that this is a matter of public interest that the information needs to be brought forward as soon as possible?

Deputy M.R. Le Hegarat:

Yes, of course, I do appreciate this. However this is an inquiry in partnership with the Health and Safety Inspectorate. The police inquiry team and major incident room have been busy undertaking 1,991 actions, which involved pursuing lines of inquiry to process 6,975 documents, 1,850 exhibits and 1,118 statements to date. This is a very serious incident, and let us make no bones about that. It is probably the most serious thing that has happened in Jersey for a significant period of time and there are 10 victims of this to which obviously, from my perspective, I send my condolences to those families. I fully appreciate that people want closure but what I am minded of is that it is appropriate when we have something of such a serious nature that the investigation teams in all of the areas that are looking at this need the time and space to be able to do that, and I fully appreciate that that sometimes can be a challenge for a member of the family because it is difficult to wait, and it has been 18 months, so I fully appreciate that. But it is also very important that this file is put together in a professional manner and that no stone is left unturned so that whatever the outcome is, it is the best that we could possibly do. Also of course, once the file has completed it will go to the Law Officers' Department and that means also they have got significant work to do to be able to look at to see where this goes next.

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

Can the Minister inform the Assembly of what the total cost of the investigation into the Haut du Mont explosion Operation Spire actually cost?

Deputy M.R. Le Hegarat:

Just bear with me for a minute or 2 because I just need to check in my paperwork. I have somewhere got the detail of ... in fact, just bear with me for a second. My apologies, I cannot find the actual policing plan at this particular time. I know that the detail is fully published in that particular policing plan which was recent ... or policing annual report, I should say, in recent days and I must apologise to the Deputy because I cannot find that particular document at the moment. I do not want to delay the Assembly any further.

2.2.3 Deputy S.M. Ahier:

Thank you, Minister, for trying to obtain that information but, as I understand, the information that the Minister is looking for is from the police investigation. I wondered if she might be able to advise the Assembly how much the total cost of the whole operation was and whether she might be able to supply that information to Members.

Deputy M.R. Le Hegarat:

I found the annual report and that detail will only be up until the end of 2023, so I will actually do that. I apologise to the Deputy for not having that information at hand.

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

May I start by thanking my constituents and Members for their kindness and understanding during my period of absence, and I am pleased to be here and to ask a question in person. While I completely

understand the seriousness of the matters which the Minister addresses, I wonder whether she would be kind enough to give the Assembly and the public the assurance that she is apprised, and other Ministers are apprised, of any issues that are emerging that ensure that continued safety. While the court process must take its natural course, there are issues of a wider public interest, and that is the public safety. I wondered whether the Minister has seized upon those issues and is able to advise, at least in confidence, that Ministers are aware of these issues and are dealing with them in the most speedy and efficacious way?

Deputy M.R. Le Hegarat:

Yes, I thank the Deputy for that question and of course that is in the forefront of our minds. Of course my colleague and I at Infrastructure meet on a regular basis with the Emergency and Resilience Group, so that is of our mind, and we fully accept and understand that there is a concern from the public in relation to this incident because of the nature and the potential cause of that particular major incident. What I can say, in relation to what my previous colleague had asked me, was that the actual cost of Op Spire in 2023 was £2,707,745, but I will get the Assembly the actual up-to-date cost.

2.2.5 Deputy P.F.C. Ozouf:

I am grateful for the Minister's reply. Would she please advise the Assembly whether or not she and other Ministers have received a risk assessment, albeit in confidence, that actually addresses some of the potential issues that this tragic incident is potentially the cause of? Have they received a risk assessment? It would be normal that that would be done. A yes or no would be sufficient. I am grateful.

Deputy M.R. Le Hegarat:

As I said, I meet regularly with the Resilience Emergency and risk assessments have been done in relation to this, but obviously that is an ongoing matter.

2.2.6 Deputy M. Tadier:

I hope the Minister agrees with me, and I think most people, that the cost at the moment is not the most important matter here in this, but there is information that could be put in the public domain. Does the Minister agree with that? Would she consider releasing information which would not be prejudicial to the ongoing investigation about the cause and the progress made to date and also the content of that report about the cause of the explosion, so that there can be some progress made towards closure, not just for the families, but also for the wider public in this matter?

Deputy M.R. Le Hegarat:

At this stage, I would not want information to be put into the public domain that could have any impact at all on any process that will happen thereafter. I will speak to the investigating team and will ask that question but, as far as I am concerned, the most important thing at this time is that the investigation can be continued unimpeded and that whatever the result is, is that it is important that there is nothing that has come out prior to anything that may happen following the review of the file and the decisions that are made. I would want to be totally sure that that would not impede it in any way shape or form because for me that is the priority.

2.3 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Justice and Home Affairs regarding the drafting of hate crime legislation (OQ.133/2024)

Further to the response to Written Question 136/2024, will the Minister advise what progress, if any, has been made regarding the drafting of hate crime legislation, and the estimated timeline for lodging?

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

As Members will be aware, the hate crime legislation has been a component part of the Prejudice and Public Order Law, which dealt with the issues of public order as well as crimes motivated by prejudice. The offences in our draft law were mostly based on those in force in England and Wales, which sit in the Public Order Act 1986. Since the initial development of the law, other jurisdictions have introduced comparable legislation, which provides more effective and future-proofed ways of describing hate crime offences. In light of these developments, officers of the Cabinet Office are working on the Law Officer's Department to redevelop the offences in the hate crime law into an effective and modern form. This work is ongoing and I am still committed to finalising this legislation within this term of office. However, there are still significant questions to be answered around the treatment of sex and gender, as well as how we deal with the issue of stirring up hatred. I intend to develop a plan, with consultation in due course, and to complete the legislation as soon as practicably possible.

2.3.1 Deputy H.L. Jeune:

Could the Minister advise what is the current state of hate crime in Jersey and have there been any notable trends or changes in recent years?

Deputy M.R. Le Hegarat:

My apologies, Sir. Can the Deputy repeat the question please?

Deputy H.L. Jeune:

I said, could the Minister advise what the current state of hate crime is in Jersey, seeing as there is not legislation at the moment, and have there been any notable trends or changes in recent years?

The Deputy Bailiff:

The question is about drafting hate crime legislation, Deputy. It is important that supplementaries are focused on the question. I am not sure the Minister can answer this. Can you answer this, Minister?

Deputy M.R. Le Hegarat:

No, Sir, I cannot.

2.3.2 Deputy H.L. Jeune:

Okay, then please can I have another follow-up question? In that sense, because there is yet to be legislation specifically focused on hate crime, what are the policies and strategies that are currently in place to help prevent hate crime and to support victims of Jersey currently?

Deputy M.R. Le Hegarat:

Of course legislation already within ... the States of Jersey Police already have legislation which will cover hate crime offences. Of course what we need to do is make specific legislation which can deal with these offences as opposed to using other legislation to actually deal with them. So that is why the legislation is being brought forward. There are lots of parts of it that need to be clarified. As we said, in relation to other parts of the country the law has had its challenges, so we need to make sure that whatever we bring forward for Jersey is right and suitable for our own selves.

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

Is the Minister aware of recent attacks on members of the L.G.B.T.Q.+ (Lesbian, Gay, Bisexual, Transgender, Queer plus) community? Is she concerned about this and will she ensure that they are protected under this new legislation?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question and it is not something that was brought to my attention. I have met with the new C.E.O. (chief executive officer) of the L.G.B.T.Q. community and I would anticipate that that will be a regular meeting to keep updated with. At this stage, as I said, I was not aware of that, but I would ensure and I would be totally committed that the States of Jersey will investigate these offences to the best of their ability to ensure that they are treated with dignity and also that they are investigated properly and those offenders brought to court.

2.3.4 Deputy L.M.C. Doublet:

Please could the Minister confirm which characteristics will be protected under the proposed new legislation?

Deputy M.R. Le Hegarat:

As I said, we are going to do a consultation to establish what actual characteristics the consultation process will bring. Mostly because, as I said, there have been challenges in other jurisdictions. One would want a legislation that was going to incorporate everything, but we obviously need to ensure that what we do include is actually what the people that we consult think is appropriate. Obviously the people that we will be consulting are the people like the L.G.B.T.Q. community alongside other groups who have an interest in this subject.

2.3.5 Deputy I. Gardiner:

The Minister mentioned several groups that need to be included in the future hate crime legislation. Would the Minister indicate what policies and procedures do we have in place currently to address hate speech, including hate speech towards the public figures, including State Members?

Deputy M.R. Le Hegarat:

There are still offences under the Public Order Law that relate to people's behaviour and how they are in the public domain. There is also legislation obviously in relation to the Telecoms Law which will deal with it in certain other aspects. But all of that legislation is more ... how can I put it? Is not as robust as having a legislation which will be for hate crime. That is why it is essential that we do this legislation and, as I said, it will be done as expeditiously as possible.

[10:00]

It is my intention within the next 3 or 4 months, probably in the autumn, to actually go out to consultation. As I said, we will be looking to groups for that to occur.

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

Will the Minister confirm that in the drafting of this new legislation proper regard will be had to freedom of speech and the right of people to say things which may be upsetting to other people?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question. Of course this is why we need to consult and this is why we need to ensure that whatever legislation we get in relation to hate crime in Jersey is suitable for our own jurisdiction. What we do not want is what has happened in other parts of the country whereby it has created more of an issue and people have felt isolated and then people are complaining about them not feeling supported themselves. Let us be honest, this is a very difficult type of legislation because different people in the community have different views on what should or should not be within this legislation. That is why consultation is imperative because we do not want to be in a position that we bring in legislation, like some of the other places have done, and then that causes more conflicts than it actually resolves.

2.3.7 Deputy M. Tadier:

Deputy Bailhache pipped me to the post but I think that I can continue in the vein. What importance does the Minister place politically on the right to offend and also Article 10 of the European Court of Human Rights or Convention, sorry, on the ability for people to express themselves freely and to hold opinions and to impart them also in this regard?

Deputy M.R. Le Hegarat:

I think it is important that people are allowed to speak but it is also important that their speech is not offensive and does not cause offence to others. I think there is a balance, there is definitely a balance, about being allowed to speak and say what you want to say, but also about the fact that what you are saying may offend others and your actions may also cause public order offences. I do think that and I fully accept that under the human rights we all have rights to do certain things, but those rights need to be considered alongside offences and also how other members of the public will feel by what we make and say in public.

2.3.8 Deputy M. Tadier:

I am slightly worried. We will have to listen back on the recording and maybe look at Hansard, but I am concerned that one does not have the right to offend by what the Minister said. Does she agree that offence ... it is up to the listener to decide whether they take offence at something and they do not have to take offence necessarily? Clearly there are degrees, I hope the Minister would accept that, of egregiousness. But does the Minister accept that it is a fundamental right to be able to offend, and that is something that we should defend first and foremost?

Deputy M.R. Le Hegarat:

Yes, I appreciate what the Deputy is saying but I do also think that we have got to be in a position where you are allowed to offend but you also have to be careful about what you are saying and whether you are offending somebody or you are actually targeting and it then becomes hate crime. I do think that ... I fully accept what you are saying, Deputy, but I do feel ... sorry, I should have gone through the Chair. I do fully appreciate what the Deputy is saying but I also feel that you have to be minded of what you are saying publicly. Yes, you can say what you want in public but you have to also be minded of whether your words and your actions are committing offences.

2.3.9 Deputy P.F.C. Ozouf:

I wonder whether the Minister would inform the Assembly whether or not she is considering including misogyny in the legislation traits and typologies that she is considering?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question, and this subject has rightly come up before and it will be discussed in the round of the consultation process because, as I said, we need to ensure that whatever we put into our legislation is going to be workable for our community as a whole. So, yes, that has been considered. It will be considered, as will other elements be considered, but we need to ensure that whatever we put in the legislation is workable and acceptable to the community.

2.3.10 Deputy H.L. Jeune:

I thank the Minister for her responses around this important subject. I would maybe like to ask the Minister, had she envisaged this consultation ... a new set of consultations from the beginning, or is this a new development? Because the hate crime legislation, I feel, was quite advanced before the beginning of this year and there is a lot of information around what is needed in Jersey. I was wondering whether the consultation ... delaying it further to do a consultation is really why the Minister decided that this was important to do.

Deputy M.R. Le Hegarat:

I thank the Deputy for the final supplementary. In actual fact, where the Deputy says that the legislation was on track, there have been a lot of different parts and elements to this and various discussions. The consultation was, I believe, some time ago, or not fully completed. Therefore it is appropriate that consultation is made because we do not want to have the same situation, as I said, that other jurisdictions have. So we need to ensure that when the legislation comes through that it is going to come through ... it is going to be a good piece of legislation that can work well for everybody and it protects those people that it needs to protect.

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

Sir, would the Deputy give way for a point of clarification?

The Deputy Bailiff:

No, it is not your question, Deputy Moore. I do not think that is appropriate.

2.4 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding the Royal College of Radiologists review of the Jersey Hospital radiology services (OQ.147/2024)

In respect of the Royal College of Radiologists review of the Jersey Hospital radiology services, will the Minister explain why he has not yet published the full report and recommendations, which were provided to his department in January 2024, and advise when he expects them to be published?

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

I would like to thank the Deputy for the question. Having been the Minister for Health and Social Services in the last Government, the Deputy will be aware that the Health Ministerial portfolio is both broad and complex, and there is a great deal of information to take on board when first coming to office. With this in mind, I would mention that I was only made aware of the review of the radiology services sometime in March, which is roughly 2 months after coming into office, and at that time, I must confess, I was not particularly focused on the need to select a specific date for its publication. In the midst of a great deal else going on at the time, I am afraid that publication simply was not top of my agenda. However I can now confirm that will be published this coming Thursday, 18th July. I can only apologise for the delay and I would like to assure the Deputy and Members that I had no intention of withholding information for any specific purpose. Furthermore, I wish to assure Members that I am now acutely aware of the need for a carefully considered approach to such matters and I am currently working on the development of a short specific protocol to ensure that I and future Ministers for Health and Social Services, if they choose to adopt it, have a recognised method and timeline to deal with publication of reports, reviews and the release of other important information in all areas of healthcare. I hope that answers the Deputy's question.

2.4.1 Deputy K.M. Wilson:

I know the importance of releasing reports like this immediately and have done so previously, so the thing that I want to ask the Deputy is that women across the Island have been misdiagnosed as a result of errors. Can he tell us when the consultant at the centre of this incident was identified as not being fit for practice, how it came to light, who knew about it, and how long they had known about it before the incident came to the attention of the medical director?

Deputy T. Binet:

There is a whole range of detailed questions there. It might have been more appropriate had the questioner put those questions to me earlier. I simply cannot answer all of those details off the top of my head. I also think that the Deputy here is not referring to the radiology report, I think she would be referring to the British Society of Breast Radiologists report, and I stand to be corrected.

2.4.2 Deputy M. Tadier:

Does the Minister think it would be helpful, perhaps, to have a presumption of publication within a certain period of time for such reports? For example, there could be a government-wide policy that when a report comes out it would be automatically published, say, within 6 weeks unless there is a good reason not to publish it, and that the Minister may get an officer saying: "Minister, this is about to be published in 3 weeks' time unless you have got a good reason for not doing that." Would that be something the Minister would consider?

Deputy T. Binet:

Yes, I would indeed. I think I alluded to that fact by suggesting that I am going to have a self-enclosed protocol so that when something like this occurs I have a process which I can go through very quickly to identify the areas. In Health, this relates to patient safety and well-being, patient confidentiality, health work considerations, including possible identification issues. Those are all the things that I would like to ... when this comes up again, I will be looking at those straight away and putting an appropriate timeline in place so that whatever information is appropriate to be released can be released at the earliest opportunity. I can only apologise again for the oversight on my part. This was not handled as well as I would normally have done had I been in office for longer.

2.4.3 Deputy J. Renouf of St. Brelade:

Given that one of the key issues raised in the Health Scrutiny Panel hearings last week was the refusal by a number of consultants to accept clinical guidelines and Royal College reports, can he reassure us that the consultants in this case are accepting the findings of the Royal College report?

Deputy T. Binet:

As the Deputy well knows, there are a number of complications in this area. There are problems internally in the hospital. They are complicated. They relate to employment matters so I am not free to comment completely openly. But what I can assure Members is they are being addressed with urgency.

2.4.4 Deputy J. Renouf:

I am going to take that as a no, that not all consultants are accepting findings of the Royal College report. Given that this is a matter of absolute public safety, what reassurance is he prepared to offer the public that we are in a safe ... that he is in charge of a department where treatment is safe if we have consultants who are not accepting the Royal College report?

Deputy T. Binet:

I do not think anybody in Health can ever give a 100 per cent guarantee about anything. The one thing I can guarantee 100 per cent is that this is receiving my absolute attention. From a political perspective, there are limits to what you can do. But I recognise that there is a problem. I think it is public knowledge that there is a problem, and I am in the process of dealing with it. I can do no more than that.

2.4.5 Deputy H.L. Jeune:

During the last States Assembly, the Minister acknowledged that there were a number of elements surrounding the report that he did not have full knowledge of at that precise moment - the process taken to contact different affected patients, the accountability process and outstanding actions from the report - but he did say that he would share the answers with those asking the questions, and I would hope the wider Assembly and the public. Has the Minister been able to share the answers to the questions that he was unable to answer at that time? If not, why not?

Deputy T. Binet:

I am not sure that that relates to the initial question, does it, Sir?

The Deputy Bailiff:

Well, the question ... actually, you are right. It related to the publication of the full report.

Deputy T. Binet:

It is very simple, why have I not published the report and ...

The Deputy Bailiff:

Sorry, let me finish, Minister. The question is about publication of the full report, and Members have asked you about radiology services in general, which I thought was appropriate in the circumstances, but of course you are right to say that the question was about publication, and if you are unable to answer questions that are not directly on that issue, then of course, that is a matter for you.

Deputy T. Binet:

I would be very happy to say that there is a very comprehensive report going to be published on 18th July that is ready for the board next week. I think most of those questions will be answered in those reports. If any Member finds that there is anything that has been asked that is not in those reports, then if they contact me directly, I will be very happy to answer them.

2.4.6 Deputy I. Gardiner.

I will ask a follow-up question. At the previous States sitting, answering to my question, the Minister committed to publish the action plan as a response to the radiology report. Would the Minister confirm that this action plan would be published alongside with the report?

Deputy T. Binet:

Yes, the action plan, the intention is for that to be published on Thursday as well.

2.4.7 Deputy P.F.C. Ozouf:

My recollection is that the Minister was appointed in January. He informed the Assembly in earlier answers that he was informed about this issue in March. Why the delay, if I may ask?

[10:15]

Deputy T. Binet:

I think that would have to be a question for somebody else. In life, if you are not aware of something and you do not know that it is there you do not go looking for it and you have to rely on somebody else telling you. For the purposes of this question, I did look up where I could find any evidence of having been informed. If I had been informed about it verbally I cannot recall but in writing it was during the course of March that I was informed.

2.4.8 Deputy P.F.C. Ozouf:

Could he inform the Assembly who informed him of this?

The Deputy Bailiff:

Well it would be unusual to ask for a name

Deputy P.F.C. Ozouf:

Not a name, but a postholder. Of course, one would never deal with a name.

Deputy T. Binet:

Off the top of my head, I asked my Ministerial secretary to look it up for me, and they just came back and told me that I was first informed in March. I did not think to ask who it was that had told me, but if the Deputy is really that interested I can find out for him.

Deputy P.F.C. Ozouf:

It is the postholder I am interested in.

The Deputy Bailiff:

Yes, the postholder.

2.4.9 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter

Does the Minister accept the findings of the report?

Deputy T. Binet:

Well, I am not a clinician, as I have said many times before, and it would be rather daft of me not to.

2.4.10 Deputy L.K.F. Stephenson:

Will the Minister make it clear, therefore, that he will not tolerate the refusal to accept Royal College reports and findings?

Deputy T. Binet:

I think I have to be left to deal with it in a way that has the best outcome, because much as we might like to put our foot down, we do not want to be faced with a Radiology Department with no radiologists, do we?

2.4.11 Deputy K.M. Wilson:

Can the Minister tell us what systems are now in place to address the failings and how women will know, given the lack of transparency and accountability with regard to the reporting on this issue? Can he also confirm if he has actually read the report himself?

Deputy T. Binet:

I will make the point again that I think this question is related to the British Society of Breast Radiologists, as I said earlier; that is not part of the same report.

2.5 Deputy C.D. Curtis of St. Helier Central of the Minister for Infrastructure regarding increasing the number of disabled parking bays in Jersey (OQ.140/2024)

Further to his recent comment that he would be “keen” to increase the number of disabled parking bays, will the Minister provide a timeline for this work to be achieved?

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

I thank the Deputy not only for her question but also for her attending the recent public meeting that I held on the subject. I would like to report that while there may be localised parking pressures my department’s survey work shows that overall there is capacity both on and off street throughout the week. However, that is not to say that the service cannot be improved. There are ongoing discussions with relevant authorities around opportunities for increased blue badge parking at specific locations in the centre of town. For the present this is policy under development but I am looking at Vine Street, New Street and Library Place. More widely my department is developing curbside parking policies, which will consider how valuable curbside parking should be allocated between competing demands, including blue badge parking and other activities essential to the vibrancy and the commercial success of town, such as unloading bays, taxi cabs, bus stops, short-stay pick-up and drop-off, and so on. This work will commence later this summer.

2.5.1 Deputy C.D. Curtis:

Will the Minister prioritise more disabled parking spaces at the hospital entrances?

Deputy T. Binet:

Yes, indeed, and the feedback at that meeting was the lack of spaces in and around the hospital, and I am pleased to say that members of the hospital team are already looking at how we can increase that, and members of my department are also looking. We will do that as soon as we possibly can.

2.5.2 Deputy S.M. Ahier:

On the disabled parking, as the Minister knows from Broad Street, it was transferred to Dumaresq Street. Now that the Romerils development in Dumaresq Street has been approved, will he ensure that there will be no loss of disabled parking in that area?

The Connétable of St. John:

I will do my best to ensure there is no loss of disabled access. In and around the centre of town, we are looking to increase the amount of on-street parking for blue badge holders, not decrease it.

2.5.3 Deputy M. Tadier:

Would the Minister state whether the plan to increase parking is based on current demand or future demand?

The Connétable of St. John:

It is based on the feedback we have had from current users of blue badges. In terms of demand, there are 5,200 users locally, which is 5.1 per cent of local residents. The U.K. (United Kingdom) average is 4.6 per cent, so we are very close to that average. It is also worth noting that people who have got a blue badge can park on streets or in car parks using a pay card, and they can park for double the length of time. There is plenty of parking available. It is the blue badge-specific spaces we are looking to increase.

2.5.4 Deputy M. Tadier:

Could the Minister update us whether he thinks the balance between car park parking for a blue badge and on street is something that could be looked at?

The Connétable of St. John:

Yes, and following the meeting that I held, we are going to write to all of the holders of blue badges to explain some of the questions that were answered, some of the F.A.Q.s (frequently asked questions). For example, people who have a blue badge and who work in town, it is possible for them to get a day permit for short-stay car parks. Not many people are aware of that and we want to make that more widely known.

2.5.5 Deputy C.D. Curtis:

I thank the Minister for his answers. Will the Minister allow blue badge holders to have access to Broad Street, for example, for collecting sedated patients from the dental practice?

The Connétable of St. John:

I am not sure what currently happens at the moment. I am sure that is a challenge for both able and non-able-bodied people so I need to take that away and come back to the Deputy.

2.6 Deputy L.M.C. Doublet of the Minister for Education and Lifelong Learning regarding the provision of 15 hours additional nursery care (OQ.142/2024)

Further to his response to Oral Question 61/2024, will the Minister provide an update in respect of the work to develop the provision of 15 hours additional nursery care for 2 to 3 year-olds and the establishment of a pilot scheme to access empty primary school nursery places?

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

I thank the Deputy for her question. When I answered the Oral Question 61 in April this year, I advised that if there was any way to have some pilots in place by September, rather than only the plan to do so, it would be acted upon. I am pleased to advise the Deputy that 3 primary school nurseries will be extending hours; they are open each day from September, October this year. Plat Douet will be expanding the wraparound provision to include nursery children from September 2024. Their plan is to open from 7.30 to 5.30 p.m. for 48 to 50 weeks a year. d'Auvergne will be extending their wraparound provision to 6.00 p.m. to include nursery children. This may need to be from October half-term due to staffing. I am awaiting confirmation of the staffing on this. Trinity already had an early years breakfast club for their nursery children from 7.45 a.m. and will be extending the day to 6.00 p.m. to meet parental demands. Date of commencement will be confirmed this week by the headteacher. Let me look at my ... I want to give accurate numbers. These extended provisions at 3 primary schools will offer more hours to 79 existing users of the nursery, young children, and hopefully incentivise parents to take up some or all of the 32 unused spaces. I want to stress though that the plans we have to continue with respect to the extended childcare and early education will be underpinned by the principles of choice, affordability and accessibility for families. Maintaining high-quality services are the key to success of any policy development in early years.

Deputy L.M.C. Doublet:

Could the Minister address the entirety of the question, including the part about the 15 hours for 2 to 3 year-olds, please?

Deputy R.J. Ward:

To extend the hours to 2 to 3 year-olds, we have to open nursery places. The first thing to do is to extend the hours in our 3 year-old spaces and use the unused spaces in primary schools, in our state schools. That is exactly what the previous answer to the question was about, in order to hopefully free up spaces for 2 year-olds in other sectors. But as I said previously, I am not going to offer 15 hours of universal care when the provision is simply not there. I want to ensure that we have a measured approach which maintains the ability to have quality early years provision across the sector as we increase 2 year-old provision. When that is in place, at a point where I believe that we are a sustainable place to do that, then that is the time to offer the 15 hours of care. I will remind the Deputy that there are over 100 eligible children that now benefit from funded part-time places within the registered child care sector or registered child care minder that come from the Best Start Nursery Plus scheme that is in place. We are on our way to starting to extend those hours and I hope that is understood.

Deputy L.M.C. Doublet:

Supplementary please.

The Deputy Bailiff:

You have had a supplementary, Deputy Doublet.

2.6.1 Deputy L.M.C. Doublet:

No, sorry, Sir. That was just asking the Minister to answer the entirety of the question. My supplementary would be: could the Minister just confirm that the 15 hours additional care for 2 to 3

year-olds that was committed to will not be delivered by this autumn? I just want to check my understanding of that.

Deputy R.J. Ward:

This autumn, if the Deputy refers to September 2024, then no, it would not. I think the Deputy is fully aware that nursery places really are applied for in February and March. There were no previous plans at all ready for a previous February and March, which really need to be in place the year before to extend that nursery provision. What we have managed to do, and which I am pushing officers very hard to do, indeed there are more meetings happening this week during this meeting where we may be able to announce some other areas of provision, but that needs to be done at speed, but it needs to be done in a meaningful way. We are starting really from scratch in terms of the practical provision of places. The plan was in place, the ideas were in place, the report is in place and I accept all of those things, and that was excellent work done across the sector. But in terms of providing the places, there was no way they were going to be available for autumn this term, but we are working as quickly as we can and that is what we will continue to do.

2.6.2 Deputy I. Gardiner:

I would like to congratulate the Minister to get through the 3 pilots this year. As the Minister is aware that 2 to 3 year-olds are delivered by the private sector, would the Minister advise what engagement he had with Jersey Early Years Association?

Deputy R.J. Ward:

I believe we have a very positive relationship with J.E.Y.A. (Jersey Early Years Association). Certainly following negotiations over ... I was going to say solidifying the offer from the N.E.F. (Nursery Education Fund), but I cannot think of the word. Verifying so they know where we are. Yes, the private sector will be really important in delivery of 2 to 3 year-olds, but we need to work together with our state schools and that conversation is ongoing and will continue to be ongoing, so we can provide the best possible facilities and use the facilities that we have in the best possible way. I am pleased to state in this Assembly that we do need the co-operation of the private sector, the state schools and, importantly, the third sector, those charity provisions that provide a lot of nursery care as well. If we can get those 3 areas working together, we can extend the provision to 2 to 3 year-olds, and that would be a really positive thing for the Island.

2.6.3 Deputy I. Gardiner:

It is absolutely important to utilise places at the state schools. Can the Minister advise what feedback did he have from the Jersey Early Years Association and from the charitable sector? What needs to be done to be able to deliver free 15 hours for 2 to 3 years old?

Deputy R.J. Ward:

In terms of feedback, there are ongoing, if you like, negotiations as to where we can provide that care will be the feedback. As the Deputy would know, they are on their early stages in terms of the practical nature of providing those places. But I believe that the private sector and the third sector are absolutely on board with wanting to extend their provision and absolutely on board with understanding the need that is there. Because what it will give is a security for that sector of our economy in terms of the provision of nursery spaces. I think we have all agreed, and we can all agree, that the economic benefit of enabling people to have good quality childcare early on as they return to work is really quite easy to identify and something that is very important for us going into the future.

[10:30]

2.6.4 Deputy L.K.F. Stephenson:

Given that this Government has previously committed to the 15 hours for 2 to 3 year-olds, can we have a bit more clarity on the timeline that the Minister is working to when he hopes that it can be in place, appreciating that there are challenges?

Deputy R.J. Ward:

It is a really good question. The officers are listening now, their head in their hands when I say to them I want this to happen as soon as we possibly can because they are under quite a bit of pressure from me, and I make no apology for that. I would like to have this in place as soon as we possibly can, even if it is a phased approach perhaps; I do not know about the best way to do that. We have to be careful that we do not just provide 15 hours for a provision that is not there. I am hoping that by September 2026 we will have a significant increase in the level of 2 year-old provision across the Island. I think there will come a point where I have to make that decision, and I am happy to go to the Chief Minister and the rest of the Council Ministers and say: "I believe we are at the point now where we can offer those 15 hours of free childcare because the provision is in place." I would hope that it is before the next election, and the reason that is the case is because if it is in place then hopefully it will not be changed afterwards. I think we all agree that this is something that we necessarily need to do.

2.6.5 Deputy L.K.F. Stephenson:

Is consideration being given to extending the school nursery ages to include 2 to 3 year-olds?

Deputy R.J. Ward:

Yes, and that is a good question. That is something I think that has been talked about for some time. Again, I think we are at the point that ... we seem to come to a lot of catch-22 situations in education: where is the provision available, therefore when are we going to do it? If the provision is available there, then that is something I think we can actively look at, but we need to have that provision available. That means, I think, a significant change for our state schools in the provision of 2 year-old spaces as well. Whether we can do that or not is another question, but as we develop our provision across the Island using private sector, third sector and our state schools, I think we will be in a much clearer place as to what we can provide in terms of provisions for 2 year-olds and whether we want to extend the law downwards in terms of that provision. I do understand and I would like to reassure the Deputy, and other Deputies as well, that I do see the value in the early years provision and that quality of provision, because it provides a really good basis for our young people going into schools later on. The best we can do at the beginning, the best we will achieve in the long term. That shows the value of education at all ages.

2.6.6 Deputy H.L. Jeune:

Could the Minister inform the Assembly the last time he met with the Jersey Early Years Association and what was discussed in that meeting?

Deputy R.J. Ward:

I cannot remember the date. It was recently. We discussed N.E.F. and we discussed other areas; at the end of that meeting there was a very positive outcome. I will have to get the date back to the Deputy but we will meet regularly. I would set minimum requirements to meet as opposed to maximum but we have to be realistic about their time, my time as well. I would say I believe that we have a very positive relationship with Jersey Early Years Association in terms of childcare, because they recognise my commitment to early years and I recognise the role that they play in our sector. I like positive relationships with groups; they help us move forward.

2.6.7 Deputy H.L. Jeune:

That is good to hear that the Minister meets regularly with the Early Years Association and discusses his plans with them. I would like to ask the Minister if beyond finding funding, does he discuss with them other elements like recruiting campaigns, school pilots, other elements and ways of supporting the sector without necessarily just to try to find funding alone?

Deputy R.J. Ward:

I have it somewhere my notes but I am not going to go through them again. Certainly recruitment and training is one of the vital areas in which we can support the sector. I believe an extra ... I do not want to say a number because inevitably somebody will look and say that is the wrong number, but in my head if I can say to the Deputy - I cannot find it in my notes, there are just too many words in front of me - there are around 50 extra places for the early years course at Highland that have been created, which I would promote while I am stood here to anybody who wants to get involved in that important sector of our economy. Yes, training and recruitment will be spoken about but also there is ongoing work and regular dialogue with officers who are on the front line delivering. There comes a point where they do not really want me to interfere in what they are delivering, they just want me to give a strong steer and direction as to where we are going. I believe officers know what that steer is and know the direction they want me to see them going in so they can then get on with their job.

2.6.8 Deputy L.M.C. Doublet:

Could the Minister outline how he is going to progress the recruitment campaign for the early years sector that was planned several months ago, before his time as Minister? Does he agree that it is critical that that recruitment campaign is actioned as soon as possible in order to encourage people into this profession?

Deputy R.J. Ward:

I thank the Deputy for mentioning that, because it is something I wanted to mention. Yes, absolutely, that recruitment campaign is important. It was planned many, many months ago but now we have to action that. There are a number of areas where that recruitment campaign can be important, not only for young people at Highlands College but also I think across our community. There may be people who are - I am going to think of the right term here as I would like to be referred to - not as young as they used to be that are maybe wanting to return to work after bringing up a family, for example, may want to engage in some training for modern childcare and work flexible hours or full time to return back to the workplace. We have untapped skills out there that we can use via training and recruit. We also have stability to that workforce because they are settled on the Island. So that campaign will be certainly part of that and it is one of the things that we will be chasing up this week because a good time to do that will be in the next few months to really get that campaign out there as we look to recruit more for our nurseries. Could I also mention, before I finish if I may, I think we need to move away from the rigidity of it just being September that we start nursery provision. If places become available in October, November, December, January for 2 year-olds and we can make those changes, we will act on that. We will provide those places as and when they come available and as and when staff are recruited to take on that role. I am very much understanding the urgency of the provision and I am hopeful about it, but we will continue to do everything that we can.

2.7 Deputy J. Renouf of the Chair of the Comité des Connétables regarding uniformity in rateable values throughout Jersey (OQ.137/2024)

In light of recent concerns regarding possible over-assessments in the allocation of quarters to Grouville properties, will the chair explain how the Comité is seeking to ensure that the Rates (Jersey) Law 2005 requirement to “encourage and promote uniformity in rateable values throughout Jersey” is being met?

Connétable M.J. Jackson of St. Brelade (Chair, Comité des Connétables):

I thank the Deputy for the question. The Supervisory Committee, which has responsibility for rates matters under the Rates (Jersey) Law 2005, is working with the Connétable of Grouville in an endeavour to regularise any alleged historic disparities in assessments in Grouville, with a view to encouraging and promoting uniformity throughout the Island.

2.7.1 Deputy J. Renouf:

I thank the Chair for that answer. Will the Comité commit to introducing before the 2025 assessment cycle an Island-wide assessment methodology to be used by all Parishes when assessing property and land?

The Connétable of St. Brelade:

The methodology that is used by the 12 assessment committees use entirely the attributes element of a property and that is consistent throughout the Island.

2.7.2 Deputy P.F.C. Ozouf:

Having been involved in the discussion and debate of the law which the questioner is asking the chair, would he agree that given the effluxion of time, the concept of attributes has become effectively seriously problematic, particularly in relation to commercial rates, where attributes bear no resemblance to the economic value of the rates? In his review, and maybe this is an issue for Grouville but it is certainly an issue for St. Saviour and St. Helier, would he undertake to apprise himself of the problem that this issue of attributes, which does not have an economic value, in other words any linkage to rent, is basically meaning that there is a complete disconnect between the value of rent and the attributes system that he is underlying? Would he undertake to review it and think whether this should now be changed?

The Connétable of St. Brelade:

I would first of all correct the Deputy, there is no connection between the rent and attributes at this moment.

Deputy P.F.C. Ozouf:

That is what I said.

The Connétable of St. Brelade:

That is correct, there is no connection between rent and attributes that was changed in a previous law to move purely to attributes. That said, the Comité are conscious that we need to involve our systems. We have had further complications arising from situations whereby houses were not dissimilar, perhaps commercial properties were not as dissimilar as they are now, and I think we need to look ahead and view how we can better develop and make fair certainly the commercial side of the assessment process which we are dealing with at the moment. I am certainly prepared to commit to review that.

2.7.3 Deputy P.F.C. Ozouf:

Between cusp and lip, the chair did not understand the question initially that I posed. I understand absolutely the importance of attributes and economic value, and I welcome the chair's comments that it is not. Would he meet with me and those that at the time argued against the exclusion of economic value in attributes in order that there can be some real effort made to make fair what is clearly an unfair system? Attributes are something that are difficult where economic value is economic value and it is a standard practice, I think, available to rate assessors all over the world, except in Jersey.

The Connétable of St. Brelade:

We, as the Supervisory Committee, would be happy to meet anyone and contribute to any evolution of the rates system as it is at present.

2.7.4 Deputy I. Gardiner:

I would like to receive clear understanding, does the chair in principle agree that we do need Island-wide assessment methodology and consistency in implementation?

The Connétable of St. Brelade:

I thank the Deputy for that point. We have an Island-wide methodology. I actually had the opportunity to speak to my rate assessor on the way into the States this morning and it is quite clear there is an Island-wide methodology. There has been some drift in Grouville for historic reasons, which needs correction, but I can assure you some 40 rate assessors in the Island are very competent at setting rates and I give my thanks to them, all volunteers, for doing so. **[Approbation]** They are very serious in their approach. They meet together and take a lead from the Supervisory Committee in how they assess rates, to ensure once again the core of the matter is that there is uniformity and particularly that there can be no political influence in that uniformity and assessment.

2.7.5 Deputy I. Gardiner:

I am grateful for confirmation that we do have an Island-wide assessment methodology. I do understand that we did have some drifts or, I would say, inconsistencies. What steps will the chair take to ensure there are no more drifts or inconsistencies in implementation of this methodology?

The Connétable of St. Brelade:

In 2023, the Rates Appeal Board met and noted that the Assessment Committee in Grouville had not evidenced the methodology used to assess the rateable values. Subsequent to that, the Supervisory Committee provided the report to the Assessment Committee, and guidelines have since been published by the Parish to which the appeals related. As a result, it is good to see that there have been a number of requests for a review of rateable values this year and this will ensure any anomalies are addressed. If there are any disparities, if there are any concerns from householders, there is a very well laid-out process which they can follow to develop their concerns, their appeals and have that looked at. A retrospective view is taken by Parishes on any appeals and lessons learned from that, and that is fed back into the central system.

[10:45]

2.7.6 Deputy H.L. Jeune:

Deputy Gardiner has asked the questions that I was hoping to ask so I will build on what the Connétable mentioned about having a review in 2023 from the States appointed Rates Appeal Board. Will the chair do everything in his power to ensure that relevant data is provided to members of the public who wish to understand how rates assessments are made in other Parishes? Is this available? Is there an Island-wide availability so that it is clear for parishioners in different Parishes to understand Island-wide how the calculations are done and this uniformity is consistent through the Island?

The Connétable of St. Brelade:

It is a very valid point. Yes, the methodology should be made available, and it can be made available. I think that we have been poor on making it available; I would be quite honest in saying that. We need to improve our communications in that vein and I assure the Deputy that the Supervisory Committee is keen to do that.

2.7.7 Deputy H.L. Jeune:

Would the Connétable give a timeline that we could see some changes to this effect, that there will be some kind of tightening around this availability so that there is more transparency related to how the rates are calculated throughout the Island and is clear to ratepayers that there is this uniformity as prescribed in the law?

The Connétable of St. Brelade:

My view, of the hoof, so to speak, speaking to the Assembly now, it would be better dealt with at the time when the assessment notices are sent out, which is towards the end of the year and the full explanation given at that point as to how the methodology will apply to the particular properties. Once again, that is something that the Supervisory Committee will firm up in future discussions in the coming month.

2.7.8 Deputy K.M. Wilson:

Would the Connétable let us know the timeframe for when he will be able to provide the methodology for the public and, as part of that, does he think it is helpful to provide an explanation as to what attributes are?

The Connétable of St. Brelade:

I cannot provide a timeline right now because we have not met to discuss the point. All I can suggest at this point is that there have been various responses to Freedom of Information questions, which are available on the comité.je website. The methodology will cover all types of land, including agriculture and scrub land, non-domestic property, hotel and tourist accommodation, offices, restaurants, shops, industrial garages, workshops, storage, et cetera. To be realistic in terms of the timeline, the Comité meets once a month, we will discuss this at our meeting next month. We had a meeting on Friday to point out and agree among ourselves that we need to work on this so we will develop the conversation. I would like to think by the autumn we will be in a better position to provide a comprehensive answer so that we can actually put something on the rate assessment notices which will go out in December.

2.7.9 Deputy K.M. Wilson:

For clarification, could I ask the Connétable, will that include a definition of what an attribute is?

The Connétable of St. Brelade:

Yes, of course/ Inevitably we will have to because otherwise the public would not understand what they are being rated on.

2.7.10 Deputy L.M.C. Doublet:

Deputy Jeune asked much of what I was going to ask but, building on her questions, could the chair of the Comité advise whether the information that is planned to be made available online will include specific examples of different types of properties so that members of the public can look at comparable properties across the Parishes to compare their own rates, with some guidelines or standards of some typical properties on the Island?

The Connétable of St. Brelade:

Yes, comparing like properties is sometimes not as straightforward as one would like. Whereas a housing estate might be built and several houses might be the same, time usually causes these properties to evolve and attributes to change. We do work on bands of like properties, or the rate assessors do, but there is no reason why we should not include that information online for people to access as they should wish.

2.7.11 Deputy L.M.C. Doublet:

In terms of ratepayers, could the chair of the Comité advise whether those individuals who the Constables are corporate parents for, typically those who are care leavers up to the age of 25, whether those individuals are exempted from paying rates?

The Connétable of St. Brelade:

This is a discussion that has come up before. I think the agreement was those care leavers would be accommodated within other benefits.

The Deputy Bailiff:

Your light is on Deputy Ozouf, you have had a question, though.

Deputy P.F.C. Ozouf:

I do have a question, Sir.

The Deputy Bailiff:

You cannot ask any more questions, you have had your questions. Final supplementary, Deputy Renouf.

2.7.12 Deputy J. Renouf:

I would welcome some clarification from the chair on this question of uniformity and rateable values, because my understanding was that there are 11 separate methodologies and only St. Ouen and St. Lawrence share them. Would he agree that the best way of ensuring that there is uniformity is for people to be able to make comparisons and therefore this year Grouville ratepayers were prevented from being provided with data held by the Comité which was requested to support rates appeals? Will the Constable undertake to take steps to ensure property attribute data is made available to ratepayers seeking to make comparisons with like properties as they are required to do under the rates law?

The Connétable of St. Brelade:

I would need to take advice, but it seems to me that there has to be a little bit of privacy with regard to attributes and what can be divulged publicly about a person's property or not. While I take the Deputy's point, I think I have to respond guardedly. I will take advice and respond to him in due course.

2.8 Deputy M.B. Andrews of St. Helier North of the Minister for Social Security regarding writing off the Social Security overpayments incurred due to administrative errors (OQ.134/2024)

Further to her response to Written Question 130/2024, will the Minister advise whether consideration is being given to writing off the social security overpayments incurred due to administrative errors within her department; and, if not, why not?

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

I can confirm that any overpayments incurred due to administrative errors by the department are already being written off.

2.8.1 Deputy M.B. Andrews:

Can the Minister for Social Security provide an explanation as to whether there was a confirmation that was in the public domain confirming that this was the case, because I have not come across it?

Deputy L.V. Feltham:

To my knowledge, there has not been a publication confirming that was the case specifically. However, I have written to the Scrutiny Panel to provide an update to them and will, of course, provide further updates to Scrutiny around the changes that I am making in relation to overpayments. When I asked the department around administrative errors specifically in relation to the previous Scrutiny Panel's review, the department did say that it was their common practice already to write off overpayments where there were indeed administrative errors. I reiterated when I became Minister that I do not think that somebody on income support who will inevitably be on a low income should have overdue payments because of an administrative error by the department. It, indeed, should be a right first-time approach being taken by the department in order to minimise such errors.

2.8.2 Deputy J. Renouf:

Can the Minister state how far back the overpayments repayments are going back? How far is she taking this backwards?

Deputy L.V. Feltham:

My understanding is that the department were already writing off overpayments where it was the department's fault. If anybody is aware of a situation where somebody has an overpayment that they are still paying and they believe that it was a departmental error, then I would encourage them to contact the department.

2.8.3 Deputy J. Renouf:

I am a little confused because I thought that the Minister had said she had given a new instruction, but what she seems to be saying is that it has always happened. I reiterate the question: how far back is she prepared to accept claims for administrative overpayment?

Deputy L.V. Feltham:

If any client of income support is paying back an overpayment that they consider is due to an administrative error then I would look at each one of those claims individually. It is my understanding that it was already practice so it should not be a case of how far back I am prepared to go. It was common practice, I understand, previously and the department has assured me that they try to ensure that administrative errors are few and far between.

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

Will the Minister give a definition of administrative error, please?

Deputy L.V. Feltham:

An administrative error, or my definition of an administrative error, is when a person or an income support client has followed all of the steps that they were required to undertake and due to an error at the department level, an overpayment has been incurred.

2.8.5 The Connétable of St. Lawrence:

Will the Minister provide us with an indication of how much has been retained by clients due to administrative errors by Social Security officers this year?

Deputy L.V. Feltham:

I do not have that figure in front of me but I will refer back to the Constable in writing and include all Members on that answer.

2.8.6 Deputy L.M.C. Doublet:

Could the Minister confirm whether the onus is on the individuals to reach out to the department to inquire about any situations that might have resulted in them overpaying or whether her department are looking for incidences of this and contacting individuals themselves?

Deputy L.V. Feltham:

Where the department is aware of an administrative error then they of course will take the necessary steps. When I was reviewing the recommendations of the previous Scrutiny Panel, one of the things that I asked the officers to provide me was data and evidence about reasons for overpayments. I was quite surprised to find out that the department did not have that data available. The department, on my instruction, has undertaken some further work over previous months to look at the reasons why overpayments are being incurred and we are in an area of continuous improvement in relation to this, to ensure that we are absolutely minimising the number of overpayments that are being incurred.

2.8.7 Deputy L.M.C. Doublet:

Further to the Minister's response to a letter to my Scrutiny Panel, in which referred to some progress changes relating to the processing of overpayments, could she give some further detail on what this would look like for the people who are accessing the social security benefits?

Deputy L.V. Feltham:

I am looking to make some changes by September which will reduce the volume of overpayments by up to 50 per cent. That particular change will be around small overpayments that may well be incurred due to the timing of a change in circumstances being notified to the department.

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

Will the Minister clarify whether there is any test of reasonableness in writing off overpayments currently? So if an overpayment was greater by a magnitude, for example, where an operator had typed in an extra zero, would such a clear overpayment be still considered written off or expected to be noticed by the recipient?

Deputy L.V. Feltham:

I am aware of cases where recipients have done what they needed to do and have, in good faith, received an overpayment, and in good faith then spent that money without realising that they were not due it.

[11:00]

In those circumstances, I think we need to think about what the effect of recovering that overpayment would be on that person who has actually acted in good faith and did not realise that they were receiving an overpayment, because, as far as they were concerned, in the letters that they received from income support, they were receiving the correct amount of money. They had indeed given income support the right level of information and there was no reason that they would have known that an overpayment would have been incurred. In those cases I would be willing to write off that kind of payment.

2.8.9 Deputy A.F. Curtis:

Will the Minister, in clarifying these answers perhaps outside the Assembly for Members, also clarify if there will be a position taken at which point where a number is so obviously not something a recipient should be receiving - and one hears of stories of people receiving lottery-sum style winnings through administrative errors - that these will not be written off no matter what circumstances?

Deputy L.V. Feltham:

I am unaware of any income support client receiving a lottery-style winnings type of overpayment, but, yes, I will undertake to inform the Assembly how we would avoid that. Again, I will reiterate, it has to be our focus to get things right first time and absolutely minimise the number of overpayments that are being incurred.

2.8.10 Deputy M. Tadier:

Does the Minister acknowledge that there is a human cost as well as a potential financial cost and that errors which are not those of the client or the civilian also have a psychological and physical toll on the individual, so the best scenario is to avoid the errors in the first place?

Deputy L.V. Feltham:

Yes, I absolutely acknowledge that cost and I could not agree with the Deputy more. The best scenario is to avoid those situations in the first place.

2.8.11 Deputy M. Tadier:

Does the Minister agree that sometimes there is an unfortunate narrative where the individual who has made no error whatsoever, but it is an actual error by an officer or a worker in the Income Support Department, has to pick up the stress of it all? Will she outline what steps she is taking to make sure that there is, firstly, more accountability in the department but, secondly, to make sure that these errors do not occur in the first place?

Deputy L.V. Feltham:

I want to make it clear that officers within the department are working incredibly hard, very often under increased stress and pressure, on some quite emotional cases. I will do whatever I can to support officers to ensure that they are adequately resourced in order to process claims in the best possible manner. I believe that the officers are acting with the best of intent. I also think that there is increased pressure due to the numbers of changes in circumstances and the volume of work. There is more work that needs to be done in order to support officers and also we also have an ageing and outdated I.T. (information technology) system that needs to be replaced. I am working on taking forward the programme to replace that outdated system to provide further support to those officers as well.

2.8.12 Deputy D.J. Warr:

What is the legal position with regard to those who have refunded the department due to an admin error? Are they now able to reclaim their payment?

Deputy L.V. Feltham:

I do not think as Minister I could give legal advice; I think that would be a question for the Attorney General and not myself.

The Deputy Bailiff:

Deputy Andrews, final supplementary?

Deputy M.B. Andrews:

No, thank you.

2.9 Deputy J. Renouf of the Minister for Infrastructure regarding the Government's public realm strategy (OQ.138/2024)

Further to his response to Written Question 255/2024, will the Minister state the annual budget he believes will be required to deliver the Government's public realm strategy?

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

I thank the Deputy for his question. The public realm movement strategy provides a strategic framework for the planning and development of St. Helier's public realm. The strategy sets out key objectives, not a project programme. This is a function of the funding and access to streets to undertake works. The works require repaving, new planting, alfresco areas, crossings and other street layout changes. This work by its nature has to be carried out while maintaining access to business, the community and amenities with the minimum of disruption. Meaning that construction has to be phased around certain seasons of the year to avoid affecting the functioning of town. Regardless of the budget, what is required for a successful public realm programme is consistent funding. It is often regarded to as the hokey-cokey budget because it is in, it is out. What we need is some surety. The forthcoming Government Plan will set expenditure which both balances spending priorities and provides a sensible public realm programme that balances our ambition with achievability. I would like to assure the Deputy and Members the new Government Plan will include continued investment in this important area.

2.9.1 Deputy J. Renouf:

In his answer to question 255, the Minister said the Deputy Chief Minister is: "... undertaking exploratory work to look at a more adventurous public realm programme, including sports facilities and illness prevention." Can Minister state how he anticipates such a programme would be funded?

The Connétable of St. John:

That will be a question for the Deputy Chief Minister. I am the Minister for Infrastructure and answering about the public realm.

2.9.2 Deputy P.F.C. Ozouf:

The Minister spoke about hokey-cokey and I assume that he meant the problem that exists in now having a year-to-year budget. Would he agree that the only way to really get rid of the hokey-cokey is to go back to 3-year fixed budgets?

The Connétable of St. John:

From a personal perspective, I am used to working with longer budgets than 12 months, I am also used to working with zero budgets and I am a fan of both.

2.9.3 Deputy P.F.C. Ozouf:

Can I press the Minister kindly, if he says hokey-cokey in the answer to one question then surely he is alluding to the fact that he wants some certainty in terms of minimum budgets for the underlying question that is being answered?

The Connétable of St. John:

The question of budgeting should be directed to the Minister for Treasury and Resources in my opinion. As the Deputy will be aware, we face different pressures at different times and we have to adjust our plan, and that is what we do.

2.9.4 Deputy A.F. Curtis:

In the original answer to the first question, the Minister referenced a St. Helier public realm and movement strategy. Will he confirm this is the strategy published in 2021 and whether he intends to replace that or modify it before implementing projects?

The Connétable of St. John:

The Deputy is correct. We are going to be discussing at the next Generation Steering Group meeting on 24th July, public realm, St. Helier task force and the terms of reference, which will include reviewing that strategy.

2.9.5 Deputy J. Renouf:

Is the Minister able to give any indication at all about the sums of money that he thinks are required to deliver the public realm strategy? He has talked about it being in and out. He must have some idea of the sums of money. Are we talking millions of pounds, tens of millions of pounds; can he give us some idea?

The Connétable of St. John:

I can tell the Deputy that it is millions of pounds, but I would not like to give a preview of the Government Plan.

2.10 Deputy H.L. Jeune of the Minister for Justice and Home Affairs regarding regarding the Taskforce on Violence Against Women and Girls Report (OQ.146/2024)

In relation to the Taskforce on Violence Against Women and Girls Report, published in 2023, will the Minister provide her top 3 priorities in relation to the report's recommendations?

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

I thank the Deputy for the question. The Government has accepted all of the recommendations of the Task Force on Violence Against Women and Girls and made them a strategic commitment through the C.S.P. (Common Strategy Policy). Recommendations are component parts intended to fit together to address gender-based violence and it is artificial to pick the individual recommendations. Ultimately the response to recommendations must be a joined-up series of actions to facilitate holistic change. The recommendations are being progressed. Already plans have been put in place in relation to the development to introduce a dedicated service to support victims of harmful online behaviour, starting with the provision of a U.K. support and by the end of 2026 moving to a fully-trained support service located in Jersey. In partnership with the Minister for Social Security, we have agreed and funded the ability to allow people who are in a domestic violence situation to be able to leave that situation immediately and be able to be funded, whereas this did not happen before. This has already had a positive impact as we have received feedback from third sector agencies.

2.10.1 Deputy H.L. Jeune:

I thank the Minister for her answer and understanding that these recommendations all need to be worked on together. A few of the recommendations are recommendations for independent reviews, including the criminal justice system. Could the Minister advise what discussions he has had with stakeholders on the best way forward to establishing independent reporting?

Deputy M.R. Le Hegarat:

In relation to the criminal justice system, I have liaised with the States of Jersey Police and a review of their processes is going to be underway shortly. I have had a consultation and a meeting in the last 10 to 12 days with a barrister from the U.K. and we will be looking at both the reviews in relation to the Law Officers' Department and the courts.

2.10.2 Deputy L.M.C. Doublet:

Could the Minister advise what level of funding she believes is required to enact all the recommendations from this review, how that might be phased and what she would be requesting as part of the Government Plan this year?

Deputy M.R. Le Hegarat:

The funding in relation to the reviews is already within the plan and there will be further funding required in relation to policy officers. There will be potentially further funding but at this stage it is very difficult to say exactly how much that money will be because it is going to be an ongoing

process. During the feedback on the report it was given a timeline of how long this will take and obviously it is not going to happen overnight.

2.10.3 Deputy L.M.C. Doublet:

Could the Minister give some indication of what she believes the timeline will be to deliver all of the recommendations, please?

Deputy M.R. Le Hegarat:

We are progressing well and I would like to be able to have as many of the recommendations completed before 2026, when there will be an election. We do not want any of those recommendations to slip through the loop. We want to ensure that the task force review and its recommendations have all been completed, and that is my aim.

2.10.4 Deputy H.L. Jeune:

Following up on my question to the Minister before about independent reviews of the criminal justice system. Could the Minister give an indication of the discussions that she has had with stakeholders and the steps that she will take in the independent review related to the Family Court review that is urgently needed?

Deputy M.R. Le Hegarat:

I have met with all of the participants within the Family Court, there was a round table discussion with 15 to 20 people and, as I said, I have had consultation with a U.K. barrister. We will sit down to look at ... and also I have officers within the policy team who are looking at terms of reference. We will look at some of the things that have clearly already been resolved and then I, with her, will actually then come up with a plan and she will then look at reviewing the Family Courts as well as all of the other courts within this process.

2.11 Deputy M.B. Andrews of the Chief Minister regarding non-public entities' gender pay gap data and income ratio reporting (OQ.135/2024)

Will the Chief Minister advise what plans, if any, he has to engage with non-public entities regarding the need for gender pay gap data and income ratio reporting?

[11:15]

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

I understand from the Diversity Network's latest event on gender pay gap that there is a sizeable group of individuals and companies who are already introducing their own annual pay gap analysis and encouraging others to do the same. Deputy Alves hopes to attend the Diversity Network workshop in the autumn to engage with existing plans for analysis and publication of the gender pay gap. In particular, we are keen to ensure consistency in reporting by promoting the adoption of a shared methodology across all companies and sectors. We think that is essential for the policy or any policy to be effective. I believe this is the best approach, given the considerable complexity and cost of introducing a formal or legislative requirement and the diversion of resources away from other core agreed priorities that will result in the Government dictating requirements to employees. We would much prefer to use guidance.

2.11.1 Deputy M.B. Andrews:

I understand that the Council of Ministers has been in contact with a group that has been making a lobbying effort to ensure that gender pay and income ratio reporting is potentially mandatory in Jersey. Does the Chief Minister not agree with me that it might be better to hold a consultation to engage more stakeholders who may not have even taken part in the conversation about gender pay and income ratio reporting, and for that to commence before January 2026?

Deputy L.J. Farnham:

I certainly do not disagree with the Deputy. We could well extend our activities to doing that. But, in the short term, we will work closely with the Diversity Network, as they seem to have a comprehensive group of Islanders involved in the process. That could lead to further action on Government's part but I want to reiterate that it is our preferred position not to introduce legislation that would result in dictating requirements.

2.11.2 Deputy H.L. Jeune:

I thank the Chief Minister for acknowledging the Diversity Network's campaign group called Mind the Gap. A number of States Assembly Members are also supportive of and part of that group. I would like to just correct the Minister; he said there are many companies that do this, I think at the moment there is only 3 or 4, including obviously the Government of Jersey. Though this group is consulting widely with employees there is still a lot of education needed to be done in Jersey. Could the Minister advise if he is concerned that the lack of reporting in Jersey makes us fall behind our competitors in Europe and the O.E.C.D. (Organisation for Economic Co-operation and Development), especially in light of the impending E.U. (European Union) pay transparency directive that is being developed that will include gender pay gap reporting?

Deputy L.J. Farnham:

The Government is not overly concerned at this stage but, of course, that is on the premise that we are making progress and will continue to make progress. We understand there are economic reasons for gender pay gap equality and we want to ensure we help and provide as much encouragement and guidance for companies to do this as possible. That is our stance that we will continue to take. We will monitor closely the progress, because it is important that we make forward steps in this area. If we feel that we are getting behind, we will ramp up efforts.

2.11.3 Deputy H.L. Jeune:

We have heard a number of times from the Chief Minister and other Ministers explaining their concern of the burden on businesses around the gender pay gap reporting and why it should not be mandatory. Could the Chief Minister advise if he believes that the Government could set a methodology for Jersey companies to help in their comparison and to help the companies in how to do reporting rather than companies going their own way and picking up on methodologies, whether that is the U.K. or, for example, when the E.U. Pay Transparency Directive comes in, and whether that is something that the Government could do, is working on methodology?

Deputy L.J. Farnham:

Yes, I do. I said in the original answer that it is imperative, the Government thinks, that we adopt a shared methodology across all companies and sectors. If we do not get that we are going to get inconsistency in reporting. I would fully support that approach and the Government will do all it can to make sure there is a shared methodology.

2.11.4 Deputy L.M.C. Doublet:

I am pleased to hear that the Chief Minister has moved on in his thinking and I reiterate what others have said about this campaign group helping to move his thinking on. Would the Chief Minister reflect on part (a) of my proposition, which has now timed out, whereby I have requested him to ask that businesses voluntarily publish a pay gap report? Has his thinking now moved on and does he now want to send that message to businesses with 50 or more employees to ask them today in the Assembly to voluntarily publish their gender pay gap data and accompanying narrative and action plan?

Deputy L.J. Farnham:

I thank the Deputy. I think her proposition, while we could not support it while there is no shared methodology across sectors, it certainly did help to focus thinking and we are grateful for that. We will certainly do all we can to encourage good practice and publication of gender pay gaps reporting, not just in the public sector but with our arm's-length organisations and States-owned entities. We do not have a problem with that and will work closely with interested bodies to achieve that in the months ahead.

2.11.5 Deputy L.M.C. Doublet:

I will be working on something to relodge in this area. Would the Chief Minister agree to meet with me and potentially some representatives from that campaign group so that we can reach something mutually agreeable that business leaders in the Island are also agreeing with?

Deputy L.J. Farnham:

As always, very happy to meet and I will include the relevant Ministers in that meeting, if I may.

The Deputy Bailiff:

Deputy Andrews, final supplementary?

Deputy M.B. Andrews:

No, thank you.

2.12 Deputy L.M.C. Doublet of the Minister for Children and Families regarding the Commencement Act for the Children and Civil Status (Amendments) (Jersey) Law 2024 (OQ.143/2024)

Will the Minister advise when he intends to lodge the Commencement Act for the Children and Civil Status (Amendments) (Jersey) Law 2024 which was adopted by the Assembly on 19th March 2024 providing, among other things, equal parental rights to same sex parents?

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

As the Deputy is aware, prior to the Commencement Act being lodged, further regulations providing consequential amendments to the legal concept of legitimacy and the amendment of the adoption particulars must be drafted, debated and approved by the Assembly. Development of these regulations is under way and progressing well. It remains my intention to lodge them this year. The Commencement Act will follow swiftly after the regulations if they are approved by the Assembly.

2.12.1 Deputy L.M.C. Doublet:

I thank the Minister for his response. I am pleased to hear that it is still being prioritised. Could the Minister clarify, will the consequential amendments be lodged and debated before the end of this year?

The Connétable of St. Peter:

I thought that I had answered that when I said that the intention was to lodge them this year.

Deputy L.M.C. Doublet:

Sir, just to clarify, they could be lodged by the end of the year and then debated next year. My question was: will they be lodged and debated before the end of 2024 or will the debate happen in early 2025?

The Connétable of St. Peter:

The Deputy will remember that, initially, 33 consequential amendments were identified before the decision was taken to concentrate on developing the law and, consequently, amend the legislation at

a later date. This was a decision taken by the Deputy when she was an Assistant Minister with delegated responsibility for the work. Since the work on searching the statute book for necessary consequential amendments restarted, a further 20 further consequential amendments have been identified. The Law Officers' Department is currently finalising the search activity and considering the nature of the amendments ahead of the law drafting. Despite this, as I said, the aim is still, as previously mentioned, to lodge the consequential regulations this year. That may, depending on the ability of the Law Officers and the Law Drafting Department, of course, result in the regulations being debated in 2025. However, as I have stated now twice, it is my intention to lodge them this year.

2.13 Deputy C.D. Curtis of the Minister of Infrastructure regarding expanding the existing legislation requiring compulsory helmets for children (OQ.141/2024)

Will the Minister advise whether he intends to expand the existing legislation requiring compulsory helmets for children when cycling to cover any vehicle with wheels, such as skateboards and scooters; and if not, why not?

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

Again, I thank the Deputy for her question. The safety of our children is of paramount importance and we continuously review our policies to ensure we are providing the safest environment possible. I am aware of the popularity of skateboards and scooters among children and recognise the potential risks associated with these activities. At this stage, I do not intend to expand the existing helmet legislation to include other wheeled vehicles such as skateboards and scooters. I am, however, committed to promoting parental responsibility in relation to the voluntary use of helmets and other protective gear when children are using skateboards and scooters. I believe that raising awareness among parents about the benefits of wearing helmets can be a positive and immediate step towards improving safety rather than criminalisation of guardians and potentially introducing barriers to this type of activity, which should be accessible to all.

2.13.1 Deputy C.D. Curtis:

Would the Minister agree, though, that a comprehensive government helmet policy for children could help to prevent potentially serious injuries and would assist parents in keeping their children safe?

The Connétable of St. John:

I do believe we do have a policy. We encourage people who use our skate park, for example, to wear helmets. A policy is different to legislation and I believe our policy is to encourage people to wear protective gear.

2.13.2 Deputy M. Tadier:

Talking of the skate parks, where there is a public skate park potentially administered by the Government or a locality, does the Minister believe that it might well be reasonable to have it as a requirement, that protective equipment, including certainly head protection, is mandatory.

The Connétable of St. John:

I can speak from experience, having run a skate park in St. John for a good number of years. The challenge is policing, because often these sites are not manned and therefore people will use the sites when there is nobody there. The encouragement for people to wear helmets is always made, as is the use of guards on elbows, et cetera.

2.13.3 Deputy M. Tadier:

Notwithstanding the issue of policing, does the Minister not agree that most citizens are law-abiding and if there is signage saying that there is a requirement to wear a helmet, that most people will do it? Most parents would also then tell their children to wear a helmet. There is also, I suppose, a

question of insurance and liability from the Parish or the Government in that regard. Would the Minister give it further consideration?

The Connétable of St. John:

To my knowledge, there is signage recommending exactly that, both at the new skate park at Les Quennevais and the skate park in St. John that I am familiar with. It is always encouraged and we encourage those people who are more experienced to encourage other participants to wear helmets.

2.13.4 Deputy I. Gardiner:

I thank the Minister for his answers. The Minister mentioned criminalisation and to not criminalise people. Thinking about the law, it is not illegal but there is a requirement not to ride on the pavements. We all know that there are not many fines issued for people riding on the pavements, at the same time there is a public clear message that people can be stopped and told you are not allowed to ride on the pavement. Would something similar not encourage young people to wear helmets as well?

[11:30]

The Connétable of St. John:

I think I made it clear when I answered a question to Deputy Jeune in May, that I support the wearing of helmets. It is important that you do not just wear a helmet, it is important that the helmet is secured, it fits you properly and that you are wearing it properly. The policing element is a question for Home Affairs. The legislation comes to Infrastructure and I think we need to do more to encourage people to encourage their children, their friends and peers to wear helmets if they do not currently do so.

2.13.5 Deputy I. Gardiner:

Following the response to Deputy Tadier's question about the signage, I recently visited the skate park at St. Brelade and the requirement to wear a helmet is in small letters, like one of the rules. Would the Minister consider to put the requirement to wear helmet in bold letters on top so that it will be clearly visible?

The Connétable of St. John:

Certainly. I have not seen the signage personally. I have been assured that there is signage there. If it is not large and like a caricature, I will ensure that we do something which is bold, that people can see and they cannot say that they did not notice it.

2.13.6 Deputy K.M. Wilson:

Could I ask the Minister if he has any data or information that shows the policy currently is working? Will he also consider collecting data going forward on incidents involving these particular items that may actually give him some content with regards to reconsidering future legislation?

The Connétable of St. John:

I thank the Deputy for her question. I do not have data in front of me, but recently when I was on holiday I read the book *Bike Nation*, an interesting read for those of you who are interested in cycling and how it can help environments. I could not agree with the negative observations about Jersey, because they wrote about the introduction of cycle helmets for youngsters. They spoke about the lack of accidents, the amount of people who were already wearing helmets, so there is some data. The Infrastructure team will only collect data from any accident that is on a road and are not aware of any accidents involving scooters or skateboards for youngsters on roads. I would imagine that the Health Department may do for what happens at Les Quennevais.

2.13.7 Deputy K.M. Wilson:

Could it be that he is not aware because we do not collect any data and does he believe that we should?

The Connétable of St. John:

The Infrastructure Department, of which I am answering this question, does collect data for accidents on roads. I would need to speak to my colleague from Health about what data is collected at the Emergency Department for accidents that are reported there.

2.13.8 Deputy C.D. Curtis:

Regarding the Minister's comments that policing is a challenge to skate parks, would the Minister nevertheless not agree that a law could help prevent potentially serious injuries to children?

The Connétable of St. John:

I am not sure what change it would make if we had a law; it is something I am prepared to go and have another look at. We want to prevent accidents from happening and any accident we want to be as least impact on the person and the people connected to that person. I will go back and have another look and I will also find out about the data from the Health Department.

2.14 Deputy K.M. Wilson of the Minister for Housing regarding his plans for increasing the number of homes on the Island (OQ.148/2024)

Will the Minister explain his plans for increasing the number of homes on the Island and what importance he places in those plans on shaping the wider development of the community?

Deputy S.Y. Mézec of St. Helier South (The Minister for Housing):

I thank Deputy Wilson for this question. The broad answer to the first part of the question is the plan is the Bridging Island Plan which itself contains lots of policies that tackle different elements in how and where we go about producing new homes, from how standards have to be met in the built-up urban environment to the sites that are specifically allocated for brand-new homes to be built in more rural areas. It has got policies on things like splitting up larger dwellings into multiple smaller dwellings. I obviously have a close relationship with the States delivery partners on new homes; Andium Homes and the States of Jersey Development Company, for example. Andium itself is currently on site delivering hundreds of new homes and is working up its plans to build even more of those in accordance with the Bridging Island Plan policies and the sites that have been rezoned for that very purpose. In terms of the second part of her question, which is quite an open question, I could give just a short answer by saying it is very important that we make sure the homes that are built are more than just bricks, they are places in which people will live their lives, want to be safe and happy. That means it is not just about the bricks and the design of the home itself, but everything around it: the amenity space, the play space, the access to school spaces, easy transport access and all the rest of it. Within the Island Plan there are lots of policies that interact with those wider considerations than just the buildings themselves. I am frequently approached to provide comment as Minister for Housing when these planning applications are made for new developments and I make sure I pay close attention to what is proposed. If we spot any issues in proposals that might affect people's quality of life and how the community can enjoy themselves there, then I make sure that I point that out in those comments and hope that they will then get resolved in the other parts of the processes that do not necessarily fall to my portfolio.

2.14.1 Deputy K.M. Wilson:

I thank the Minister for his response there. One of the things that we are experiencing, particularly in my Parish, is the lack of access to open space and there is quite a lot going on in relation to developing initiatives for children. Can the Minister outline what specific community development

he is driving with regards to the kind of space that he has just talked to us about and how he is informing himself as to how to create the notion and the nature of community as part of the developments that he is responsible for?

Deputy S.Y. Mézec:

Well obviously the built-up area in St. Helier is a place where there is very dense building of new homes in that area; I live there as well so I understand on a day-to-day basis how these kind of things are affected. I know that, as well as building those new homes there, it is absolutely vital that we get a good mix of people living in those homes, so a mix of first-home buyers, social rental, et cetera, and rightsizing, of course, a new policy I have produced that will hopefully play a key role in building those communities too. Also we know particularly in that area that there is a desperate need for a new school, and I am absolutely staunch in my support for that being delivered. I am also extremely keen to see that there is better walking and cycling access between those sites so people can safely get to where they need to get to; youth service provision, obviously a key part of that as well. I know that there are various discussions and plans that go on; some of that is delivered directly by Andium themselves and they have my support when they are doing their public realm improvements. We have seen the new, quite large, open space in front of Cyril Le Marquand Court that I think has got a lot of potential and we have got to work with them to make sure that can be delivered on. Other areas of Government as well will have their part to play in that too. I was pleased to go to the St. Helier Rates Assembly recently to support their neighbourhood improvements plans initiative, which is something I would like to see a lot more of. I will certainly be pressuring the Constable of St. Helier to make sure that those areas in town where there is dense population will get those public realm improvements as well so those will feel like nicer neighbourhoods to live in.

2.14.2 Deputy J. Renouf:

New homes can of course be delivered in all buildings as well as on greenfield sites and in new places. The Minister dropped the Empty Homes Service, would he say whether he has any plans to replace it with any actions in his term of office to deal with the empty houses that could have become homes?

Deputy S.Y. Mézec:

The Deputy is right that I scrapped the Empty Homes Service and I did that for the reason that it was providing no tangible benefit that I could ascertain whatsoever. It was clear to me that if we are to make better use of the empty homes that exist in the Island, then a more tangible policy approach is preferable there. Part of that is to support where possible the actual acquisition of those homes so that they can be brought back into use, and I was pleased to support the Receiver General doing so with a home just metres outside of my constituency recently. Beyond that, I think we need to look at policy initiatives like empty dwelling management orders which exist to different extents in the U.K. but I would be conscious, in delivering that kind of thing in Jersey, that could not be done overnight. It would have to be a bespoke Jersey version of that, not just a copy and paste from somewhere else. I have had brief discussions with policy officers about how we might go about doing that, so I do not have a firm plan in place for pursuing that. When and if I did, it would not be an overnight thing. That is the kind of policy initiative that would probably take a couple of years to get embedded and working. I think that is a better thing to focus on than a service that, when push came to shove, was just a spreadsheet with data on and not something that led to tangible change.

2.14.3 Deputy J. Renouf:

I think the Minister has previously spoken about how significant a problem he thinks this is. Will he state whether he intends to bring anything forward in this term of office in this space?

Deputy S.Y. Mézec:

No, I will not state that because at this point I do not know specifically what I would bring and if it in fact would be the option that I have just discussed. I need to do a bit more thinking about what is possible in this term of office and what resourcing would be required to deliver that. I have made it clear that, right at this very moment, my top policy objective is getting a new Residential Tenancy Law in place so that people who are living in private sector rental homes get the security of tenure that they deserve. When you are living in a home that you know you have got greater security of tenure, you can establish yourself more firmly in that community, going back to the original question from Deputy Wilson there. That has been my priority at this point in time. If I come to a position where I think it is deliverable to get something over the line in this term of office, or frankly even just starting it in this term of office, then I will absolutely be open and transparent about that and get the Assembly's approval for that. At this moment in time, I am not settled on exactly what the timeline for that ought to be.

2.14.4 Deputy I. Gardiner:

I echo the Minister's response about the school and community spaces within St. Helier, including the upgrade for the playground at Parade Gardens. The Minister is aware, and we have discussed, according to the audit in St. Helier, you have 39 per cent places making the benchmark for the playgrounds; so we are missing almost 60 per cent to meet the national benchmark for the playgrounds. Last week we had an improvement application approved for Romerils for 53 flats. I am not sure - I have not seen it, I might have missed it - I do not think there is a playground. I am not sure if investment in proximity playground has been done. I know that is within the Minister for Infrastructure; would the Minister for Housing ensure that for any further development the decision of the States Assembly for investment into playgrounds will be met?

Deputy S.Y. Mézec:

That is a very good question. There are processes in place through the planning system that ought to be taking that into account from the outset. I can say that I have had one or 2 planning applications that I have been asked to make a comment on from the private sector that did include some play facilities within them, including some that even I was surprised to see because at my first glance I wondered where you would fit them in and whether the development was big enough to justify it on site. I did at least see a proposed development taking into account that policy and including it as part of their plans, which is really good, and hopefully shows that the idea is permeating out there for developers for them to consider in part of that. The planning processes themselves ought to be recognising that that is a policy and that those who are coming to them to seek planning permission should be abiding by that policy one way or another.

[11:45]

Whether it is them directly providing those facilities or providing a contribution to the investment for that, I would hope that the Planning Applications Committee is firm on that as well when applications reach them.

2.14.5 Deputy S.M. Ahier:

How many additional new homes will be required if the Minister removes the need for housing qualifications as is his intention?

Deputy S.Y. Mézec:

None, because that is not how the policy would work. Just to be clear, based on what I said at the Chamber of Commerce lunch recently, which is not a proposal that is actively on the table imminently coming to an Assembly, I was asked for my opinion - and I stand by this opinion - that it is wrong to ask people to come and work in Jersey and not give them adequate housing rights for them to live a

decent life here. That has economic impacts as well. I have said nothing that would suggest enabling more people than would otherwise be the case to come to Jersey, just that those who would be coming to Jersey would have decent rights when they arrive here, so that is not a numbers issue.

2.14.6 Deputy S.M. Ahier:

Is it his opinion that any changes would not affect the ability to purchase a property? Because obviously that would be detrimental to local people in the housing market.

Deputy S.Y. Mézec:

Yes, that was something I made clear in the Chamber of Commerce speech, that my thoughts were only applicable to rental homes there, not purchase homes. If I may say, I think I have made that comment several times in question time in the Assembly, and I was clear about it in my election manifesto as well. It is not an easy thing to achieve and would require a lot of thinking and lots of number crunching to make sure however that kind of thing was implemented was transitioned sensibly, so that is not an overnight thing. I was asked for my opinion on a subject and my opinion is that the current restrictions on renting for those who come to Jersey to work lead to hardship that we should be prepared to accept.

2.14.7 Deputy P.F.C. Ozouf:

I wonder whether or not the Minister, in considering this whole question which he has asked about increasing the number of homes, has learnt anything from the incoming Labour Government in the United Kingdom, the importance of building homes and the important linkage with economic growth, and whether or not he agrees with the policies of Rachel Reeves and the Labour Cabinet. If he does so, will he be bringing such an enthusiasm to his job in Jersey?

Deputy S.Y. Mézec:

Well I am very much looking forward to engaging with my U.K. counterpart in September this year at the British-Irish Council Housing Ministers' meeting where I will be asking my counterpart there how that policy exactly is working. It is a different context in the U.K. because they have got a lot more land than we do, and that is a big part of the discussion there about how towns expand what kind of land you expand into. It is different to a small Island - I believe it is anyway - because we do not have the huge swathes of land to creep into for a development there and all of the flexibility you have with the size of the sites that you pick. It forces us to be more creative, a restriction that they do not have up there, but the change in policy that the U.K. Government has announced since the election is certainly well-intentioned. I want to learn more from them and I am looking forward to having that direct conversation with them later this year.

2.14.8 Deputy P.F.C. Ozouf:

I notice that the Labour Government is setting out numbers of target homes which underline the question of the original questioner of the number of homes and a mandatory amount. While I understand the Deputy says that we are different, we are not that different; in some areas of the United Kingdom the same issues of planning arise. Perhaps when he does meet his counterparts, would he consider whether or not bringing to his Council of Ministers the mandatory amount of housing, because that is obviously the thing that eludes everybody. There are not enough homes; they are promised but they are not delivered. Would he consider mandating numbers?

Deputy S.Y. Mézec:

The Bridging Island Plan does have numbers in it and it looks at those sites. They are not mandatory and of course it is theoretically possible that they may not be delivered if sites are not pursued quickly enough. I believe that there are options in the Island Plan for what we could do several years into it and Government taking control of that and driving that forward if they are not naturally coming about through the private sector, so that is a key difference there. The question in the U.K. over whether

numbers and official targets were right or not has been settled by the fact a new Government has come in and changed that policy. I think our Island Plan processes are probably a bit more robust in that regard than what you have previously seen in the U.K.

2.14.9 Deputy K.M. Wilson:

I thank the Minister for all of those responses. Given what he stated in relation to the development of communities in the public realm, can he tell us what steps he will take next to ensure a home or a school in the community is more than just bricks and mortar? Would he agree with the idea that community development would benefit from a much broader perspective to improve people's lives and inform his policy and plans going forward?

Deputy S.Y. Mézec:

Well she asked what we would do next. The discussion of the new school in St. Helier is one that I have been actively involved in and I am absolutely staunchly pursuing. Obviously it is the Minister for Education and Lifelong Learning that leads on that but he has my support in doing it. I think it is vital that if we are building new homes in St. Helier, it is wrong to not provide the school places for the children who will end up living in there because they will end up not being able to go to their local school. Their parents will have to spend 45 minutes in the car every morning to get stuck in traffic, polluting the air, while they drive them to a school outside of the town. The difference to quality of life that you have by not having to worry about 45 minutes being stuck in traffic, but being able to walk your child to school, to talk and play along the way, and not worrying about the stress of then getting back and missing the start of work, et cetera, that is a key area there. I have not yet attended a Regeneration Steering Group meeting but I anticipate that that is on the agenda for me. I believe that the Minister for Infrastructure has also recently said something about bringing Ministers together for some of that town public realm improvements, and inevitably what that will mean for communities. I am looking forward to getting involved in those as well.

2.15 Deputy M. Tadier of the Minister for Sustainable Economic Development regarding the acquisition of additional languages in Jersey (OQ.145/2024)

Will the Minister advise whether he considers that the acquisition of additional languages is important for the strategic economic development of the Island, and provides cultural benefits to Jersey?

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

I thank the Deputy for a very interesting question. There is no doubt in my mind that having a skilled and adaptable labour force is fundamental in fuelling productivity and growth opportunities in what we know is a changing and challenging labour market. There is no doubt to my mind that additional languages can be an incredibly useful skill for attaining personal and professional development and the value of additional language skills quite simply goes beyond the purely economic. It is true that in our increasingly interconnected and international economy, language skills play an important role in creating new connections. There is no doubt that the Future Economy Programme, one of the key elements there is about the Island has to be international in its outlook. Talking through some of the cognitive benefits of language skills, there is no doubt that language skills, having more than one language, improves memory. It also has the benefit of delaying the onset of dementia. It also helps us with our cultural awareness and seeking social opportunities which in an international economy is something that we need. Multilanguage individuals often have better job prospects. They have often higher earning potential and, from an Island perspective, they are more open to global business opportunities. In response very simply to the Deputy's question, the answer is yes; a resounding yes.

2.15.1 Deputy M. Tadier:

Jersey is largely, in real terms, an English-speaking Island. We know that French is an official language of Government and of the Assembly, and that Jersey is also looking to do more direct

dealings in its own right with France, but also the wider continent of Europe. Does the Minister think that there is a window of opportunity at the moment for us to really up our game as an Assembly and as a Government to make sure that languages are put more to the forefront of importance, both in the curriculum potentially, but also in government policy?

Deputy K.F. Morel:

Again, I have to agree with the Deputy; there is no doubt in my mind that there is a window of opportunity here. I have seen with my own eyes how having French speakers engage with our counterparts in Brittany and Normandy and France, at the national level as well, has helped us warm relations quite considerably. I think we are now in a really good position with regard to our relationships, particularly with Brittany and Normandy. As I have said before, the Future Economy Programme makes it very clear that the Island has to be international in its outlook but we also have to have a really strong and deep skills base as we go forward. Therefore, it is really important from my perspective that at the education level multilingualism is encouraged in many different ways. Certainly, I would always say that European languages are where we should start because Jersey is a European Island.

2.15.2 Deputy P.F.C. Ozouf:

Est-ce que je peux demander si M. le Député ait l'avis que la connaissance de la langue française par les citoyens et les écoliers de Jersey est assez important et, en fait, au niveau qui est nécessaire pour l'avantage de l'Île dans les importance que relations entre Jersey et la France?

TRANSLATION: May I ask whether the Member is of the opinion that knowledge of the French language by the citizens and schoolchildren of Jersey is quite important and, in fact, at the level which is necessary for the benefit of the Island in the important relations between Jersey and France?

The Deputy Bailiff:

I think the current practice is that you then produce a brief translation for those who did not follow what you said.

Deputy P.F.C. Ozouf:

I was going to do Jersey French but ...

The Deputy Bailiff:

Well try English first.

Deputy P.F.C. Ozouf:

Okay. [Laughter] I ...

Deputy M. Tadier:

Sorry, can I have a point of order? Just a point of order. I do think, and I do say this as President of the Assemblée Parlementaire de la Francophonie, that when we insist on a translation for what is just another official language of the Assembly [**Approbation**] we are in danger of setting a hierarchy of language, and that our French needs to have an equal statute to English in this Assembly because we do not ask for a translation of English speeches into French and we should not be doing this from French into English. I do not necessarily ask you to change your ruling, but I do ask that it be given consideration in future, because my understanding was that we did do that for Jèrriais but French has been a long-standing language of the Assembly before English ever was.

The Deputy Bailiff:

Well I entirely take your point. I will discuss it with the Bailiff but I think I am acting in accordance with current practice, which is to ensure that, not only people here but people listening, most of whom

have English as a first language, can understand what is going on in the Chamber, so a brief translation.

Deputy P.F.C. Ozouf:

Je pourrais demander un point d'ordre ; si l'ordre que vous avez fait, M. le Député-Bailli, est en effet la règle que vous devriez dire à un Membre de l'Assemblée qui a la capacité de parler français s'il veut?

The Deputy Bailiff:

Yes. Well please just produce a short translation to your question.

Deputy P.F.C. Ozouf:

I meant to ask whether or not the point of order was a point of order, whether or not it was a requirement to translate, I will do, but I take the point that the President of the A.P.F. (Assemblée Parlementaire de la Francophonie) makes. What I wanted to ask was: was the Minister of the view that Islanders' knowledge of the French language was good enough in advancing our interests in relation to economic matters to do with France? That is why I asked it in French, and I meant it in French, and I will repeat it in French, if necessary.

Deputy K.F. Morel:

For brevity sake, I will answer in English. I appreciate Deputy Ozouf asking the question in French, and the ability to speak in this Assembly in French is something that I will absolutely defend. In my view - and it is only my view, certainly not a Government view - I am concerned about the level of language-speaking in the Island, particularly with regard to French. I have said this before, there is a reality about Jersey's geography, we are right next to France; that is never going to change. We have to have good relations with France. In my view, the fact that we have lost our southern supply routes is a massive strategic mistake for this Island and it is something that I am trying to rectify. It helps a great deal if we can go over and speak in French to our counterparts in France. There is, I must say, no doubt in my mind though, that as we are talking in huge generalisations here - I am talking about the general level of language-speaking in the Island - I do not believe it is where it needs to be. That is my perspective, I may be wrong, but it is my perspective.

[12:00]

I would say as well, my experience in France is that most of the either politicians, civil servants or business people I speak to, their level of English has increased dramatically over the past few decades which makes it in itself easier to engage when we have people in the party who perhaps do not speak French, as was the case when I travelled to France a couple of weeks ago. There were people in my party who did not speak French but it is a lot easier now because the level of English in France has increased greatly from my perspective.

The Deputy Bailiff:

That brings the time for oral questions to an end, unfortunately, so I am sorry you did not get a supplementary; I am sorry I did not get to your question.

Deputy M. Tadier:

Do I not get a supplementary?

The Deputy Bailiff:

No, the time has expired a minute ago. I let the Minister finish his answer, so I do apologise you did not get your ... **[Laughter]** or the point of order, one of the 2.

Deputy S.M. Ahier:

Sorry, before you move on to questions.

The Deputy Bailiff:

Yes, we were, Deputy, I was going to deal with your oral question now, as you have been communicated with, but the Minister did not get the message so we will need to deal with that oral question after questions to Ministers without notice. All right? So we will need to turn to that. The first period of questions without notice are for the Minister for Justice and Home Affairs and the first question is from Deputy Ahier.

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

3.1 Deputy S.M. Ahier:

What action is the Minister taking to ensure that every Islander who owns a firearm has a firearm certificate?

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

I thank the Deputy for the question. Obviously each person who has a firearm will have a timespan in which to reregister that firearm with the Parishes and that is currently where the registrations lie. Each Parish, the period from my memory is 3 years and that will have to be renewed - I am told maybe 5 years - on a regular basis. Therefore, if there were some that had not been renewed, that information would be passed to the States of Jersey Police and one would expect there to be an investigation as to why that has not happened.

3.1.1 Deputy S.M. Ahier:

I thank the Minister for her response. Will the Minister be promoting a gun amnesty to try to reduce the number of weapons in the public arena?

Deputy M.R. Le Hegarat:

In the past it has been the Minister for Justice and Home Affairs who has, in consultation with the States of Jersey Police, brought forward an amnesty in relation to firearms. However, this does have to have the authority and be sanctioned by the Attorney General because obviously what you could potentially be doing is removing prosecutions. The Parishes themselves, I would assume, could do that in consultation with the Attorney General and the States of Jersey Police, and I cannot see that that would make a difference. As long as the A.G. (Attorney General) gave sanction and the States of Jersey Police were advised, I do not see why the Parishes could not do that themselves.

3.2 Connétable A.S. Crowcroft of St. Helier:

Is the Minister aware of a case which is receiving a lot of publicity at the moment in the United Kingdom concerning the fact that someone has been sentenced for causing death by dangerous driving to a lengthy sentence but they will be able to drive again after their, I think it is a 21-year driving ban, which of course will run concurrently with their sentence? Does the Minister support the idea of a mandatory ban from driving for people who are convicted of causing death by dangerous driving?

Deputy M.R. Le Hegarat:

Yes, I am aware of the case, the tragic case, of somebody - and they had, I believe, a previous conviction prior to this one - and they have killed certainly a young child and a mother. From my perspective, I would like to look at that legislation but of course that will be another one. To me it would be making sense that if somebody has already committed a serious offence of this nature that they should never be allowed to drive again; I will be happy to look at it.

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

Further to Deputy Tadier's question this morning, there was a recent explosion at Elizabeth Villas, which is a small lane off Mont Pinel, St. Saviour. I am delighted to say that the family, 2 of which were hospitalised, are now home. Can the Minister inform Members of the cause of the explosion? I know that we must follow due process but can the Minister inform Members of exactly what happened?

Deputy M.R. Le Hegarat:

I thank the Constable for the question. The primacy for the Mont Pinel incident on Wednesday, 26th June was the Health and Safety Inspectorate. The site is now subject to their criminal investigation, which is ongoing, and so therefore no further comment will be made at this time.

3.3.1 The Connétable of St. Saviour:

I thank the Minister for her reply and fully appreciate the need to say nothing until the facts are there. I am sure the Minister will appreciate, in the absence of facts, speculation is rife. So as soon as the Minister is able if she could inform Members of what happened, it would be greatly appreciated.

Deputy M.R. Le Hegarat:

I fully appreciate what the Constable is saying; this is obviously a concern to all members of the public. I will continue to work with the Minister for Infrastructure and the Emergency and Resilience team and whenever we are able to give an update then we certainly will.

3.4 Deputy D.J. Warr:

It has been widely reported that the chief of police has been in talks with both the Minister for Justice and Home Affairs and Minister for Treasury and Resources to explain the potential impacts of operating within the current budgets. Can the Minister for Justice and Home Affairs explain how she reconciles her role as a Deputy with her Ministerial efforts to keep police numbers below those voted for in the Assembly in 2019?

Deputy M.R. Le Hegarat:

It is a challenge because, not only am I a Deputy, but I fully understand the emergency services. I continue within the Council of Ministers to put forward my views and opinions in relation to the funding of all of the emergency services and obviously the States of Jersey Police as well. It is disappointing that over a significant number of years numbers have declined but we need to ensure that we work within budgets. We need to make sure that we also work within ensuring that we get value for our money. I am very appreciative of all of the emergency services and in particular the police who did an exceptionally good job for us yesterday. I am fully aligned to the fact that we need to stay within budgets, we need to save money where we can, and I will continue to ensure that that happens for all the emergency services.

3.5 Deputy K.L. Moore:

Will the Minister confirm whether the level or provision of insurance provided to officers of the ambulance service has changed since the move from the Health Department to Justice and Home Affairs?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question. As far as I am aware, there has been no change with the move from Health to Home Affairs. The paramedics can still belong to the College of Paramedics, they belong to unions; however, in relation to legal costs in relation to an insurance, it would only be for civil cases and not for criminal ones.

3.6 Deputy H.L. Jeune:

Following the freedom of information publication where it was found that more than 8,300 firearms, including an anti-tank gun, a bazooka, and 2 walking-stick guns, are privately owned on the Island, could the Minister advise if she believes that the current Firearms Law is robust enough or is she willing to begin a review of the Firearms Law?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question. I will make no bones about it, I have always been concerned about the level of firearms and what some people may hold. In relation to the Firearms Law, I said that I had other priorities, it does not mean that the Firearms Law has drifted off my remit. What it means is that I have now scheduled a meeting with the Comité des Connétables in September because I have had a recent meeting with the States of Jersey Police in relation to firearms. I would like to look at some of the opportunities to make slight changes to the current law as opposed to redoing the whole of the law. The whole of the law does need to be done, it is now 20 years old, but I believe there are some things that we could do to assist us moving forward before that legislation comes in full cycle.

3.7 Deputy I. Gardiner:

Would the Minister advise what she is doing to improve morale in the ambulance service given the recent conviction of 2 of her paramedics?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question. There have been regular meetings with the senior staff at the ambulance, along with their staff, and obviously all staff within the ambulance service are being supported through Well-being. This will be an ongoing situation and that support will continue.

3.7.1 Deputy I. Gardiner:

Would the Minister expect that we might see some resignations of people who are not trusting they are protected and we will not have an enough staff at the ambulance?

Deputy M.R. Le Hegarat:

I think that is probably drifting into a matter for human resources. I am not really able to at this stage say whether that is likely or not because obviously moving forward there is a lot of work to be done by the people team to be able to reassure that they are fully supported in the work that they do on a day-to-day basis.

3.8 Deputy L.M.C. Doublet:

Referring back to a question from Deputy Ozouf around misogamy and hate crime, is the Minister aware of a commitment given by a previous Minister for Home Affairs, Constable Len Norman, shortly before he died, to make misogamy a hate crime and does she intend to maintain this commitment?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question. From memory, I do not remember he made that commitment, but as I said in relation to the hate crime, we will be doing a consultation, and we will look at all aspects of hate crime. At this stage I am not going to confirm either way but it is certainly an area that will be looked at in the round for the hate crime legislation.

3.8.1 Deputy L.M.C. Doublet:

Does the Minister not think that, given the evidence contained in the V.A.W.G. (Violence Against Women and Girls) report that gives clear evidence of misogamy being a motivation for many, many crimes against women on the Island, that no further consultation is needed as the case has already

been made? Furthermore, before the law is brought to the Assembly, would the Minister agree to speak to the chief of police about taking some immediate action and asking the force to record incidents of crimes which may be motivated by hatred of someone's sex or agenda, as this could be done without legislation?

Deputy M.R. Le Hegarat:

I meet regularly with the chief of police and I am due to meet him, I believe, later this week. I will ask him those questions because I am aware that other forces have done that. As I said, I want to be able to put forward a full suite of items in relation to hate crime, and misogamy will be on that list. I think it is appropriate that when we do the consultation that everything is on the table and everything is considered in the round of the actual legislation.

3.9 Deputy J. Renouf:

Can the Minister update the Assembly on the likely start date of the Electronic Travel Authorisation scheme for travellers to France?

Deputy M.R. Le Hegarat:

This is still currently underway. The Customs and Immigration are continuing to liaise with the U.K. Obviously it is not only us that will have it, it will also come in into Europe. I believe that it has been pushed back slightly due to obviously technical things, but it is an ongoing project and the Immigration Department are in constant consultation with the U.K. in relation to this.

3.9.1 Deputy J. Renouf:

Does the Minister have any sight on how the Electronic Travel Authorisation scheme will interact with the successful carte d'identité scheme?

[12:15]

Deputy M.R. Le Hegarat:

At this stage we are not sure whether the new electronic system will operate with anything other than passports. Obviously that will need to be looked at, and that is part of the work that is ongoing in relation to the Immigration Department. As I said, it is an ongoing project and at this stage these things have not been ironed out but they continue to work on them.

The Deputy Bailiff:

Deputy Moore, there is 40 seconds left; your question, is it a short question?

3.10 Deputy K.L. Moore:

Let us try. Given that law drafting instructions for hate crime were completed some years ago, could the Minister confirm that her reason for going back to consultation on this matter is in order to amend those law drafting instructions?

Deputy M.R. Le Hegarat:

No. I think obviously the hate crime was part of the Public Order legislation that was brought forward this year and that part of it was removed. The reason that I think it is appropriate to go back to consultation was due to the number of factors because it was decided at that time that Scotland had some really good legislation. Obviously there was then some impact on some of those communities and there were some issues that were brought out. From my perspective, I think we need to ensure that whatever legislation that Jersey brings in is that we make sure it is the most up to date and it is best for us as an Island.

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

4.1 Deputy S.M. Ahier:

Does the Minister believe that the long-term care scheme is sustainable and will she be seeking to increase the balance of the Long-Term Care Fund?

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

Actuarial reviews of the long-term care scheme do show that we will need to undertake a review of the fund in the coming years to ensure that the scheme retains its value and is able to provide the services to Islanders in years to come but that would not be required within this election cycle.

4.1.1 Deputy S.M. Ahier:

Is the Minister intending to make any changes to the availability of the scheme especially in regard to those who have assets which exceed £419,000?

Deputy L.V. Feltham:

The asset issue has been raised with me and I have looked at that. I have no plans to change that at this current time but I have asked to look at the reports that have been provided to previous Ministers. I will be doing that over the next few weeks.

4.2 Deputy H.M. Miles:

The highly-publicised trial and conviction of 2 paramedics has caused significant public concern. Does the Minister consider that this is an appropriate application of the Health and Safety legislation for which she is responsible?

Deputy L.V. Feltham:

Due to the internal investigations, the impending inquest, and a possible appeal, it would not be appropriate for me to comment further on this at this stage. I would like to offer my condolences to the Irvine family. This is an incredibly difficult situation for all involved and it is also an emotional one. I am limited in what I can say but I can confirm that I will review the Health and Safety at Work Law.

4.3 Deputy P.M. Bailhache:

Would the Minister accept that the agricultural industry is very concerned about the implications of the hasty introduction of the living wage?

Deputy L.V. Feltham:

I disagree with the Deputy that this is a hasty introduction of the living wage. It was a previous Assembly indeed that made the commitment to move to two-thirds of the median wage. I do understand that certain industries are concerned about moving to a higher minimum wage, and I am working very closely with the Minister for Sustainable Economic Development so that our economy can be a living wage economy.

4.3.1 Deputy P.M. Bailhache:

Would the Minister think it is necessary, in the light of this concern, to shut down the opportunity of discussing concerns by the industry within the context of the Employment Forum?

Deputy L.V. Feltham:

There has been a political decision made by both the previous Assembly, and then reiterated by this Assembly, when we approved the Common Strategic Policy to move towards two-thirds of the median wage. Because of that political decision and the fact that the Employment Forum does not take political decisions, that is why I am bringing the changes to the legislation that I am later today.

However, what I will say is, going through the process that we have gone through has meant that the relevant industry representative bodies, including the Jersey Farmers Union, have been able to meet directly with the relevant Ministers. I and the Minister for Sustainable Economic Development have met directly with those organisations, which may not have happened should I have followed the process as currently written in the legislation.

4.4 Deputy D.J. Warr:

Can the Minister advise how much has been spent by her department on the provision of free carpets in 2024 and where the funding for this provision is coming from?

Deputy L.V. Feltham:

I cannot advise the exact amount at this moment in time but I will provide that to the Deputy. That funding is coming from existing budgets, existing departmental budgets.

4.4.1 Deputy D.J. Warr:

Does the funding of free carpets have any impact on the ability of the department to provide other services and, if so, which areas are being impacted?

Deputy L.V. Feltham:

No, it does not.

4.5 Deputy J. Renouf:

I am sure the Minister is looking with interest at the activities of the new Labour Government. I noticed that one of the commitments they made in their New Deal for Working People was to ban zero-hours contracts and I wondered what view she was taking about whether Jersey should follow suit.

Deputy L.V. Feltham:

The banning of zero-hours contracts is not on my current work plan. I am not currently planning to move any of the other work on my work plan in order to look at that. My own personal view is that there are problems associated with zero-hours contracts. While there have been some legislative changes made recently to provide more protection to people on zero-hours contracts, I think that there is still further work to be done. I do need to be cognisant about what I can achieve within this particular electoral term of office.

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

Can the Minister update the Assembly with the most recent progress on implementing the support with wound dressing and medical hosiery as per my approved amendment of the Government Plan?

Deputy L.V. Feltham:

I am pleased to say that we now have had a soft launch of a pilot scheme via Family Nursing and Home Care. Their patients are now being provided with a new form which enables them to collect wound dressings free of charge from several participating pharmacies; I believe that that is 10 in total. This pilot project will enable my department to collect data and also test, refine and enhance the scheme. I am confident that we will be launching the scheme in quarter 4 and have further referral routes and additional pharmacies participating.

4.6.1 Deputy R.S. Kovacs:

What is the process during this pilot for the ones in need of such service and support to apply for this?

Deputy L.V. Feltham:

Currently with the pilot scheme it is available to Family Nursing and Home Care clients. When the nurses from Family Nursing and Home Care visit a client within their home they will provide a form to that person, and then that person will be able to go to that pharmacy and get the dressings that they need free of charge.

4.7 Deputy G.P. Southern of St. Helier Central:

Given her predecessor's rejection of most of the recommendations of the review of income support benefit overpayments, S.R.1/2023, will the Minister agree to review some of those recommendations, in particular recommendations 3 and 4, about overpayments recovered and the record of information as to delays in getting refunds back to clients?

Deputy L.V. Feltham:

I do not think it will come to anybody's surprise that tackling income support overpayments is one of my Ministerial priorities, and I have recently written to the Scrutiny Panel to reaffirm that. One of the things that I have asked officers to do, as I said previously in questions, is to look at what is causing overpayments and the reasons so that we can look at the root cause of why we are getting overpayments in the first place. We need to get to a point where overpayments are being minimised. This is a key piece of work for me and I am grateful to the previous Scrutiny Panel for the work that they did in enlightening us around the issues to do with overpayments.

4.8 Deputy L.M.C. Doublet:

My question is making reference to the Minister's letter to my Scrutiny Panel regarding the overpayments and income support definitions where she has informed the panel that she is going to remove the reference to the term "conjugal" and also the term "independent relationship" and replace it with the term "partnership". Could she please give some detail on how she is going to define what a partnership is for income support purposes, please?

Deputy L.V. Feltham:

I was pleased to sign off on law drafting instructions to update the rather outdated income support legislation which currently refers to conjugal relationships and was indeed leading to my officers within C.L.S. (Customer and Local Services) asking rather personal questions about people's private lives that I do not think any of us would consider would be appropriate. Just for a matter of record, the C.L.S. has now stopped asking people about their sex lives, which I do not think has anything to do with their financial dependence on their partner. **[Approbation]** The Deputy's question was around how we may assess what a partnership is. As I said, this is part of updating the legislation and also updating our processes within income support to identify what is a financially interdependent relationship. My officers are currently working on the policy and procedures around that and I will be happy to brief the Deputy's Scrutiny Panel on that when I have the formalised policy in writing.

4.9 Deputy A.F. Curtis:

The legislation we are debating later would remove the need to consult the Employment Forum and would allow the Minister to offset rates of minimum wage by Ministerial Order alone without consultation. Does she have any plans to do so should the legislation pass and, if so, what would those changes be?

Deputy L.V. Feltham:

In my meetings with industry representative groups, many have brought their concerns around offsets and appropriate offsets. In those conversations with them I have said that I am prepared to look at increasing offsets as long as we do not end up in a place where the worker ends up with less in their pocket as a result of that. I have also said that as part of that work I want to look at the quality of

accommodation that is provided, so that is an ongoing piece of work. Of course, I would be doing that in conjunction with the relevant industry bodies as well.

4.9.1 Deputy A.F. Curtis:

I am glad to hear that great consideration about the quality of accommodation is occurring. Will the Minister commit to ensuring that in those discussions and subsequent orders that those who benefit or take part in an offset will also benefit from the move to the living wage, at least in some part, in their final take-home salary?

Deputy L.V. Feltham:

Yes.

The Deputy Bailiff:

Are there any final questions for this Minister before we move on to the Chief Minister?

[12:30]

4.10 Deputy I. Gardiner:

Following the adopted amendment for the Common Strategic Policy about ageing population and including disability to ensure there are health provisions to protect the common prosperity of the Island, would the Minister advise what work has started to make sure that we do have a strategic plan in place to address the ageing population and disabilities?

The Deputy Bailiff:

Minister? It was still within your time, Minister. Do you want the question repeated?

Deputy L.V. Feltham:

Yes, please.

The Deputy Bailiff:

Yes, repeat the question, please.

Deputy I. Gardiner:

Following the adoption of the amendment to the Common Strategic Policy regarding ageing population and disability to ensure the health funding is supported, would the Minister advise what work has been done, or planned to be done this year/next year, to ensure that we have resilience of the health system for the ageing population and disabilities?

Deputy L.V. Feltham:

My apologies, when I heard the Chief Minister mentioned, I had not listened to the question properly. I am currently working collaboratively with many Ministers to look at our concerns around the ageing population. That is one of the key priorities and focuses of the Homeworker Plus group. It is also one of the ongoing items for discussion that I have with the Minister for Health and Social Services in our regular meetings. I am conscious that there are lots of overlapping areas of work between myself and the Minister for Health and Social Services in these areas and it is really important that I work collaboratively with him in doing that.

The Deputy Bailiff:

Thank you, Minister. We now move on to questions for the Chief Minister.

5. Questions to Ministers without notice - The Chief Minister

5.1 Deputy D.J. Warr:

At the last States sitting I highlighted the outrageous and not commercially viable 300 per cent-plus rent increase attempted to be forced on the tenant at the Lido at Havre des Pas, which is essentially a sign-or-get-out ultimatum or, in the Minister for Housing's parlance, a revenge eviction. Unbelievably, the tenant was then informed late last Friday, just ahead of the Havre des Pas festival and the bank holiday weekend, that their tenancy was being terminated despite the Minister for Infrastructure having previously agreed in principle to an entirely different set of terms just weeks ago. This action completely contravenes P.61/2022 passed by this Assembly and appears to undermine the will of this Assembly. Such cynical and unethical behaviour is something, I believe, you would only find in a school playground or a soap opera. Sadly, the reality is this has real world consequences for people's livelihoods and their health. Does the Chief Minister condone this type of behaviour and why has he allowed this situation, which he has been aware of for years, to continue unabated?

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

This is a matter that is being dealt with by the Minister for Infrastructure and the Constable of St. Helier in his position as Assistant Minister with delegated responsibility, as I understand it, for the Lido. This Assembly will know that both myself as Minister for Economic Development and the Constable of St. Helier have been strong supporters of the current tenant in support of their work to develop the Lido, not least through COVID, but time has moved on. I am not familiar with all of the latest details. The Minister for Infrastructure is leading it and I very much hope that the course plotted for the Lido will be in the best interests of the Island. I understand the current tenant has been informed that the site will go out to tender at the end of October, and I presume the current tenant would be most welcome to participate in that tender process.

5.1.1 Deputy D.J. Warr:

When will the Chief Minister start to stand up for the small businesses of this Island, the backbone of our economy?

The Deputy Bailiff:

Deputy Warr, you need to make your questions shorter. Your first took an entire minute. Other Members will be affected.

Deputy D.J. Warr:

Will he commit to supporting the current incumbent of the Lido in achieving the outcome desired by the Jersey Hospitality Association and the users of the Lido complex and bring this debacle to an end?

Deputy L.J. Farnham:

I have spent most of my life serving small and medium-sized businesses. I have spent most of my political career supporting business and I intend to continue to support business but I also have confidence in the current team at Infrastructure to bring about the right solution for the Lido, and if that is with the existing tenant then so be it. I will support that fully. If it is somebody who wins the tender process, then we will support that route as well.

5.2 Connétable M. Labey of Grouville:

One of the world's largest motor manufacturers is now advertising on mainstream television a new option for the new world. They have hybrids, they have electric vehicles and they are also advertising hydrogen-powered vehicles. I was wondering what the Chief Minister feels about this new fuel and

whether he has instructed his Council of Ministers to bear it in mind and to see if we can add that to the infrastructure of Jersey.

Deputy L.J. Farnham:

I am interested and supportive of hydrogen. It is definitely a fuel of the future and I know that the Minister for the Environment and his team are looking at how that can benefit the Island. I very much hope that technology in that area progresses quickly so we can embrace that over current policy and the proliferation of electric vehicles that we have seen, and I am not sure they are the future. As I said before, our argument is not necessarily with the car. It is with the combustion engine and anything we can do to improve on that will be welcome.

5.3 Deputy R.S. Kovacs:

Can the Chief Minister provide an update on the work progress regarding an International Cultural Centre?

Deputy L.J. Farnham:

That is work currently being led by Deputy Alves and we are discussing its progress at Council of Ministers. It was on the previous Council of Ministers agenda and will be coming back in due course, but I understand work is progressing well and I very much hope that the international cultural centre will progress and build upon the work that was started in the previous Government. I understand the Assistant Minister is wanting to make some changes to its strategy and is working on that currently.

5.3.1 Deputy R.S. Kovacs:

The Chief Minister has responded previously to a few related questions from myself and other Members of the Assembly promising the continuity a few months ago. Since then Deputy Alves has been nominated to be in charge of this project but the work of the steering group has been paused for more than 6 months. If not continuing that work soon, we risk now losing the important work already done in bringing the communities together for better integration and trust that we have their best interests in mind. Can the Chief Minister confirm that the budget allocated for the I.C.C. (International Cultural Centre) in the last Government Plan is protected for this work and from when should we expect to see the work of the steering group resuming?

Deputy L.J. Farnham:

As I previously mentioned, I believe, the previous budget of £300,000 was not protected, so we have made some changes for that for 2024. £80,000 of that was allocated to the Island identity work led by Deputy Labey of Grouville and St. Martin with the balance going to the I.C.C. I know Deputy Alves has restructured and reworked that budget to put more focus on helping the clients of the I.C.C. rather than to the production of events. I also understand she is planning to hold a steering group meeting in due course and I apologise for the delay. That was down to internal discussions of what and how the future of the I.C.C. might look like but I am confident that Deputy Alves now has that fully in hand.

5.4 Deputy J. Renouf:

On the subject of Public Health funding, I hope the Chief Minister will agree that Public Health work is vital for the prevention of health problems in the context of a long-term health funding crisis. The Health budget is protected but Public Health falls in the Cabinet Office, which is subject to cuts in its growth bids. Will the Minister therefore commit to ensuring that the Public Health budget is not subject to cuts?

Deputy L.J. Farnham:

The Public Health budget will be revisited as other budgets are and there is likely to be some reduction in the existing budget but I would point out - and I do not have the exact figures in front of

me - that since COVID the Public Health budget has more than doubled. I will double check these figures but I believe running into COVID Public Health had a budget of around £3 million and it is currently now £7 million. We have asked officials, as we have in other departments, to make sure they continue to provide good value for money without impacting upon the service they provide or the prioritisation of those important Public Health services but we also must make sure that our departments are right-sized for the Island. While many departments would like to go a lot further and do much more than they do now, we have to bear in mind we have a budget and we have a limit to keep to.

5.4.1 Deputy J. Renouf:

Does the Chief Minister now feel that money saved now in the short-term budget discussion will be money that will have to be spent many times over in the future in paying for healthcare that was preventive because we did not fund Public Health appropriately?

Deputy L.J. Farnham:

I am not sure I do subscribe to that train of thought. There is one argument that says you could give Public Health considerably more. You could double or treble their existing budget and they would still find good reasons to use it, but again Public Health, with their increased budget since COVID, have and are doing a very, very good job. I believe we are seeing the benefits of that now in our society and even if they did have to reduce their budget slightly on what their current budget is this year, I have confidence they will continue to deliver a very good service for Islanders.

5.5 Deputy S.M. Ahier:

The C.E.O. of Ports of Jersey has seen his remuneration increase from £231,000 in 2020 to £453,000 in 2023. Does the Chief Minister believe that it is justified and will he have a meeting with the Minister for Treasury and Resources to discuss the possibility of capping the huge bonuses which some C.E.O.s of States-owned entities receive?

Deputy L.J. Farnham:

Rather than comment on individuals' pay, needless to say I do think that we need to be mindful of large pay packages as mentioned. The Deputy will know, as he sits on the States Employment Board, that I understand this was brought up at a previous meeting and work is underway to undertake a review of executive pay of the arm's-length organisations and States-owned entities, so that work is in progress. I think it is a timely reminder that we look to make sure that the executive pay is acceptable and commensurate with the work and the results that are produced.

5.6 Deputy L.K.F. Stephenson:

Scrutiny recently learned that Ministerial plans are being replaced by departmental business plans put together by chief officers who consult with Ministers. How will the Chief Minister be ensuring political accountability in this new system in that it is Ministers leading the agenda and not the civil service?

Deputy L.J. Farnham:

I am pleased to report that we find ourselves, I believe, in having a very productive and strong relationship between the Ministerial team and the civil service. All this work is being done collaboratively, has been approved and will be approved by the Ministers and Council of Ministers before these plans are published. I think we have reduced the workload slightly. I think it was surplus to requirements to have departmental plans and Ministerial plans, so rather than replace we are merging the plans. I expect all Ministers and Assistant Ministers to be fully focused and involved and to continue to work collaboratively with the public sector. I would reiterate I have been impressed with the public sector and the chief executives who are being responsive and professional in their approach to the Council of Ministers and determined to deliver the Ministerial policies.

5.6.1 Deputy L.K.F. Stephenson:

What guidance or procedure has been put in place around that consultation part with Ministers? At what point in the process is it meant to happen? Is every department working to the same process?

Deputy L.J. Farnham:

I do not think there is any specific guidance. One would expect senior civil servants and Ministers to be able to work those sort of details out in the normal course of their business and I would expect every Minister and every department to have done that in a productive way. I am not aware of any incidents where Ministers and departments are finding themselves with any juxtapositions on that. If they are, I would be pleased to learn about it but I understand things are progressing smoothly.

[12:45]

5.7 Deputy I. Gardiner:

The Chief Minister's answer to my question at the last sitting regarding the view on vocational education funding: "I would need to have a conversation with the Minister for Education and Lifelong Learning so I can probably articulate my views on that." The Minister for Education and Lifelong Learning in writing to myself about possible options to amendments confirmed: "I will accept option 2." This option was rejected several days later by the same Minister based on the Council of Ministers' decision. Would the Chief Minister advise who are the key people or person on the Council of Ministers that the Members of the Assembly, the Back-Benchers, will need to confirm an agreed way forward with any of the Ministers?

Deputy L.J. Farnham:

I am not sure I fully understand the question but the key person, the key decision-maker in this is the Minister for Education and Lifelong Learning. So she perhaps needs to seek clarity from him on that. He is leading on it and he has my support and the support of the Council of Ministers, which we have made clear in our position to oppose the proposition that is currently sitting before this Assembly.

5.7.1 Deputy I. Gardiner:

I would be happy to share with the Chief Minister the email where it said that the Minister would be happy to support and after the email saying that the Council of Ministers decided to reject. I think that it was some misunderstanding and we will sort it out.

The Deputy Bailiff:

We are now at the 15 minutes barrier for questions. That concludes the questions for the Chief Minister. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Are Members content to adjourn now? Adjourned until 2.15 p.m.

[12:47]

LUNCHEON ADJOURNMENT

[14:17]

6. Urgent Oral Question

The Deputy Bailiff:

We now move to an urgent oral question. There being no provision in Standing Orders in relation to the duration of this matter, I will allow 15 minutes for this question. Deputy Renouf will put it to the Minister for Health and Social Services.

6.1 Deputy J. Renouf of the Minister for Health and Social Services regarding issues raised by former health leaders at the Health and Social Security Health Panel hearing on 10th July 2024

Will the Minister respond to the issues raised by former health leaders at the Health and Social Security Health Panel hearing on 10th July particularly relating to public safety, clinical standards and governance?

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

I am not looking to question anyone's judgment in this matter but I am a little surprised to find that this question has passed the test of urgency. I think the reason for that might become apparent when I explain that my response to those particular issues, public safety, clinical standards and governance, is no different now than it was the last time I commented on them or than it would have been had the Deputy and his colleagues not chosen to bring these 3 individuals' views to public attention. My response is that I will simply continue to drive fundamental restructuring of the health system, which will make it more efficient and accountable, continue to do all I can to obtain the money required to ensure that the entire service is digitally connected and I will carry on building bridges between the remaining factions that need to come together to ensure standards are raised. Finally, subsequent to the recent public hearing focused on our health services, the one additional thing that will require my immediate unplanned and wholehearted attention is the task of repairing the damage that has been done to public confidence and health staff morale by this carefully organised exercise, the outcome of which was completely predictable.

6.1.1 Deputy J. Renouf:

I must say I am disappointed by the tone the Minister has taken. It is of fundamental significance, I think, that the Health Panel should hold Ministers to account. In fact, I received a letter just after the hearings from the person who helped set up the Scrutiny system saying that this was exactly what the Scrutiny system had been designed to achieve. I will ask, if I may, as a follow-up if this is action that the ... if this is old news to the Minister, can he clearly state what actions he has taken to support his officers in tackling poor behaviours among a number of consultants and the culture of resistance to change that has been identified over and over again as so damaging for patients' safety?

Deputy T. Binet:

I do not have a list of the various things that I have done. I have been in the job for 6 months. It has taken me a while to find my feet to understand the organisation and to understand the problems and I have had a series of meetings with management and with clinicians because if we do not listen to both sides we are going to get nowhere. I am using my best endeavours to bring the threads of those things together. I have to say that the public outcry over this, if it has had one benefit at all it is the fact that people who would have been perhaps at each other's throats previously are now uniting to stand up for one another because there is some good work going on in the health service. A lot of the storm now is about things that have been revealed that have been going on for a number of years and what we are simply doing is saying: "This is what has gone on, these are our findings and this is how we are going to put it together." There are various reports. There are recommendations that people are going to have access to as of the 18th, Thursday of this week, and those are the recommendations that we will be implementing.

6.1.2 Deputy H.L. Jeune:

Has the Minister or his Assistant Ministers been contacted and lobbied by clinicians who were opposed to conclusions of the Mascie-Taylor report or who were opposed to the adoption of N.I.C.E. (National Institute for Health and Care Excellence) clinical guidelines? If so, how did he respond to this lobbying?

Deputy T. Binet:

I have not been lobbied in that specific regard.

6.1.3 Deputy P.M. Bailhache:

Would the Minister agree that the statements of 2 of the former leaders that they would not seek medical treatment in Jersey were inflammatory, inappropriate and ought not to have been made? **[Approbation]**

Deputy T. Binet:

In simple terms, I would agree wholeheartedly with that statement. I thank the Deputy for making it.

6.1.4 Deputy L.K.F. Stephenson:

Does the Minister agree with the assessment that Jersey's health system is broken and letting Islanders and staff down? The staff bit is important and I believe that all 3 of the health leaders who gave evidence last week did pay tribute to the many staff working in the department and said that it was not pointing the finger at everybody working within it. Are we letting all those people down? If he does not agree with that assessment, why not?

Deputy T. Binet:

Would the Deputy be kind enough to explain what she means when she says "we" are letting these people down, because that is a slightly confusing question?

The Deputy Bailiff:

Do you want to give that clarification, Deputy Stephenson?

Deputy L.K.F. Stephenson:

As an Island. The question is as I have written it: does the Minister agree with the assessment that Jersey's health system is broken and letting Islanders and staff down? The staff bit is really important and if not, why not? I will take out the "we" if it is easier.

Deputy T. Binet:

The staff bit involves the very people who are delivering the service and a complication here is that you have got a lot of very good staff doing some very good work in a system that has not really had sufficient attention or sufficient money for some considerable period of time. We are very reliant on the good staff within the system to come together and help to make these things a little better. That is why, if my tone was not perhaps as nice as it might have been in relation to what happened last week, it is simply because it really did cause some damage. It did really lower morale and I have been contacted by a number of people in the service in that regard and a number of members of the public who also felt that it had done a great deal to diminish people's confidence in what is, I think, a quite fast-improving service.

6.1.5 Deputy L.K.F. Stephenson:

I do not believe the Minister answered the question. Does he agree with the assessment that Jersey's healthcare system is broken and letting down Islanders and staff and, if not, why not?

Deputy T. Binet:

It cannot be completely broken because it is still providing a pretty good service. I have said a number of times that it is not perfect and there are some problems. I have made that very, very plain and I have said that we are doing everything we can. Is it letting Islanders down? I do not think it is. It is providing the best service that it can at this point in time.

Deputy L.K.F. Stephenson:

Sir, could I have my supplementary, please?

The Deputy Bailiff:

Yes.

6.1.5 Deputy L.K.F. Stephenson:

Thank you. There was a clear message from the public hearings that stood out to me last week that finding common agreement that there is a problem is fundamentally important to be able to move forward. How does the Minister intend to show leadership in this area and help to unite all those that I believe he called different factions in his first answer behind a common goal of improving Jersey's health service?

Deputy T. Binet:

I am going to start sounding like a broken record. I have taken a little while to get to grips with what the service is, what it does, who the people are and what their capabilities are. Quite recently at a conference at the Town Hall I set out my analysis of what was wrong and I think a pretty clear statement of intent as to what I want to do about it. If I am not wrong, I responded to a member of the public who had written to all States Members over the weekend and I included a copy of the speech that I gave there. I think if Members have read it they will see that there is a pretty clear vision as to what needs to be done. I do not really think I can say a great deal more than that.

6.1.6 Deputy I. Gardiner:

As the Minister mentioned that there are still some problems and difficulties within the health service, would the Minister reassure the public and publicly state at this Chamber that there is no place in H.C.S. (Health and Community Services) for consultants who will not accept clinical guidance and who will reject findings of the Royal College reports?

Deputy T. Binet:

I think it is fair to say that I would support that, otherwise I would not be doing my job.

6.1.7 Deputy I. Gardiner:

What steps will the Minister take to ensure that consultants who reject findings of the Royal College reports will not continue with the health service?

Deputy T. Binet:

As I mentioned before, these things have to be handled quite sensitively. What you do not want to find is that you have got a crucial department in the hospital where people walk out or have taken offence and possibly matters that are not as good as they might be get worse. What I am going to do is I am going to carry on doing what I am doing now, trying to set some clear goals, tell people where the health service needs to go, and lead that forward. That is going to involve a series of meetings with people to try to make sure that we bring everybody on board in a sensible, co-ordinated manner so that we do not make things worse before they get better.

6.1.8 Deputy P.F.C. Ozouf:

I understand the Minister is not an expert and has to rely upon expert advice, but within his corporate management team or within the corporate management team as I understand it within Health and Social Services is an individual whose post, I understand, is called the medical director. Does he have confidence in the individual who ultimately, I suppose many Members would understand, complaints are made to? I do not know the circumstances of the post holder, et cetera, but does he have confidence in whoever is responsible for bringing to the public's attention and to his attention matters of clinical failure?

Deputy T. Binet:

I think there may be more than just the medical director involved in that. We do have a team at the moment. I can only comment on that which I have seen in the short time that I have been in office and during the course of that time. Bearing in mind that the first couple of months really is just a case of finding your feet so you are not really capable of making any assessment, but in the time that I have been there and what I have seen, I can answer that in a positive way.

6.1.9 Deputy P.F.C. Ozouf:

Has he taken any soundings about his predecessors, numerous of them, and their experience of the advice that they would have been getting?

Deputy T. Binet:

No. I have asked around to see if there was any work in hand that might be useful to me but nothing has been forthcoming.

6.1.10 Deputy K.M. Wilson:

Speaking truth to power is often a painful experience and it calls for accountability and transparency at the highest level. Can the Minister accept that these 3 people who have made these comments about our health service, with years and years of experience, with international reputations, accreditations, clinical backgrounds, senior level positions in health systems, have done this? While he may not agree with all that has been said, does he maintain that the position that they have taken is ... or does he support that the position that they have taken was in the interests of patient safety and not a personal attack on himself?

Deputy T. Binet:

I do not know that I am entirely happy to support that at all. We have to look at people. I have employed an awful lot of people in my time and I have seen some very impressive C.V.s (curricula vitae) and they have not always delivered that which one might expect. I will just have a quick look at what we are dealing with here.

[14:30]

We have got 3 people, 2 of them were ... and I will focus on those 2 because the other one has not had anything to do with Jersey healthcare since last year so I will focus on the other 2. If this is in the public interest and patient safety and staff in the hospital, they made no significant mention at all of the many improvements that are currently underway. However well qualified they are, I think that is unforgivable. I have got some other comments but I think I will leave it at that.

6.1.11 Deputy K.M. Wilson:

The point is not about saying nice things. The point is about trying to illustrate in helpful ways where things can be improved. Does the Minister accept that some of what these 3 respected individuals have said does have some merit?

Deputy T. Binet:

There is nothing very clever about saying that some of it had some merit. Of course it had some merit.

6.1.12 Deputy J. Renouf:

I think a point was raised earlier that you cannot deal with a problem if you do not acknowledge it, and that was a point raised by the people who appeared before the panel. I too was contacted by people after those hearings who were grateful that finally the problem had been so clearly stated without varnish and without being sugar coated. Part of the leadership role of a Minister is surely to set the culture and to set standards. We have a culture of consultants in the H.C.S. of resistance to standards that are universally accepted elsewhere. That is why the experts spoke out. For the sake of those who do accept those standards, who understand how important they are for patient safety and are trying to implement them within the department, will the Minister unequivocally state that there is no place in H.C.S. for consultants who will not accept clinical guidelines and who reject the findings of Royal College reports, as we apparently hear is going to be the case with radiology?

Deputy T. Binet:

I really am going to be sounding like a broken record. Was the Deputy not listening to the question that I answered from Deputy Gardiner? I have already answered this question; I am very happy to answer it again. It is a very straightforward yes.

PUBLIC BUSINESS

7. Reduction of lodging period

The Deputy Bailiff:

Before we start Public Business, a decision needs to be made about whether to reduce the minimum lodging period in respect of a matter listed on the Order Paper, New Healthcare Facilities Programme, P.43, lodged by the Hospital Review Panel. Deputy Renouf, do you wish to make the proposition under Standing Order 26(7) that the lodging period be reduced to allow this matter to be debated at this sitting?

Deputy J. Renouf:

Yes, Sir, and if I may make a few comments to explain why.

The Deputy Bailiff:

Yes.

7.1 Deputy J. Renouf (Chair, Hospital Review Panel):

I hope Members will accept there is a reasonable case for shortening the lodging period for P.43, and I do want to keep this short. If there are any objections I will try and deal with them in my summing up. First, I think there is a clear interest from all points of view that a decision about whether or not to hold a separate debate on funding for the new hospital facilities should come as soon as possible. If the Assembly supports the proposition, this will give the Government the necessary time to prepare a separate hospital funding proposition, which will need its own 6-week lodging period or need its own lodging period. A debate in September would make it difficult, if P.43 was successful, for the Government to do the necessary work to come up with a proposition and lodge it before the Government Plan debate. Second, it might help if I explain briefly why this proposition was not lodged sooner. The Hospital Facilities Scrutiny Panel was constituted in mid-May. The panel had a private briefing with the Minister for Health and Social Services and the hospital team on 7th June, at which the panel raised the question of whether there would be a separate proposition as had previously been promised. At this point it was not exactly clear what position the Minister would

take, so there was an exchange of correspondence in which the Minister clarified in a letter on 18th June that he would not be bringing a separate proposition. At this point the panel decided to bring a proposition requesting a standalone debate on hospital funding, which was duly lodged on 27th June. Members will see from this timeline that the panel worked as quickly as it reasonably could to clarify the situation and then to bring a proposition. The only way we could have lodged a proposition sooner would have been in ignorance of the Minister's position, which we did not think was right. Finally, I would note that P.43 is not in itself a complex proposition. It is not like cannabis or assisted dying, for example, where the issues are exceptionally complex and multifaceted with an expectation that there may be multiple amendments. I hope that the issues at stake in P.43 are acknowledged to be relatively simple and easily understood and, therefore, while in general it is not great to shorten lodging periods, in this case the risk that a proper examination of the proposition will not occur is limited. I would particularly emphasise that should P.43 be successful, debating this proposition before the recess will allow time for Ministers and all Members to prepare for the substantive date on hospital funding. So, I move the proposition.

The Deputy Bailiff:

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

7.1.1 Deputy P.F.C. Ozouf:

I am only rising because nobody else wishes to speak. Am I to assume by Ministers' silence, and particularly the absence of the Chief Minister that previously had, I understand it, supported a standalone proposition when he was a Back-Bencher ... so without knowing what ... if no member of the Council of Ministers is going to advance a view, then one cannot be informed about the shortening of the lodging period or not.

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

I do not think anything can necessarily be read into the Chief Minister's absence. I think he possibly did not realise we were going to have this debate quite so soon. I will be rejecting P.43 in principle but I do not feel strongly about whether we shorten the lodging period or not.

The Deputy Bailiff:

Thank you. Does any other Member wish to speak on the proposition to reduce the lodging period?

7.1.3 Deputy M. Tadier:

While I reserve my position on P.43 and I will listen to the debates and vote accordingly, I think it is important to note that this is a matter of public interest. I think Scrutiny have done a piece of work that has led them to lodging this proposition. It has been informed. Whether or not Members ultimately decide they want to go with it is another matter, but it clearly I think meets the test for the reduction of the lodging period, which is in Standing Orders, and so I will be happy to support that. I think it is the democratic thing to do. I would be surprised if any Members and Ministers decide that they would not do that.

7.1.4 Deputy K.M. Wilson:

When it comes to using public money to build big infrastructure projects, a lack of transparency on building costs poses significant risks. One of the things that we want to see as members of the public really is to build public trust and confidence in some of our decision-making. So to put this under an intense spotlight and to be able to expand and expose some of the key decisions, the risks and the commitments that are being made, I think I would agree with Deputy Tadier and Deputy Renouf. It is in the public interest and I would urge Members to support this.

The Deputy Bailiff:

I call upon Deputy Renouf to reply.

7.1.5 Deputy J. Renouf:

I am grateful to those who have contributed and I thank Members for doing so. I think we can move to the vote if that is okay. I call for the appel.

The Deputy Bailiff:

The appel has been called for. Members are invited to return to their seats. I ask the Greffier to open the voting on reduction of the lodging period under Standing Order 26(7). If all Members have had the chance of voting, then I ask the Greffier to close the voting. I can announce that the proposition has been adopted: 41 votes pour, one vote contre and one abstention.

POUR: 41		CONTRE: 1		ABSTAIN: 1
Connétable of Trinity		Deputy B. Ward		Deputy M.R. Scott
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy D.J. Warr				
Deputy H.M. Miles				

Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

The Greffier of the States:

Deputy Scott abstained and Deputy Barbara Ward voted contre.

The Deputy Bailiff:

The Greffier will preside over the next item.

8. Draft Unlawful Public Entertainments (Jersey) Regulations 202-. (P.24/2024)

The Greffier of the States (in the Chair):

The next item is the Draft Unlawful Public Entertainments (Jersey) Regulations 202-, P.24/2024, lodged by the Minister for Sustainable Development, and the main respondent is the chair of the Economic and International Affairs Scrutiny Panel. The debate resumes following the adoption of the principles on 11th June and the subsequent referral to the Economic and International Affairs Scrutiny Panel under Standing Order 72(1). So we return to the matter in hand. How do you wish to propose the regulations, Minister?

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

Thank you. I will be proposing them *en bloc*.

The Greffier of the States (in the Chair):

Is that you are making the recommendation ...

Deputy K.F. Morel:

Sorry, I thought you asked ... **[Laughter]** sorry, Ma'am, I thought you asked a straight question, how will I be proposing them. *En bloc* is the answer.

The Greffier of the States (in the Chair):

Do you wish to propose them now then, Minister?

Deputy K.F. Morel:

I would like to propose them if that is okay. Thank you very much.

The Greffier of the States (in the Chair):

Do you wish to make a speech? **[Laughter]**

Deputy K.F. Morel:

Sorry, I apologise. I was expecting Deputy Tadier to have to say something at some point. That was why, having called amendments ...

Deputy M. Tadier:

You will not be disappointed. **[Laughter]**

Deputy K.F. Morel:

I rarely am if Deputy Tadier gets to speak, so no, absolutely. So, thank you, Ma'am. I will just pull up my notes as well. Apologies. So first of all I would like to thank the Scrutiny Panel for their work and for bringing back these regulations in a timely fashion. I would like to thank them for their ... clearly, they have done a good review and, in colloquial terms, got under the bonnet of the issues. So I am really pleased with that and I will be reading the comments paper with interest and will certainly look through their recommendations and decide which of those that we can take forward. With regard to the regulations being proposed today, I would just like to quickly summarise them. Regulation 1 establishes the Bailiff's role in granting permission for public entertainment with conditions and provides for the offence of holding a public entertainment without permission. Regulation 2 gives meaning to those conditions by providing that breaching them is an offence, unless it was out of the organiser's control, having taken all reasonable precautions. Regulation 3 is intended to ensure that a person can be held responsible where the relevant offences are committed by a company or partnership. Regulation 4 clarifies that the regulations do not alter any customary law offence, and regulation 5 specifies the expiry date of the regulations as 20th July 2027. But as Members will know, having read through the comments paper and also heard the debates previously, it is my intention, and certainly the Scrutiny Panel's wish, that we do not have to renew these on 30th July or before 30th July 2027. So, with that, I would like to make the proposition.

The Greffier of the States (in the Chair):

Are regulations 1 to 6 seconded? **[Seconded]** Does any Member wish to speak on the regulations?

8.1.1 Deputy P.F.C. Ozouf:

I am sorry if I am the only person who seems to be putting their light on. I was greatly interested in hearing the Scrutiny. I was somewhat perturbed when I was online, I think, and the Scrutiny Panel called the matter in because it is a relatively simple set of regulations which, of course, have been before this Assembly on a triennial basis for a number of years. But where I think it is relevant and perhaps while it has not been possible to make any amendments to the regulations, where it is clear is that there is an absence of policy in respect of entertainments and it is the absence of policy which puts the Presiding Officer, the Bailiff, in a difficult position. The Bailiff does not make the decisions. They are upon advice, and they are upon advice on matters of public safety, which is clear. I thought that my own experience of the Bailiff's panel in organising events has been good. But what I think Scrutiny ... and I am sure the chair of Scrutiny is going to speak, and the Minister can sum up also. Where they are clearly in hindsight deficient is the absence of a policy and that is a Ministerial policy on entertainments, which can guide the Bailiff's panel or whoever authority is ultimately going to be deciding upon whether or not an event is happening, is what sort of policy the Island and the democratically-elected Members of the Island are going to permit. Are they going to permit ... this originally was raves.

[14:45]

That was a matter of safety because of the link with drugs, et cetera, as I understand it, and public order, although alcohol, of course, is another fuelling of rave-like events. They have been continued. That was the reason for the original triennial regulations. I well recall the president of the then ... not Home Affairs but I think it was whatever president it was, then a Senator, bringing forward the triennial regulations and explaining the reasons that it was raves. We did not have anything before then. I know that Deputy Sir Philip Bailhache will be filling in any gaps in relation to that, but it does seem to me that the current arrangements are working well in terms of safety and the panel that the Bailiff convenes and all the articles are clear in relation to that. But what is missing is a strategy and a strategy for events and entertainments that is something that the Minister himself I know feels very important about. I think that would be seriously helpful and then could be reflected in any further legislation that is brought forward, because the Bailiff's panel or whoever competent authority should have regard to a publicly and democratically approved policy of entertainments. That is different from the public safety, which is a matter for experts.

The Greffier of the States (in the Chair):

Deputy Bailhache, I saw your light on earlier. Would you like to speak?

8.1.2 Deputy P.M. Bailhache:

I am slightly sorry that the Scrutiny Panel has withdrawn its amendment because I was intending to support it. Because I think it is high time that the nettle of dealing with unlawful public entertainment or dealing with public entertainment, indeed, was actually grasped by the Minister. I remember very well when these regulations were introduced for the first time in 1992 because I was the Attorney General at the time. The urgent problem of the day was illegal raves, where young people would secretly organise large parties in places which were undoubtedly very exciting but also dangerous. One was held on a cliff edge on the north coast, where there was a serious risk of youngsters falling over and being killed or badly hurt. The problem was how to stop the raves because nobody, of course, asked the Bailiff for permission before a rave took place. It was impossible, very often, for the police to find out who was actually in charge. The only means of controlling the situation was to confer a power on the police to seize and ultimately confiscate the amplifiers, speakers and other expensive equipment which made the fun possible. This was valuable equipment and many owners did not obviously want to lose it, and illegal raves were killed stone dead by these regulations. Interestingly, the power to seize and forfeit equipment has been omitted from the current draft regulations, I imagine because the power is now contained in the Proceeds of Crime Regulations, or Law, which was passed in 1999, or maybe some other legislation. So I am not sure that these regulations actually serve any useful purpose. They preserve the customary law offences and the power of a Bailiff to license public entertainment, but that adds nothing to what is there already. If the regulations were rejected, the Bailiff would still have the power to license public entertainment, subject to appropriate conditions. So do we need the legislation at all? Well, yes, we do and possibly for 2 reasons, but the first reason seems to me to have the greatest importance. That is to remove from the Bailiff the power to license public entertainment. This has been a policy aim for decades and it is absurd that the nettle has not yet been grasped and that some agreement has been reached as to who should have the power to license public entertainment in the place of the Bailiff. The answer, it seems to me, is that it should be a Minister, whether the Minister for Home Affairs or the Minister for Economic Development, whatever he is now called, I am sorry. One of those 2 Ministers probably fits the bill. To achieve that end is a one-page, or 2 page at the most, *projet de loi*. In practice, the Minister will have no more to do with licensing public entertainment than does the Bailiff currently. It is an administrative function where the Bailiff's chief officer or, indeed, an appropriate senior official in a Minister's department can bring together key officials from the police, fire, health and other departments to ensure that the event does not constitute a risk to public safety. The only other purpose of legislation, and this I think was referred to by Deputy Ozouf and is referred to in the Minister's report, is a longstanding desire to develop an alternative route for the management and

approval of events in the public domain, including a single, centrally-managed register to manage the use of public space. I must confess that I have absolutely no enthusiasm for this particular project, which seems to me to involve the creation of lots more work for civil servants, lots more expense to achieve comparatively little, but that is an argument for another day. I am sorry that the Minister is succeeding in bringing forward legislation, regulations which are going to last for 3 years, which will have the effect only of kicking this matter into the long grass beyond the next elections and failing to deal with a problem which, frankly, should have been dealt with years ago.

8.1.3 Deputy M. Tadier:

I am just going to start my own timer because I do not have one otherwise for this speech, although it is timed for me, apparently. It is not always the case for the main respondent to have that facility, but they make an exception for me for some reason. Members can be reassured that I will not speak for any longer than necessary, but this is the first review that our newly formed Scrutiny Panel has conducted and concluded and it has done so in a short period of time, indeed probably an abridged period of time, given that we would have liked to have had longer to look at this, albeit that it is quite a restricted and finite review compared to potentially some others. If I can start by addressing maybe some of the comments that Deputy Bailhache made because I understand why some Members may feel disappointed that the Scrutiny Panel's amendment has been withdrawn. I will perhaps explain why we have done that first of all. So our initial position as a panel was very much that ... and we have said it in our comments so I will happily read this out before anyone else points it out. Initially, we said that the panel was confident that the necessary changes could be made within the current terms of Government. On looking at it, it is not that we necessarily do not believe that anymore, but we thought it is necessary to call this in for information and to have an evidence basis and that on balance, as chair and I think as a panel, we felt that we had some very good evidence presented to us by the key stakeholders, including the Minister, for which we are very thankful. We thank all those who attended upon the panel in this time period. If I am honest, it is probably quite marginal to say that the legislative changes that the Minister and the department needs to make can necessarily be done holistically within the 2-year timeframe before the next election. I think it is important that Scrutiny Panels are prepared to take their own medicine, so if we say that Ministerial propositions need to be evidence based, then similarly we must make sure that we have categorical evidence when we are making our recommendations. That does not mean, of course, that we do not think the Minister could do this and that the department with a fair wind could bring forward both primary legislation, a framework for a new entertainments law, and the subsequent regulations and secondary law, therefore, that needs to go with it, but we recognise that there will need to be quite a piece of work of consultation that goes on, not simply with industry professionals but, of course, with stakeholders in the various Parishes. It is important that Constables and also I think parishioners are taken along with this. There also needs to be consideration as to what extent other additional legislation such as alcohol licensing and subsequent changes that might need to be brought forward are also put into the mix and what is done later on perhaps as separate considerations. From a personal point of view, I think I owed the Minister a slight apology because the last time I spoke I probably had not fully realised the shortened timescale in which the Minister had inherited this responsibility from Home Affairs. I know it did used to fall under Home Affairs, so we accept that the Minister has a piece of work here. Nonetheless, the strong message, if I may turn to the recommendations that we have made during the review, are that we have put forward a number of recommendations, which the Minister has already referred to. So if I can take Members through those 5 recommendations initially, I think that would be helpful. So the first recommendation is that the Minister - and this is the Minister for Sustainable Economic Development in each case - should prior to 30th September this year and also in consultation with the Bailiff's Chamber arrange for clear communication of guidelines for the definition of public entertainments to be put forward to the hospitality industry and published on the relevant pages of the Government website. One of the issues that we acknowledge is that there is not necessarily a clear definition in every case of what

entertainment means in every case and, therefore, what an act of unlawful entertainment might be. The second recommendation is that the Minister, again in consultation with the Bailiff's Chambers, should arrange for clear communication of the expectations of what should be included in an application to hold public entertainments so that it is a checklist, if you like. Again, the information should be forwarded to the hospitality industry and published on the relevant pages of the Government website. The third recommendation is that the Minister should, in developing any new legislation regarding this area, consider revising the penalties for breaches of the regulations to make them more proportionate. I will come back to that in a moment. The fourth recommendation is that the Minister should do his utmost to bring both primary and secondary legislation forward for debate during this term of office, so we emphasise that. We were happy to withdraw our amendment on the basis that the Minister again should strive to do that. Also, we think that this would be a safeguard contained in recommendation 4. Something we hope the Minister would accept is that he should make a statement to the Assembly if he is unable to achieve this prior to the 2026 election period. The fifth and final recommendation is that the Minister should by the end of August this year indicate by way of a public letter his proposed timeframe for consultation, production of law drafting instructions, debates and implementation on public entertainments, permitting the system and associated legislation. I am not going to speak, of course, to the whole of the comments paper. That stands in its own right and Members, if they have not had a chance to look at it, can look at it perhaps over the summer holidays if you need a bit of holiday reading. Certainly, take that away with you; it should be quite illuminating. Going back to the third recommendation regarding the penalties, one thing I would highlight to Members now ... because we are, of course, talking about the regulations. We have 6 regulations before us that we need to vote on today.

[15:00]

The evidence that we had before us is that the penalties that we are re-enacting today for having an event unlawfully is either 6 months' imprisonment or a fine or both. The thing is while the term of imprisonment is limited to 6 months, the fine itself is unlimited. So I think that is questionable. I think the panel has found that it seems very disproportionate that you can have an unlimited fine for, I say, simply having an event without permission from the Bailiff. One suggestion we had from the industry was that it might be more effective, and it is something the Minister might wish to consider in the future when replacing these penalties potentially, that a ban or a temporary ban on somebody who does not have permission or runs an event in a way that is not perhaps health and safety or law compliant, there could be a temporary ban for that person. It might be more proportionate and more effective than simply a fine. I do leave the comments there because I think a lot, as I have said, is contained within the workings of and the findings of the paper. I would simply like to thank the Scrutiny Panel because, as I have said, it is a piece of work which was done in short order. We had lots of plates being spun at the same time. We have other reviews that are going on. We have quarterly hearings, of course, which have also been taking place. So I would like to put on record our thanks as a panel to our Scrutiny officer and the administrative support that we have had. I know that he has been very busy particularly and this has added to his workload, but I think he has done that in an exemplary way. Also, thank you to my panel members, who I think have also given their attention to this, and the Minister and the stakeholders who have engaged with this. In conclusion, I would say and possibly encourage Members, if they do have concerns about any particular regulations ... and certainly when it comes to regulation 1(1) about the levels of fine that can be imposed, I probably will not be supporting that myself. I think I will abstain because we need to have something in place, but I think having an unlimited fine is not sustainable. I will also be abstaining on Article 6 to do with the timeline because I wish to send a message to the Minister that I would strongly encourage him to come forward with this new legislation as soon as possible. To conclude, as a Scrutiny Panel we will be doing our utmost as the critical friend that we are to hold the Minister to his aspiration of bringing in at least a framework but preferably a whole new piece of

legislation to deal with this area so that we do not have to be in a position of leaving this in the hands of the future Assembly, which may, of course, not be any of us that are currently present.

Deputy M.R. Scott of St. Brelade:

I would like to ask a question of the Attorney General, please. Because I believe, or at least I got the ... it seemed to be suggested by Deputy Bailhache that these regulations would not change the law in any way, unless I misunderstood that. So I just wondered if the Attorney General could just confirm that or just respond to that. If these regulations were not passed, what difference would it make?

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

Yes, I am happy to answer that question. What these regulations do is to establish a statutory offence, which is an alternative to an existing customary law offence. So they do not abolish the customary law and under customary law, yes, the Bailiff did have a customary law power to control unlawful public entertainments. There is a difference between the statutory power and the customary law power in that the sentence for contravening the customary law offence is at large, which means it is undefined. Theoretically, there could be a sentence of imprisonment, a very significant sentence of imprisonment. Whereas the statutory offence, it defines the maximum sentencing powers of the court as a term of imprisonment of 6 months and an unlimited fine. So that is a difference to the customary law offence where the sentence is at large. So that is perhaps the only relevant difference between a customary law offence and the statutory one in these regulations.

The Greffier of the States (in the Chair):

Thank you. Do you wish to continue your speech, Deputy?

8.1.4 Deputy M.R. Scott:

Yes, thank you, Ma'am. So, having heard - and thank you to the Attorney General for clarifying this position - I hope that States Members do accept that these regulations do provide for a more proportionate response to a breach and, therefore, will give the regulations their support.

8.1.5 Deputy K.M. Wilson:

I would just like to comment on the review process itself, which was my first Scrutiny review, and to formally thank Deputy Tadier for his leadership of it and also fellow panel members and Scrutiny Officers. There were some doubts as to why the review was undertaken, but as you have heard from Deputy Tadier it enabled greater insight into the purpose and intention behind the regulations and why things needed to change, as we have heard from Deputy Bailhache so eloquently in the way he summarised those. But I just want to reiterate that as a panel we will hold the Minister to account for his timetable and the way in which he has committed to bringing forward new laws. We have learnt a lot. It has been a very fast-paced piece of scrutiny and I think we have demonstrated that it can be done and that there are some interesting perspectives which we hope we could share with others in terms of being able to support Ministers to develop their legislative programme. We do not believe that working under pressure has reduced the quality of the review process. One of the things that we are pleased is that we have developed an evidence base for this which is relevant to moving things forward.

The Greffier of the States (in the Chair):

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

8.1.6 Deputy K.F. Morel:

Thanks to all Members who have spoken in the debate. I will start in the order that the points were raised. Deputy Ozouf asked about policy and he is, I believe, absolutely correct. There is an absence of policy around this and that is certainly something that I will be seeking to bring in with the laws

at the end of this term. I think it is correct. Similarly to the liquor licensing law, the States has not really provided a policy framework around the laws and that does need to be changed. Deputy Bailhache, I must admit I was slightly wounded by Deputy Bailhache’s comments [Laughter] because I absolutely have grasped the nettle. As Deputy Tadier mentioned, these regulations did not sit under the Minister for Sustainable Economic Development until September last year. They have always sat under the Minister for Justice and Home Affairs, but precisely because change had been promised and promised but never delivered in that department with regard to these regulations, in Economic Development, where we were being asked by industry particularly: “We need new regulations in this area. We need a better framework for holding events” we asked, formally requested the transfer of these regulations from Home Affairs to Economic Development, which I am really pleased that that transfer took place late last year, in September last year. As a result, I am now bringing forward these regulations for what will be the last time. My department is already working on the new regulations and it is our intention entirely to, as we have said, definitely bring forward the primary law this term but make every effort to bring forward the regulations as well this term. It is only from a perspective of caution because, as with any law drafting ... and when I say “law drafting” I mean any creation of new laws. I am not speaking specifically about law drafting. Any creation of new laws, there are elements of that which are definitely outside the Minister’s control. As a result, I did not want to sit and make promises about timelines when I knew a lot of those timelines were not in my control. That was the only reason for that caution and I am really grateful that in their review ... and perhaps I am reading into it a little bit, but I believe the Scrutiny Panel have, through their review, understood why I was erring on the side of caution and, therefore, asking for the full 3 years. It is not in any way to kick this into touch. It is not in any way to kick the can down the road. It is absolutely grasping the nettle and saying now that I am Minister and finally that I have hold of these regulations, I am bringing changes to these laws. So, I hope that Deputy Bailhache will leave the Chamber with a different opinion of my ability to grasp nettles than the one he entered with. Deputy Tadier, thank you, and thank you to the Scrutiny Panel as well for their hard work on this. There is no doubt in my mind that the review, which is of high quality, will help inform the future regulations as well and the new legal framework for holding events in Jersey. That, of course, goes to Deputy Wilson as well for her work on that panel. Deputy Scott, thank you very much for asking the Attorney General the question. It is very kind. Thank you. So, with that, I was going to propose the regulations *en bloc* when I was misunderstanding the question earlier, but given Deputy Tadier’s request on Articles 1 and 6, if we could take Articles 1 and 6 separately and the rest *en bloc*. Thank you.

The Greffier of the States (in the Chair):

Very well. So if Members would like to return to their seats and the voting will shortly open on regulation 1 only. I ask the Greffier to open the voting. If all Members have had an opportunity to cast their vote, I ask the Greffier to close the voting. I can announce that regulation 1 has been adopted. There were 46 votes pour and one abstention.

POUR: 46		CONTRE: 0		ABSTAIN: 1
Connétable of St. Helier				Deputy M. Tadier
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				

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

Deputy L.K.F. Stephenson			
Deputy M.B. Andrews			

I will give the Greffier a moment to reset the system. Are you content to take Articles 2 to 5 *en bloc*, Minister?

Deputy K.F. Morel:

Yes, Ma'am.

The Greffier of the States (in the Chair):

So if the Greffier would open the voting and Members can vote on regulations 2 to 5. If all Members have had an opportunity to cast their votes, I will ask the Greffier to close the voting. Those regulations have also been adopted: 46 votes pour and one abstention.

POUR: 46	CONTRE: 0	ABSTAIN: 1
Connétable of St. Helier		Deputy M. Tadier
Connétable of St. Brelade		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Martin		
Connétable of St. John		
Connétable of St. Clement		
Connétable of Grouville		
Connétable of St. Ouen		
Connétable of St. Mary		
Connétable of St. Saviour		
Deputy G.P. Southern		
Deputy C.F. Labey		
Deputy S.G. Luce		
Deputy L.M.C. Doublet		
Deputy K.F. Morel		
Deputy M.R. Le Hegarat		
Deputy S.M. Ahier		
Deputy R.J. Ward		
Deputy C.S. Alves		
Deputy I. Gardiner		
Deputy I.J. Gorst		
Deputy L.J. Farnham		
Deputy K.L. Moore		
Deputy S.Y. Mézec		

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

The Deputy Greffier of the States:

Deputy Tadier abstained.

The Greffier of the States (in the Chair):

Finally, regulation 6, if the Greffier could open the voting. If all Members have now cast their vote, I ask the Greffier to close the voting. Regulation 6 has been adopted: 45 votes pour and one abstention.

POUR: 45		CONTRE: 0		ABSTAIN: 1
Connétable of St. Helier				Deputy M. Tadier
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				

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

So the regulations have been adopted. We move to the matter in Third Reading?

Deputy K.F. Morel:

Yes, Ma'am. [Laughter]

The Greffier of the States (in the Chair):

Do you wish to propose the regulations in Third Reading?

8.2 Deputy K.F. Morel:

I do wish to propose the regulations in Third Reading and just to thank all Members for their contributions. I would also just like to say, because I have to mention it, following my history of the regulations being passed from one department to the other, the former Minister for Home Affairs, Deputy Miles, has just pointed an email to me in October 2022 where she asked me if I would take over the regulations rather than me asking her. So, apologies there. We believe that that was the formal order in which things happened. Thank you.

The Greffier of the States (in the Chair):

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

[15:15]

8.2.1 Deputy P.F.C. Ozouf:

I wonder whether the Minister in the Third Reading would commit in advance of the Government Plan to bring forward ... he said kindly that there is not a policy which one can point to in relation to events. Would he in advance of the Government Plan, so that Members can understand where public money is going in public events, bring forward something that actually is understandable and explainable in terms of what the policy of his department is? I include the responsibility for his department allocating money to the ... I do not know what they are called. They are called non-government, non-something organisations, but in other words Jersey Sport, Visit Jersey, et cetera. Because there is an overall issue that his department is responsible for, which seems to me it is a multiple of what it was years ago when Economic Development started. I wonder whether or not it would be helpful for him to say, now he has accepted there is no policy, could he bring something in advance of the Government Plan?

8.2.2 Deputy M. Tadier:

I rise just to say that now that the work has been scrutinised ... and this is the process that should ordinarily happen for all legislation and that is why it is important I think that laws are lodged to allow for scrutiny to take place. We hope that this is, of course, the last time that we need to debate these regulations ever in Jersey and that the next time that this issue is before the Assembly it is because we have a completely new law in place with a new set of regulations and a new apparatus in place to do the work. I will say at the moment it is going to be incumbent on the Minister to reassure everybody who might have used the entertainment facilities, for want of a better word, or this law and the Bailiff's Department. Because we received evidence on the one hand which said that the system works very well and so, of course, there will be a need to convince people why change is necessary, notwithstanding the fact that there have already been some very good points made about the archaic way that this sits perhaps with the customary powers of the Bailiff when the Bailiff is also the civic head of the Island. Yesterday we saw that very clearly. He has other roles to do that do not involve the Parliament directly that also involve the courts, and that may not mean that he is the best placed to be dealing with administrative matters in this way. But we are also mindful of the way that it is a very streamlined system, that for £40 for an entertainment licence you probably get quite a lot for your money in terms of value. On the other hand, we do have an industry, not simply the

Hospitality Association but we know that event organisers can also be individuals. They may be inexperienced on occasions, who are not doing it for commercial reasons, who wish to have a system in place which is administrative and as straightforward as possible and fit for the 21st century. So in adopting this in the Third Reading, we hope that it is the last time we will need to give consent to these triennial regulations because I think whoever is in post either as Minister or in Scrutiny next time would probably not tolerate another iteration of this form of customary law being brought forward or this, rather, antidote to customary law being lodged in this way.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on this matter in Third Reading? If no other Member wishes to speak, I close the debate and I call on the Minister to reply.

8.2.3 Deputy K.F. Morel:

I am going to pick up Deputy Tadier’s last sentence; I think it was, an antidote to customary law. I do not believe customary law is toxic. Therefore, I do not believe it needs an antidote, so to speak. I am quite relaxed about the fact that Jersey still operates customary law in different areas. I do not think that was the point the Deputy was necessarily trying to make, but I certainly ran through the logic of that statement. Absolutely, as the Deputy says, I really, really want this to be the very last time that these triennial regulations are brought to the Assembly. It is a long time since illegal raves were a problem on the cliffs and we need to move to a different way of doing these things. With regard to the comments by Deputy Ozouf, I cannot make the commitment that Deputy Ozouf is asking for and the reason is because Deputy Ozouf has gone from asking for an events policy to asking for a written statement about the grant funding of all arm’s length organisations. That is absolutely not the same thing as an events policy and has nothing to do with an events policy, I am afraid, Deputy Ozouf, so that is not a commitment that I can make in regard to an events policy. An events policy would be looking at events and the framework under which they are allowed to take place or not allowed to take place. That is what an event policy is, and possibly could have something in there about the types of events that Jersey prefer to hold or not hold. Thank you, Ma’am. With that in mind, I do thank Members for their help with this and I do ask that the proposition be taken forward.

The Greffier of the States (in the Chair):

Do you call for an appel?

Deputy K.F. Morel:

Why not, Ma’am, yes. [Laughter]

The Greffier of the States (in the Chair):

The appel has been called for. I ask Members to return to their seats and for the Greffier to open the voting on this matter in Third Reading. If all Members have cast their votes, I ask the Greffier to close the voting. I can announce that the regulations have been adopted: 46 votes pour and one abstention.

POUR: 45		CONTRE: 0		ABSTAIN: 1
Connétable of St. Helier				Deputy P.F.C. Ozouf
Connétable of St. Brelade				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				

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

Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

Deputy M. Tadier:

Can we have the one abstention?

The Deputy Greffier of the States:

Deputy Ozouf abstained.

9. Draft Sea Fisheries (Minimum Size Limits) (Jersey) Amendment Regulations 202-. (P.32/2024)

The Greffier of the States (in the Chair):

The next item is the Draft Sea Fisheries (Minimum Size Limits) (Jersey) Amendment Regulations 202-, P.32/2024, lodged by the Minister for the Environment, and the main respondent is the chair of the Environment, Housing and Infrastructure Scrutiny Panel. I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Sea Fisheries (Minimum Size Limits) (Jersey) Amendment Regulations 202-. The States make these regulations under Articles 2 and 6 of the Sea Fisheries (Jersey) Law 1994.

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

The Sea Fisheries (Jersey) Law 1994 provides the framework for regulating sea fishing and conserving fish in our waters. Under that legislation, the Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 2001 is the regulation which controls the minimum size by which fish and shellfish can be landed, offered for sale, sold or retained by fishermen, or indeed anyone, within Jersey’s territorial seas for fisheries management purposes. The proposed amendment to increase the minimum size from 87 millimetres to 88 millimetres carapace length for lobster is a small but simple and sensible and effective change. Before Members go reaching for their notes, a carapace is the rigid section of the shell covering the body and is measured from the top, from the start of the eye socket, to the start of the tail. The use of minimum size restrictions on the landing, sale and retention of fish and shellfish is a tried and tested management measure employed in fisheries management across the world. The rationale is simple in that the minimum size allows a species to reproduce at least once but often multiple times prior to recruitment to a fishery or to being caught. It works well, particularly with shellfish that are robust and have high survival levels after catch and release, like lobster. Lobster is a mainstay of our commercial fleet and is part of the Island’s cultural and culinary identity. Lobster fishing had a boom between 2017 and 2019 when nearly every other pot would produce a lobster that could be landed for sale. Now, however, catch levels have returned closer to those of a decade ago, where only one in 6 pots has a lobster to land. Working with representatives of the commercial and recreational fishing fleet and marine resources officers, a suite of management measures has been proposed to safeguard and rebuild the stock. I would like to put on record my thanks to the members of the lobster working group for all their contribution and commitment to designing this package. Increasing the minimum landing size forms the keystone of these measures and so is the first to be introduced. Further measures as outlined in the recent lobster report published earlier this year by my department will follow in due course, but this small increase will apply to all those wishing to retain lobster commercial or recreational fishing in our waters. The proposed change will also support the continued viability of our sustainably certified lobster fishery under the Marine Stewardship Council, a certification we jointly share with our Norman neighbours. I have also taken

this opportunity to remove outdated allowances relating to tuna and swordfish in line with modern best practice and in support of our work to join the regional fisheries management organisation that manages these species on an international level, known as I.C.C.A.T. or International Commission for the Conservation of Atlantic Tunas. I hope Members will agree that these are sensible, scientifically robust and stakeholder supportive measures that seek to further enhance the conservation and management of this important local species. I ask Members to support this amendment and propose the principles.

The Deputy Bailiff:

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

9.1.1 Deputy K.F. Morel:

It is just to ask the Minister ... I will wait a bit because I can see the Minister is distracted. But I would like to ask the Minister a question, really. It is just I would be grateful if the Minister could provide greater detail around the exemptions for the blue fin tuna and the swordfish. As I understand it, it is saying that the exemptions at the moment are about bycatch and so would this, therefore, mean that it is not allowable to take any tuna or swordfish, even as bycatch? I am not asking for any political purpose here, it is just purely for understanding. Is that the sum of the regulations in that respect?

9.1.2 The Connétable of St. Saviour:

In a similar vein, I was just curious if the Minister could inform Members how this aligns with our Norman neighbours with their rules and regulations.

The Deputy Bailiff:

I call upon the Minister to reply.

9.1.3 Deputy S.G. Luce:

I am grateful for the 2 questions, which I am pleased to clarify. The Marine Stewardship Council is a M.S.C. certification which is known across Europe and hopefully will allow our fishermen to sell their product for an enhanced price. It is work that we do with our Norman neighbours and we have done for some time. I believe we will be renewing that again in the not-too-distant future. As for Deputy Morel, he is quite right. I am removing from this regulation the ability to land tuna and swordfish as a bycatch, as he quite rightly says. Tuna cannot be caught currently anyway because they are now on the wildlife list, and in the case of swordfish, the area that swordfish inhabit at the moment is from the southern Portuguese coast out into the Atlantic, so theoretically possible but very, very unlikely. The advantage of being able to remove these 2 lines out of the legislation now is that it very much enhances our ratification with I.C.C.A.T., which is something we really want to do in order to make use of tuna. If they should enter our waters, we may be able to do some scientific work with them in the future; potentially, if there is enough of a population, even do some catch and release and enhance the local fishing fleet's ability to make some money. I hope that helps.

The Deputy Bailiff:

Those in favour of adopting the principles kindly show. Thank you very much. The principles are adopted. Deputy Jeune, does the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise this matter?

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

No, Sir.

The Deputy Bailiff:

Thank you very much. Minister, how do you wish to propose the regulations in Second Reading?

9.2 Deputy S.G. Luce:

Could I propose them *en bloc*, please, Sir?

The Deputy Bailiff:

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

9.3 Deputy S.G. Luce:

I do, Sir, and I am almost disappointed that there is not more questions. I wanted to talk about the use of pot markers, the maximum sizes that we might restrict fishermen from landing lobsters, the number of pots in our sea and the age that lobsters start to reproduce, but I will save Members that and just ask for the vote on the Third Reading.

[15:30]

The Deputy Bailiff:

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

9.3.1 Deputy K.F. Morel:

I was just wondering if the Deputy might enlighten us as to some of the points that he dangled in front of the Assembly. **[Laughter]** I am sure we would all like to know more.

9.3.2 The Connétable of St. Brelade:

Would the Minister please confirm the size of the lobster held by the Queen yesterday? **[Laughter]**

The Deputy Bailiff:

A good question. Does any other Member wish to speak in Third Reading?

9.3.3 Deputy M. Tadier:

In summing up, would the Minister remind us of the punchline to the joke which goes that the lobster came into a bar and the barman said: "I am sorry, I am not going to serve you"? **[Laughter]**

The Deputy Bailiff:

Anyone else? **[Laughter]** I call upon the Minister to reply.

9.3.4 Deputy S.G. Luce:

Because I do not know the answer to Deputy Tadier's question, I am just going to say that this is a very serious subject and I do not want to make light of it. As for the lobster held by Her Majesty yesterday, I am assured that it must have been over the minimum landing size, otherwise it would not have been on land. In response to Deputy Morel, I might tempt Members with a couple of pieces of information. Lobsters come to breeding size at about 80 millimetres in carapace length, so increasing that size further will allow the lobsters that are in the sea to reproduce a number of times before they are caught. I would be looking to maybe set a maximum size of 135, which is a substantial size of lobster, but if one would be lucky enough to get to that size it can be returned to the sea after being caught, possibly after being tagged and noted. Members might like to know that in the lobster report issued earlier this year that there is the potential for nearly 75,000 lobster pots in our territorial

water, which I found quite an interesting and large figure. Certainly, I think that we have the ability to reduce down to around 50,000 without having any effect on the industry. But there were other measures that we could put in place and I very much look forward to bringing them to the Assembly to try to sustain the lobster stock as much as I possibly can for the benefit of everybody, especially the local fishing fleet.

Deputy M. Tadier:

Would the Minister give way before we finish this?

The Deputy Bailiff:

Are you prepared to give way?

Deputy S.G. Luce:

Of course, Sir.

Deputy M. Tadier:

I am sure it slipped his mind but of course the lobster, he says: “You come in here, giving it all this.”
[Laughter]

Deputy S.G. Luce:

I thank the Deputy for his answer and I ask for the vote.

The Deputy Bailiff:

The appel has been called for. Do you call for the appel?

Deputy S.G. Luce:

Yes, Sir, thank you, I would like to have the appel.

The Deputy Bailiff:

The appel has been called for. I invite Members to return to their seats and I ask the Greffier to open the voting. If all Members have had the chance of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted unanimously: 41 votes pour.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy S.G. Luce				

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

10. Draft States of Jersey (Deputy Chief Minister) Amendment Law 202- (P.33/2024)

The Deputy Bailiff:

The next item is the Draft States of Jersey (Deputy Chief Minister) Amendment Law lodged by the Chief Minister. The main respondent is the chair of the Corporate Services Scrutiny Panel. I invite the Greffier to read the citation.

The Greffier of the States:

Draft States of Jersey (Deputy Chief Minister) Amendment Law 202-. A law to amend further the States of Jersey Law 2005 to provide for the delegation and functions to, and the resignation of, the Deputy Chief Minister and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

The Deputy Bailiff:

The Chief Minister will propose the principles.

10.1 Deputy L.J. Farnham (The Chief Minister):

This amendment to the States of Jersey Law has been lodged alongside an amendment to Standing Orders. Collectively these proposals would allow for the delegation of legal functions from the Chief Minister to the Deputy Chief Minister and for the Deputy Chief Minister to be held accountable to the States for any such delegated functions. This would mirror the existing arrangements for Assistant Ministers to the Chief Minister and indeed in respect of an Assistant Minister to any other Minister. The Amendment Law also addresses a lacuna in the current law which presently allows the appointment and dismissal of the Chief Minister but not for the resignation of the Deputy Chief Minister. As a comparison, the law currently includes resignation provisions for the Chief Minister, Ministers and Assistant Ministers. It is just the Deputy Chief Minister for who the exception presently exists. I assure Members that this particular amendment to the law is to ensure consistency and good order and is in no way to be taken as a hint, nudge or encouragement to the incumbent; far from it in fact. Indeed these are proposals that have been picked up and finalised from the work that has taken place under previous Governments. The amendment also denotes a number of Articles in the States of Jersey Law, which are now spent and no longer relevant. I can come to those in a little more detail in the Second Reading should Members wish. This amendment simplifies and clarifies the position, ensuring that the Chief Minister can delegate responsibilities directly to the Deputy Chief Minister on the same basis that can be done for any other Assistant Minister, just to confirm that. With this additional responsibility of course come the associated accountability, and this is delivered through the related amendment to Standing Orders, which I will speak to in P.34. Can I just note and thank the Scrutiny for their comments, which have been noted and are helpful? After that, I move the principles of the amendment.

The Deputy Bailiff:

Thank you, Chief Minister. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak on the principles, those Members in favour kindly show. Thank you very much. The principles are adopted. Deputy Miles, does the Corporate Services Scrutiny Panel wish to scrutinise this matter?

Deputy H.M. Miles (Chair, Corporate Services Scrutiny Panel):

No, thank you, Sir.

The Deputy Bailiff:

Thank you. Chief Minister, how do you wish to propose the Articles in Second Reading?

10.2 Deputy L.J. Farnham:

I would like to propose the Articles *en bloc*. I am happy to cover them very briefly; it will take about a minute. Articles 1 and 2 are the interpretation provisions. Articles 3 and 4 in the 2005 Law, Articles 5A and 21B make the transitional provision. Article 5 of the amendment substitutes Article 24 of the law. This is to include provision for the Deputy Chief Minister to resign from the office in writing to the Chief Minister and for notice to be given to the States in such a scenario. Article 6 of the amendment amends the heading of Article 25 better to reflect the content of the

Article which includes provision for Assistant Ministers to resign, as well as being appointed and dismissed. Articles 7, 9 and 10 make minor consequential amendments to account for Article 28 on the power to delegate a function being split into 2 separate Articles covering the Chief Minister and Ministers separately. Thank you, and I propose in the Second Reading.

The Deputy Bailiff:

Thank you. Are the Articles seconded? **[Seconded]** Thank you very much. Does any Member wish to speak on the Articles in Second Reading? Those in favour of adopting the Articles in Second Reading kindly show. Thank you. The Articles are adopted in Second Reading. Chief Minister, do you wish to propose the matter in Third Reading?

10.3 Deputy L.J. Farnham:

Yes, please, Sir. There is nothing in particular in addition to mention in Third Reading but I would like to take the opportunity to thank all those involved in preparing the amendment, the Drafting Office, Law Officers, the previous and current Corporate Services Panel and of course the previous Government. I make the proposition in the Third Reading. Can I have the appel, please, Sir?

The Deputy Bailiff:

When it has been seconded. Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak on the Articles as adopted in Third Reading? The appel has been called for. I invite Members to return to their seats and I ask the Greffier to open the voting. If all Members have had the chance of casting their votes, I ask the Greffier to close the voting. I can announce that the law has been adopted in Third Reading: 41 votes pour, no votes contre and no abstentions.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy M. Tadier				
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 I.J. Gorst				

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

11. Amendments to Standing Orders - Deputy Chief Minister (P.34/2024)

The Deputy Bailiff:

The next item is Amendments to Standing Orders - Deputy Chief Minister lodged by the Chief Minister and the main respondent is the chair of the Privileges and Procedures Committee. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey with immediate effect.

11.1 Deputy L.J. Farnham (The Chief Minister):

The Deputy Chief Minister has formally had to do so ... bear with me. Right, thank you. Standing Orders currently allow for an Assistant Minister to propose a proposition of the Council where they have delegated responsibility and/or for an Assistant Chief Minister to propose a proposition to the Chief Minister. If the Deputy Chief Minister were permitted to receive delegated functions on the same basis as the Assistant Ministers, as previously discussed, it is logical for the Deputy Chief Minister to be permitted parallel permission to act as rapporteur in that capacity. As part of these changes to the role of Deputy Chief Minister and given that the Deputy Chief Minister is a member

of the Council of Ministers, it is seen as appropriate to place the same restrictions in respect of nominations and elections to Scrutiny Panels on the Deputy Chief Minister, as apply to the Chief Minister. This is achieved through an amendment to the Standing Order 120, which then has a consequential impact on Standing Order 120(1A). The panels impacted are Corporate Services and Economic and International Affairs. I move the amendment.

The Deputy Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the proposition to amend Standing Orders? Those in favour of adopting the proposition kindly show. Thank you. The proposition is adopted and the Standing Orders are amended.

12. Draft Employment (Minimum Wage and Benefits in kind) (Jersey) Amendment Law 202-(P.36/2024)

The Deputy Bailiff:

The next item is P.36, Draft Employment (Minimum Wage and Benefits in kind) (Jersey) Amendment Law, lodged by the Minister for Social Security. The main respondent is the chair of the Health and Social Security Scrutiny Panel. I invite the Greffier to read the citation.

The Greffier of the States:

Draft Employment (Minimum Wage and Benefits in kind) (Jersey) Amendment Law 202-. A law to exclude requirements from applying to the making of an order before 1st April 2026, prescribing the hourly rate of the minimum wage or amounts relating to benefits in kind. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

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

In November 2021 the previous Assembly set a target of raising the minimum wage to two-thirds of average median wages. In our Common Strategic Policy document this Government and, by its approval of that Common Strategic Policy, this States Assembly has taken a decision to make that target a reality. This amendment to legislation enables me to set rates over the next 2 years to fulfil that commitment. I am very pleased to be supported by the Minister for Sustainable Economic Development who is working with employer representative groups to develop a transitional support package for employers with low-wage employees. Given that it is a political commitment that has been made, it would not be appropriate to ask the Employment Forum to consult, and that is why this amendment is time-limited and temporary. This amendment automatically falls away at the end of March 2026 and all the provisions in the Employment Law which require the Minister to direct the forum to consult on minimum wage rates will apply again.

[15:45]

I recognise that some Members will have doubts about the course I am proposing with this amendment but it is the most effective way of ensuring both the Assembly's and the Government's commitment to those on the lowest wages is met within a realistic timescale. One piece of consistent feedback that we have heard from employer representatives is to provide certainty at the earliest opportunity of what rates will be. This is what this proposition will enable me to do. I commend the proposition to the Assembly and maintain the principles.

The Deputy Bailiff:

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

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

Along with my friend and colleague in front of me, Deputy Barbara Ward, we spent 9 years on the Employment Forum. During that time we consulted regularly, obviously every year, on minimum wage. Although it was a very rewarding part of the work, there were other employment issues that could have taken precedence and could have affected in a positive way a lot more workers in Jersey. We understood that it was a necessity to complete the review of minimum wage each year. Indeed, at one point we did consider having a 2-year recommendation for the minimum wage to give businesses that surety and to be able to plan for the next 2 years. We never found that the economic conditions were right to be able to make a 2-year recommendation. Although at the time I was really keen to push that forward and allow the forum to consult on wider employment issues, we never got to that end point. All that I would ask of the Minister is if this proposition does get accepted that she uses that time, that 2-year timeframe, effectively, to put the forum to really good use and unleash them on some works that perhaps they would not have had the opportunity to do so otherwise. I am aware that they are currently working on whistleblowing provisions and I am sure they will have an in-depth consultation and recommendation on that. But perhaps a full review of the family-friendly legislation might be appropriate at this time to see if the Employment Forum can recommend further positive changes to increase the provision of family-friendly legislation in Jersey. Also, earlier this morning we were talking about zero-hours contracts; it could be a good time to have a proper consultation on zero-hours contracts to see what is working and what can be improved. I know that zero-hours contracts was always a favourite of Deputy Barbara Ward. I am sure she would like to see that come to fruition. In relation to the offsets, I am aware from all those consultations that we had over the years that the 2 main areas or industries that are affected by minimum wage are of course agriculture and hospitality. Of course the offsets are a mechanism that they have to make a difference when the rate goes up. We looked at increasing the offsets above the rate of minimum wage to allow for that flexibility for employers in those industries. But what we found at the time - and I still believe this to be the case - is very few employers in those industries use the offsets to their maximum as it stands. I do not think that mechanism will work unless things have dramatically changed. Because such is the competitiveness of the workers in the agricultural industry, in particular that most employers just cannot use the offsets to their maximum, I do not think that will have the desired effect. But we can try and if employers understand how to use them properly, as long as the employer is not financially disadvantaged from where they are now. Because all that will happen otherwise is those workers will take themselves off to another farm that does not maximise the use of the offsets. I think it will find its own level. But, generally speaking, if this does get adopted I think it will give the Employment Forum a lot more time and space to do changes, it will put forward the recommendations to changes to the Employment Law that will make a difference for a lot of workers in Jersey.

12.1.2 Deputy H.L. Jeune:

I am really pleased that Deputy Ferey was able to go before me because one of the questions - I really have more questions than anything else to the Minister - was about what the Employment Forum says on this matter. It would be good to hear and it was good to hear from the Deputy about this. But it would be really useful to hear from the Minister her conversations with the current Employment Forum and how they feel about this particular proposition. Will there also be consultation on the whole package that will come with the Minister for Sustainable Economic Development? Will this whole package be consulted at some point or will this mean that because it is in the C.S.P. it will not be consulted at all in the round? It would be useful to know. Third, this question came to me, as Deputy Ferey was talking, about some of the kind of ways that, potentially, could be tweaked in the future around the Employment Forum and looking at the subject of minimum wage. What happens in March 2026? Will you also be using this time between now and then to also maybe amending as such or using that opportunity to see how that will change in the future or will it go back to what it was before? Then of course, as we have heard from Deputy Ferey about his concerns around that

and around what happens at the moment, so could use the time to amend it and become more efficient as well into the future.

12.1.3 Deputy P.M. Bailhache:

My party, the Jersey Liberal Conservatives, like the Reform Party and indeed many independent Members, are in favour of the principle of making the minimum wage a living wage. As the J.L.C. (Jersey Liberal Conservatives) stated in its manifesto, a living wage is important for workers' self-respect. It should not be necessary for wages to be supplemented by the Government. But I have to say that the agricultural industry is deeply concerned about the haste with which the Government is moving to introduce the living wage. The Retail Price Index has advanced by 26 per cent between March 2021 and March 2024. The minimum wage has increased to during the same period by 40 per cent. Farmers' incomes have not increased by anything like 40 per cent. I do not have the figures but I doubt that they have in fact increased even to the extent of the R.P.I. (retail price index). The supermarkets have rigorous price controls. The farmers are being squeezed. Their costs are rising hugely but their incomes are not. They are in a different position from the hospitality industry and even the retailers where there is at least the opportunity to increase incomes by putting up prices, yet the Government appears to be adopting a one-size-fits-all approach. I heard the Minister this morning say that she had been consulting with the agricultural industry. I hope that the Jersey Farmers Union has been included in that consultation. I hope that the Minister will, if this proposition is adopted and the farmers no longer have the opportunity of going to the Employment Forum to articulate their concerns, will listen personally to the concerns which they have. The agricultural industry, it does not need to be said really, is so important to this community and to this Island. It would be a catastrophe if some members of the industry were pushed into a position where they felt that it was not economically possible to continue; that must be avoided. I look to the Minister for assurances that she will, if this proposition is adopted, consult very fully with all those who have responsibility for the well-being of the agricultural industry.

12.1.4 Deputy I. Gardiner:

I would like to echo Deputy Bailhache's comments about consultation and add to the list the Construction Council, that I have had meetings with them and they express great concern. Again, myself, I voted and I do support the living wage and it is something that is important. Saying this, the concerns that were raised by the Construction Council that is specifically also around the apprenticeship. Because the apprentices who are much needed in the Construction Council and the living wage would be required to be paid, they need to be assured that their concerns will be met and they will get also included in the consultation and a solution will be found. Because from their perspective it is needed to be looked at as well.

12.1.5 The Connétable of St. Brelade:

I too flag up warnings that Government interference in private enterprise is never a good thing. The situation in the Island at the moment where it is very difficult to get staff and unless staff are paid a reasonable wage well we simply will not have any. I do regard this interference as superfluous at this present time. Notwithstanding that I do not believe that the public should support businesses who do not pay a reasonable rate but I just care and I do not feel I can sensibly support this proposition at the moment.

The Deputy Bailiff:

Thank you, Connétable. I call upon the Minister to reply.

12.1.6 Deputy L.V. Feltham:

I will try and answer all the questions that I have been asked. Firstly, Deputy Ferey, I wholeheartedly agree with your sentiment that the time of the Employment Forum during these 2 years should be utilised at its best to effectively look at what other areas of employment legislation can be consulted

upon. As you quite rightly said, they are currently looking at the whistleblowing legislation which has been approved, which we agreed within the Assembly to move forward with. I understand where the Deputy was coming from with regard to offsets. I have also heard that in some industries offsets are not being used to their fullness. However, that was one thing that I heard loud and clear from the industry representatives that we have consulted with already. Deputy Jeune asked me what the Employment Forum view was. I have met with the chair of the Employment Forum twice. When I met with her last week I discussed this particular proposition and she brought no concerns to me about it. She also feels that this next 2 years can be put to good use and the forum can use this time to concentrate on other matters. She also recognised that this is a political decision that has been taken. In essence, it would not be a good use of time for the forum to undertake a consultation on a decision that we have already made politically to move forward with. I hope that answers that Deputy's questions that she asked me. I understand Deputy Bailhache's points about the agricultural industry.

[16:00]

Yes, I have met with the Jersey Farmers Union twice myself. I know that the Minister for Sustainable Economic Development and his team have also been meeting with them. In the packages that they will be bringing forward they will be considering how they can make this transition appropriate and help this incredibly important industry. Deputy Gardiner, to answer Deputy Gardiner's question, I have not personally met with the Construction Council. I will endeavour to find out whether the Minister for Sustainable Economic Development's team has done so, and if they have not been consulted with to date I will ask that they are added to that list. Constable Jackson commented that there are businesses that are currently finding it difficult to get staff. One of the things that I think is most important about us moving to a living wage here is our competitiveness as a jurisdiction and being known as a jurisdiction where people can afford to live. We know that we have a high cost of living and I think moving towards a living wage is an important element of that. I have just realised that I had not answered all of Deputy Jeune's questions. She asked about, what was happening during this 2-year period? I think Deputy Ferey also alluded to this. We will be undertaking some work around minimum income standards so that we can have better data and better information available to us about what it costs to live on the Island on a day-to-day and then what a reasonable income standard to live on the Island will be. That will then enable us over this 2-year period to then think through how we work with the Employment Forum on an ongoing basis and then the appropriate method of consultation that they may take forward post this change elapsing. I hope that that answers everybody's questions, and I ask the Assembly to support me in this matter so that I can move forward and deliver on the decisions that we have already made.

The Deputy Bailiff:

Is the appel called for?

Deputy L.V. Feltham:

Yes, Sir.

The Deputy Bailiff:

Members are invited to return to their seats. I ask the Greffier to open the voting on the principles. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

Connétable D. Johnson of St. Mary:

Sir, I am afraid my device is not working m afraid. Would I be permitted to vote verbally?

The Deputy Bailiff:

I am afraid not, I do not think that is possible when the vote is closed. I can announce that the principles have been adopted: 32 votes pour, 8 votes contre and 3 abstentions.

POUR: 32		CONTRE: 8		ABSTAIN: 3
Connétable of St. Helier		Connétable of Grouville		Connétable of St. Brelade
Connétable of St. Peter		Connétable of St. Ouen		Deputy P.F.C. Ozouf
Connétable of St. Martin		Deputy L.M.C. Doublet		Deputy M.R. Scott
Connétable of St. John		Deputy Sir P.M. Bailhache		
Connétable of St. Clement		Deputy D.J. Warr		
Connétable of St. Saviour		Deputy H.M. Miles		
Deputy G.P. Southern		Deputy K.M. Wilson		
Deputy C.F. Labey		Deputy M.B. Andrews		
Deputy M. Tadier				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				

The Greffier of the States:

Those voting contre online: Deputy Andrews and Deputy Doublet. Those voting in the Assembly: the Connétables of Grouville and St. Ouen, Deputies Bailhache, Warr, Miles and Wilson. The abstentions were the Connétable of St. Brelade, Deputy Ozouf and Deputy Scott.

Deputy P.F.C. Ozouf:

Sir, may I raise a point of order?

The Deputy Bailiff:

Yes.

Deputy P.F.C. Ozouf:

I think this is a relevant time to make a point of order because I was not here for the start of the debate and I do not know whether any conflicts of interest statements were obtained or made. I abstained because I would have made a declaration of interest that I have an interest in a business that, potentially, is affected by this.

The Deputy Bailiff:

Thank you very much.

Deputy P.F.C. Ozouf:

I would invite other Members to do the same.

The Deputy Bailiff:

Do the Health and Social Security Panel wish to scrutinise this matter, Deputy Doublet?

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

No, Sir.

The Deputy Bailiff:

No, thank you. Deputy Rose Binet, you wish to make a declaration or ...

Deputy R. Binet of Grouville and St. Martin:

Yes, Sir. I have an interest in a business that can be affected by the recent proposition.

Deputy T. Binet:

I have to say the same, Sir.

The Deputy Bailiff:

Are you asking for a ruling in relation to the nature of the interests you have or not?

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

Indeed I am, Sir, because I have an interest in a business but no employees are paid at the minimum or living wage rate. I am not quite sure what it is that the declaration the Members are making is.

The Deputy Bailiff:

Yes. Let me remind Members what Standing Order 106 says: "A Member of the States who has or whose spouse or civil partner or cohabitee has an interest in the subject matter of a proposition must (a) if it is a direct financial interest, declare the interest and withdraw from the Chamber for the duration of the debate and any vote on the proposition, (b) if it is not a direct financial interest but a financial interest which is general, indirect or shared with a large class of persons, declare the interest. If it is an interest which is not financial declare the interest. All declarations made as soon as possible and a financial interest in the subject matter is direct if it is immediate or personal to the person concerned." That is what Standing Order 106 says.

Deputy P.F.C. Ozouf:

Sir, the question is the matter before the Assembly, was the setting of a minimum wage.

The Deputy Bailiff:

Yes.

Deputy P.F.C. Ozouf:

Therefore, any decisions to bring the minimum wage upwards to levels that might compromise the financial interest, which I think is the issue that Deputy Gorst, the Minister for External Relations, was making. It is a could not a will and that is why out of abundance of caution I made my declaration because basically we are in the unknown.

The Deputy Bailiff:

Yes, I follow what you are saying. Yes, as the proposition has no direct effect on any person's financial interest, then the proposition, as currently drawn, whether adopted or not, will only have an indirect financial interest. In those circumstances persons should declare that interest. They may of course if they wish abstain but they may if they wish contribute to the debate and vote. As of this stage it does not give rise to any Member having a direct financial interest in the outcome of this debate.

Deputy P.F.C. Ozouf:

I am grateful for your ruling, Sir.

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

Sir, may I speak? My wife and I have a financial interest in a hospitality business but I voted for the increase.

The Deputy Bailiff:

Yes.

The Connétable of St. Clement:

I do understand that this is already in law. Did you not say, Minister, that ...

The Deputy Bailiff:

Through the Chair, through the Chair.

The Connétable of St. Clement:

Through the Chair, I beg your pardon.

The Deputy Bailiff:

You have voted and you were entitled to vote but we note your interest.

The Connétable of St. Clement:

That is fine, okay, thank you.

Deputy A.F. Curtis:

Sir, I think people are pretty much declaring if they are employers who pay anything is we change the consultation, right. I can declare I am an employer but I will state that is at the living wage but I am an employer.

The Connétable of St. Brelade:

In concert with the previous speaker I am an employer but not at below the minimum wage.

Male Speaker:

I am an employer as well, Sir.

Deputy R.S. Kovacs:

Similarly, my husband and I have a business in hospitality but, as the Constable said, voting for it cancels any financial possible gain.

Deputy I.J. Gorst:

Sir, I am a director of a company that does employ people.

The Deputy Bailiff:

Yes, thank you very much.

Deputy K.L. Moore:

Sir, my husband and I employ people but well above the living wage.

Deputy M.R. Scott:

Sir, I employ somebody part time but above the living wage. If it is employment, she is self-employed.

The Deputy Bailiff:

Yes, thank you very much. There is someone online, Deputy Porée, yes. Do you want to make a declaration?

Deputy B.B. de S.DV.M. Porée of St. Helier:

Yes. Yes, I would like to declare that I also run a business and I do pay my staff already above the living wage.

The Deputy Bailiff:

Thank you, Deputy. Yes, Minister, do you wish to propose the Articles in Second Reading?

12.2 Deputy L.V. Feltham:

Yes, Sir.

The Deputy Bailiff:

En bloc. Are the Articles seconded? [**Seconded**] Does any Member wish to speak on the Articles in Second Reading?

12.2.1 Deputy P.F.C. Ozouf:

I am sorry that I have made my declaration of interest and I am pleased that other Members have also for the avoidance of ... it is the kind of issue that members of the public would want us to adhere to in terms of declarations, as indirect as it is. In this Third Reading, may I ask that the Minister in now having got approval of the Assembly to not consult with the bodies that she had to previously and will unilaterally be able set the minimum wage herself. It is currently regarded as the minimum wage under legislation. I know it is going to be moving to the level of the living wage but I do not need to be corrected by the Deputy because the legislation says minimum wage, as I recall. My issue in the Third Reading that I would ask the Minister to take account of is whether or not there is an adherence to the minimum wage by all employers in the Island, having regard to the offsets. I just ask the Minister if she is aware of some concerns, as I have heard myself, of offsets not being appropriate in terms of the living wage. The minimum wage is what it says, it is a minimum hourly rate of which only social security, income tax and lodging and living accommodation can be done. But as I understand it, that there are other offsets that are falling below that of the minimum wage and there is probably a widespread issue that the Minister may want to be seized upon. It is certainly something which the Scrutiny Panel has brought to the attention of the Assembly too and I am very concerned about it.

The Deputy Bailiff:

Thank you, Deputy. Does any other Member wish to speak on the Articles in Second Reading? I call upon the Minister to reply.

12.2.2 Deputy L.V. Feltham:

Just to answer Deputy Ozouf's question, if he is aware of any issues with regard to the treatment of offsets I would encourage him or any other Member to bring them to my attention so they can be dealt with appropriately within the employment legislation.

The Deputy Bailiff:

Is the appel called for in Second Reading?

Deputy L.V. Feltham:

Yes, Sir.

The Deputy Bailiff:

The appel has been called for. Members are invited to return to their seats and I ask the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Thank you. I can announce the Articles have been adopted in Second Reading: 33 votes pour, 7 votes contre and 4 abstentions.

POUR: 33		CONTRE: 7		ABSTAIN: 4
Connétable of St. Helier		Connétable of Grouville		Connétable of St. Brelade
Connétable of St. Peter		Connétable of St. Ouen		Deputy P.F.C. Ozouf
Connétable of St. Martin		Deputy L.M.C. Doublet		Deputy M.R. Scott
Connétable of St. John		Deputy Sir P.M. Bailhache		Deputy K.M. Wilson
Connétable of St. Clement		Deputy D.J. Warr		
Connétable of St. Mary		Deputy H.M. Miles		
Connétable of St. Saviour		Deputy M.B. Andrews		
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
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 K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				
Deputy J. Renouf				

Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				

Minister, do you wish to propose the draft law in Third Reading?

12.3 Deputy L.V. Feltham:

Yes, Sir.

The Deputy Bailiff:

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

12.3.1 Deputy M. Tadier:

In Third Reading, can I welcome this proposal from the Minister? I think that for too long the minimum wage has been able to be used as a political football because what we have effectively done is abdicated what is, essentially, a highly political matter.

[16:15]

One for politicians, such as ourselves, to take to an independent body which gives considerations after a period of consultation, the consultation which necessarily, I think, does give priority to hearing from employers. That is not a criticism of the employers, simply that they are well organised and able to make submissions. Often the voice of those workers is not always amplified to the extent it should be. It is right, as we know, that various Governments, not just in Jersey, seeking election, seeking a mandate, do put cost-of-living issues very much at the forefront often of their manifestos. It is right that any new Government coming in should be able to fulfil those political promises if and when they occur and when they have a mandate. I know not all will agree with that but I think that is the correct position. Simply, the last point I would make, the second and last point is that let us get back to the philosophy of what this proposition is ultimately about. Is that if we have a minimum wage which is set below the living wage and we allow that to continue into the future, what we are ultimately saying is that, as an Assembly, we are content with poverty wages. We are content with people working for an amount that is less than it costs them to live, which is positively Victorian as a concept. I think even Victorians would have struggled with that concept, which they certainly did. We know that there were many good social reformers at that time, not least Pierre Le Sueur from St. Helier as Constable who was one of the notable local reformers in that respect. I do hope that in the Third Reading we might all come together to support what the Minister is trying to do here and that in the future when we talk about the minimum wage and the living wage that it will be exactly the

same thing. Simply, we will be talking about what is the living wage. How much do you need in Jersey to survive to make ends meet, before you talk about any kind of aspiration for workers in Jersey?

The Deputy Bailiff:

Thank you, Deputy. Does any other Member wish to speak on the Articles as adopted?

12.3.2 Deputy M.R. Ferey:

Just following on from the last speaker, the Employment Forum is constituted of 3 employer representatives, 3 employee representatives and 3 independent representatives. There is the voice from both employer and employee in that forum. Equally, in the past when we did consultations, compliance inspectors from Social Security met face to face with minimum wage earners and went through the consultation process with them so that their voice could be heard. I do agree with the Deputy, inasmuch as employer voices are louder and perhaps easier to hear because they are more plugged into what is going on. But the forum itself visited farms, visited hospitality businesses to hear first-hand from employees in those situations as to how their situation could be improved. We even visited some of the accommodation that farm workers, in particular, resided in. We made every effort to contact employees and hear their voice and certainly make sure that they were in the mix as part of the consultation process. I do refute that the assertion that employees are not heard from; they absolutely were heard from. During COVID of course that became more difficult and perhaps it was not picked up as well as it should have been afterwards. But it was very much in the Employment Forum's mind that we had to hear from across the spectrum when setting the right level of minimum wage for Jersey.

12.3.3 Deputy P.F.C. Ozouf:

I am sorry to rise in the Third Reading but I think that it is important that in setting what will be the minimum wage without consultation. I entirely agree with my fellow Deputy from St. Saviour that there have been the voices heard from individuals. My concern is the experience of other jurisdictions where there has been a failed experiment in the U.K. certainly of, effectively, promising a living wage and then, effectively, failing the economic situation of the United Kingdom by the link with immigration. It is a very difficult issue to say but you cannot have your cake and eat it. There is an *Economist* article dated 24th August, which I will circulate to Members, which explains in terms why Britain's failed experimenting boosting low-wage sectors has not worked. It needs to be understood because it is absolutely linked with that of immigration and it is the immigration issue which is of concern to me. It is the minimum wages which are being permitted by the work-permitted individuals which are the problem and the offsets that are allowed. There is a big issue and I believe it is currently a hidden issue; it is hidden from public view. I urge the Minister in her further discussions, in her deliberations with other Ministers, particularly calling to mind the comments that Deputy Bailhache made about the importance of the agricultural industry, et cetera. There is a fiction about the living wage in terms of what it means and what it does not mean to some employers versus others. There is minimum wage legislation but I wonder whether or not it is being adhered to for a certain section of our society, which are the migrant workers, and I doubt it. But I look forward to receiving some real thought that has been given to Ministers about whether or not we are really truly ... it is not an issue of Victorian period, we are in the Carolean period and I am worried about a minimum wage in the Carolean period.

The Deputy Bailiff:

Thank you, Deputy. Does any other Member wish to speak on the principles as adopted? Minister.

12.3.4 Deputy L.V. Feltham:

I will start with the points raised by Deputy Ozouf around work-permit holders. The Assembly I am sure will be aware that I was on the Scrutiny Panel that looked into the work permits policy. Now I

am in a Ministerial position I do work collaboratively and I will work closely with the Minister for Justice and Home Affairs to allay any issues that there may well be in relation to work-permit holders. The other 2 speakers, Deputy Ferey and Deputy Tadier, I think, were calling upon me to ensure that in this and other future consultations there was equal weight given to both employee voices, as well as employer voices. I hope it gives both of those Deputies some comfort to know that in my consultations I have also met with trade unions, as well as employer representatives. It was one of the conversations that I have had with the chair of the Employer Forum, that notwithstanding all of the efforts that were very well described by Deputy Ferey, the forum is not always able to consult with as many people as it has hoped for in the past. I would hope that over the coming years we will be able to work on that to ensure that voices are heard equally and it is not just the ones that have the loudest voices. To go back to Deputy Ozouf's points, I think the point around the living wage and knowing it is being correctly applied and is a suitable wage to live, that is where we come down to the minimum income standards piece of work that I described earlier. I hope that that gives the Deputy some comfort in that. I call for the appel.

The Deputy Bailiff:

The appel has been called for. I invite Members to return to their seats and I invite the Greffier to open the voting. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I announce that the law has been adopted in Third Reading: 34 votes pour, 7 votes contre and 4 abstentions.

POUR: 34		CONTRE: 7		ABSTAIN: 4
Connétable of St. Helier		Connétable of Grouville		Connétable of St. Brelade
Connétable of St. Peter		Connétable of St. Ouen		Deputy P.F.C. Ozouf
Connétable of St. Martin		Deputy L.M.C. Doublet		Deputy M.R. Scott
Connétable of St. John		Deputy Sir P.M. Bailhache		Deputy K.M. Wilson
Connétable of St. Clement		Deputy D.J. Warr		
Connétable of St. Mary		Deputy H.M. Miles		
Connétable of St. Saviour		Deputy M.B. Andrews		
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I.J. Gorst				
Deputy I. Gardiner				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy T.A. Coles				
Deputy B.B.de S.V.M. Porée				

Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy L.V. Feltham				
Deputy R.E. Binet				
Deputy H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy T.J.A. Binet				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy L.K.F. Stephenson				

13. Fully Funding Education or Training for all 16 to 18 year-olds (P.38/2024)

The Deputy Bailiff:

The next item is Fully Funded Education or Training for all 16 to 18 year-olds, P.38, lodged by Deputy Gardiner. The main respondent is the Minister for Education and Lifelong Learning. Deputy Gardiner, you have lodged an amendment, do you wish for the proposition to be read as amended?

Deputy I. Gardiner:

Sir, as I am rising I am thinking because I have had an exchange with the Minister when I offered 2 options for the amendment. When I now read the email, following the exchange during the lunchtime, there are 2 paragraphs. One is: "I would respectfully request you to put faith in me as a Minister to deliver. On this basis consider withdrawing the proposition. If you do not share my confidence of my commitment to make change and want to continue with P.38 on this basis, then I will accept option 2." Option 2 was lodged as an amendment. It is not about personalities, commitment of faith from me, it is the privacy from the Assembly. As I speak and after the conversation with the Minister, I am withdrawing my amendment and I would debate my original proposition.

The Deputy Bailiff:

You withdraw the amendment and you wish for the Assembly to consider your proposition as it was originally lodged. Yes, thank you, Greffier. Please, read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion (a) that all 16 to 18 year-olds should be eligible for fully-funded education or professional training in Jersey and to request the Minister for Education and Lifelong Learning to implement any necessary changes to the existing provision prior to September 2025; (b) to request the Minister for Education and Lifelong Learning to include any necessary long-term additional funding within the Government Plan 2026-2029 and; (c) to request the Minister for Education and Lifelong Learning to undertake a review of education legislation and policy with a view to increasing participation in education or professional training for all young people up to the age of 18.

13.1 Deputy I. Gardiner:

Again, I would like to apologise before my speech with all the Members of the Assembly about some confusion. The difference between my amendment that I thought that the Minister accepted was a compromise, was that paragraph (a) was taken out. Paragraph (a), it is the policy intention which is asking for 16 to 18 should be eligible for fully-funded education or professional training in Jersey. Reflecting on this, the part (a) can be done by the Minister without bringing the law in legislative change and can be done quicker and can be done within the Government Plan. When we agreed the amendment I said, okay, we can have a policy and legislative change in one thing. If Members were considering to vote for my amended proposition it would be paragraphs (b) and (c). The main difference that happened would be a compromise; that I withdraw paragraph (a) but I do believe it is important to the debate. I would like to read a quote, it is not my quote, it is got from Deputy Ward's blog from 18th May 2023 under the name: "The slow death of the democratic Assembly. What are the consequences of believing that propositions are unnecessary for the Government? First of all, we lose the unique democracy we have in Jersey, where non-Government, now called non-Executive Members of the Assembly, can bring any proposition and have it debated within 6 weeks. This is important and unique, as it delivers direct democracy for Members of our society and it gives unique and responsible roles to all Members of the Assembly. We can make genuine change or at least attempt to and remember one fact, the Assembly has primacy in the governance of our Island." This is why for me it was important to bring this debate about education, funding for education for 16 to 18 year-olds to the Assembly. It has not been debated in this Assembly for a long, long time, several terms. At least for Ministers, including myself, and Scrutiny, including Deputy Ward, we are working on it for the last 5 years.

[16:30]

What I found out when I lodged the proposition when I had a discussion with the Members, because it was between Ministers and Scrutiny and not in the public domain, there are some facts that Members were not aware of. It is very complex. It is very complex. It is very difficult to put a formula together and I know this. I am going to ask a couple of questions; obviously in the setting of the States Assembly it is very difficult, compared to the workshop to get the answers. I would like if each Member will check: are they aware and what they are thinking about this position on the Island? At the moment A-Level students in Government schools get the full cost of their education. It is, on average, between £7,500 to £8,000 a year per student funded by the taxpayer. Again, because the formula is very complex, I have seen the numbers but if you are taking the total budget of school, how much Hautlieu School received a year and how many students a year. We can calculate approximately, it may be a bit more a bit less, but it is between £7,000 to £8,000 a year. But students doing apprenticeship training only get £1,600 towards the cost of their courses. It is an average 3 times less than the cost of the course. If Members are aware about this, maybe yes, maybe no. We go with Tracker and if you will track my Written Question 24 confirmed this. What does it mean that students doing apprenticeship training will get some funds that will be reallocated within the system? Some of the expenses will be paid by the employers to match the cost of the course and some will be self-funded. The answer to one of the written questions, 14 students did not go through because the funding has run out. I am not sure it is the right situation for Jersey. Okay, this is the first fact and check how much you were aware about this fact because I also learned it. I would like now, Members, if they have the proposition in front of them on their computer or devices to open the report to my proposition on page 8. On page 8 you can find a table that I have calculated based on the answers from the Minister to Written Question 23 and Written Question 113. You can see how much funding was allocated, for example, for childcare, the number of students, actual cost per learner and what the deficit is. The deficit needs to be covered. Sometimes it is covered from the fund, sometimes it is not and again the differences in cost per course are linked to the different number of learning hours. I am saying again that the numbers are not precise. The funding allocation cannot be accurately compared due to the difference in methodology. In fact, it is acknowledged that it is

really complex and we need to find the whole jigsaw puzzle. I have seen the numbers but it was Ministerial submissions and it is policy and development, so the numbers are not shared with the public but I definitely know there is a deficit in the funding for the vocational education and apprenticeship. It was also highlighted, not by me, in the Actionable Agenda, the independent review of the school funding that concluded that 16 to 18 year-olds at Highlands College received less per capita funding than the same group in schools including Hautlieu. This has clear implications for the regard in which vocational education is held compared to academic provision and it is deeply unfair, given the overall level of disadvantage among students at the college: “The costs of apprenticeship provision in Jersey is notably opaque, and most likely significantly underfunded, being effectively cross-subsidised from other funding schemes within Highlands College.” This is a quote from the Actionable Agenda independent review finding that was published previously. This is the first paragraph (a), which is that we as the States would like to support the Minister and would like to make sure that regardless of the paths that young people are taking their education will be funded fully. We can see that most of the vocational courses there are around £5,400. I am moving now to paragraph (c) because there was another confusion there, what is the participation age, because we do not have in our laws “participation age” as a term. There is a substantial difference between compulsory education and participation. It is not mandatory. I do not believe in mandatory but I do believe that the young people and their parents should not be fined but strongly encouraged and it is the Government’s duty to fund. Jersey is an outlier from the U.K. and most of the O.E.C.D. countries where education and training are funded until 18. Participation age in the U.K. was raised to 18 in 2013. The U.K. law requires young people to continue some form of education or professional training until the age of 18. There are multiple options available in the U.K. to study full-time at school, a college or training provider and it is full-time education of 540 hours, full-time employment or volunteering. Full-time is counted as more than 20 hours a week and enrolment in an apprenticeship or traineeship or supported internship. This is the legislative change. The Education Law would need to be changed; it might take a long time and we see there is a big and complex way forward but it is possible and it is important because it is on the cards for a long time. This proposition does not mention reducing funding to A-Levels or to affect in any shape or form A-Level funding. It is important that A-Level funding will remain. This proposition does not propose an Open U course or to pay for courses that are not economically viable. This proposition proposes a simple policy direction and intention and if this Assembly believes that we need to bridge the gap and make it fair that all 16 to 18 year-olds will be funded regardless of the path that they choose. I believe this is the right time for the Assembly to express their views and to debate provision for the funding and take decisive steps with regards the education provision for the young people who are the Island’s future and I am looking forward to the debate.

The Deputy Bailiff:

Thank you, Deputy. Is the proposition seconded? [**Seconded**]

13.1.1 Deputy M. Tadier:

I think I was taken by surprise, probably as most Members, that the amendment was being withdrawn, so we revert to the original proposition. I must admit that when I first read this, and as I still do read it, I find that I do not really know how to react to part (a) because I think it is quite revolutionary. What it seems to be proposing to me is potentially a blank cheque here and that we should potentially be nationalising all of our 6th form provision in Jersey and ultimately abolishing fee-paying schools in Jersey, because of course if we read the wording of the proposition it says that all 16 to 18 year-olds in Jersey - so that is all of them, not some of them - should be eligible for fully-funded education or professional training in Jersey and then of course it talks about bringing funding forward in part (b). So that means if you are a student at Victoria College or De La Salle or Beaulieu or J.C.G. (Jersey College for Girls) or St. Michael’s that you can then turn to the Minister and say: “Well, the Assembly has passed a proposition yesterday and you have agreed to fully fund my daughter or my

son's education in Jersey. Thank you very much for that, so here is the bill" and of course it would be questionable as to why anybody who has 16 to 18 year-old children at those schools would want to therefore pay for an education for their children when the Government are offering to pay for it for free. Now, that is how I read what is being proposed there because that is what it says, which is interesting because I remember before the last elections I had some quite interesting policy debates with a running mate of mine, and he will not mind me saying it, I am sure, about what we should do with the fee-paying schools in an ideal world. One school of thought has always been that if they are fee-paying then they should be completely fee-paying and we should remove the subsidies from those schools, and of course the downside of that would be that they become properly elite, in a sense, because it would only be the ones who could really afford to send their children there who could do it, because the fees would be so much more expensive, and his suggestion was: "Well, have you considered doing it the other way around and making the 6th form colleges entirely free so that everybody can get a free education at what are somewhat selective schools and you could argue are somewhat elitist schools at the moment?" and that is what Deputy Gardiner is proposing here. I think it is quite radical and the socialist in me thinks that maybe that is the way to go. Maybe we should go that way but I am not sure necessarily that it has been costed and that the Minister has necessarily got the budget and would necessarily get support from the rest of the Council of Ministers to do that, even if he were minded to do that himself. I will be looking forward to what the Minister has got to say on this. I know that the Minister is progressive but I do not know if he is quite that progressive or that bold at the moment to want to abolish all of the fee-paying schools in Jersey. I wait to hear from him but if that is the direction he wants to take us in then I am willing to entertain it, if he can find the money, of course. It needs to be fiscally responsible.

13.1.2 Deputy D.J. Warr:

It is an interesting speech to follow Deputy Tadier. Education is about hope, giving people of all backgrounds the opportunity to succeed in any walk of life they choose. Giving them hope is a powerful word. The importance of education is also recognised by my political colleagues and I quote: "Education is the greatest investment a Government can make in its people. Reform Jersey wishes to see an education system which enables every Islander to reach their full potential and provides opportunities for everyone to gain the skills they need to thrive in the modern economy. We must address the false separation between academic and vocational education that does not fit modern economies. We will seek to widen the scope of qualifications offered to embrace the need for vocational training for the Island's needs and the changing needs of a digital world." Hope. Let us then take a look at what the proposition is asking. Part (a) is: "... asking the Assembly to agree that all 16 to 18 year-olds to be eligible for fully funded education or training in the Island." The same is true for most European nations. Since when did Jersey become an outlier? Is this really the message we want to send to our young people? We constantly hear of Islanders forced to leave the place of their birth, the biggest reason the cost of living. There is a clear correlation between better education and better economic outcomes, and that is borne out by figure 32 in the report of this proposition. I therefore find it extraordinary that Deputy Ward, who constantly reminds this Assembly that when we talk about education we should see it as an investment and not as a cost to our society, cannot find it within himself to support this proposition. I hope he will explain to all those 16 to 18 year-olds what it is he has against giving them the opportunity to prosper in our society. I remind him education is about hope.

[16:45]

I look across at my colleague, or I would do if he was here, the Minister for Sustainable Economic Development, in the hope that he understands the economic consequences of not investing in our young people. I do hope that he has a speech prepared - I am assuming he does not as he is not in the Assembly - that demonstrates his understanding that what happens in education very much impacts on his portfolio. This is a cross-cutting issue and the relevant Minister must stand up and be

counted. Next I turn to the Minister for Housing who spoke about the inequity of the 2-tiered housing market in a recent speech and I ask him how does he think rejecting this proposition helps his portfolio? Instead of investing in our own society for whom the 2-tier housing market is irrelevant we instead carry on as we have always done, relying on importing the labour we refuse to train in-house, thereby perpetuating the very issue he so eloquently derides. A typical case of exploiting problems but not solving them. Does no one in the current Government have the vision to see that supporting this proposition as originally set out gives hope to Islanders? They desperately want to see a Government willing to invest in their future. Education is about hope and so is politics. I urge Members to support the young people of this Island and to support the original proposition.

Deputy M.R. Scott:

These are a couple of points of order rather than a speech. First, this interpretation of (a), which I had read the same way as Deputy Tadier. We are to read this that basically any child over the age of 16 will have their school fees funded even if they are in private education. Could we please confirm that? I would like to understand, and if this is the case should we not be declaring any conflicts of interest for those of us who have got children in private education locally at the moment?

The Deputy Bailiff:

Yes, Deputy Gardiner, do you want to make ...

Deputy I. Gardiner:

Yes, I would like to make a comment.

Deputy M. Tadier:

Sorry, I am not sure if this is procedure.

Deputy M.R. Scott:

I asked for an interpretation of the proposition as I understand it, not as the Member interprets it. I want to understand what I am voting for, please.

The Deputy Bailiff:

Yes, Deputy Scott, well, I think the easy part is your second question, which is whether people who have 16 to 18 year-olds in private education should make a declaration of interest. I think the answer to that question is yes. Whether or not at this stage it is right for me to rule that paragraph (a) has the effect that it is suggested it may have, namely if adopted by the Assembly and then implemented it would mean that there would be fully funded education for 16 to 18 year-olds, and that means effectively free education for 16 to 18 year-olds is not something I think is appropriate for me to express an opinion on at this stage in the debate and possibly at all. Members will need to make their mind up as to what is intended by paragraph (a) not heard from the proposer in her closing remarks to the Assembly. I do not think I can give you any assistance in relation to how I think Members ought to interpret subparagraph (a). Members will need to look at that subparagraph themselves, but I do agree in the circumstances having regard to the potential effect of paragraph (a) if adopted and then subject to legislation or some other form of implementation it is appropriate for Members to indicate whether or not they have 16 to 18 year-old children who might benefit from subparagraph (a) if it is adopted and has the effect that you and others have suggested it might.

Deputy M.R. Scott:

Sir, why would that be limited to 16 year-olds if somebody has got a 15 year-old who may next year be 16?

The Deputy Bailiff:

I suppose you are right about that. It might affect any ... yes, in that case it applies to anyone with a child under the age of 18 who may attend a fee-paying school in due course.

Deputy J. Renouf:

Sir, could I ask for a further point of order?

The Deputy Bailiff:

Yes, absolutely, yes.

Deputy J. Renouf:

Could I ask for your interpretation given the use of the words “eligible for” in that section? Eligible for implies to me, as is the current situation, that all 16 to 18 year-olds are eligible currently for free education in a secondary school, namely Hautlieu and therefore there is no change implied in the current situation with regard to private schools, no necessary change implied in any case.

The Deputy Bailiff:

That is another interpretation, which is why I have not given a direction as to what this paragraph means.

Deputy R.J. Ward:

I think what people may be being confused about and certainly when I speak I will cover this, is the phrase “fully funded” so everyone is eligible but not everyone is fully funded in terms of the funding for education. Some are part-funded for grants, some part-funded for the States assisted process, so it is the fully-funded phrase.

The Deputy Bailiff:

Yes, but I mean fully-funded by whom is the question as well. There are all sorts of ...

Deputy R.J. Ward:

I think it is my department, Sir, to be quite frank.

Deputy M. Tadier:

May I continue the point of order? I would suggest that is exactly why we are here, to have the debate on what this means.

The Deputy Bailiff:

Yes. I do not think it is for me to tell Members what this particular subparagraph means as there is obviously a spectrum of opinions as to what it means.

Deputy I.J. Gorst:

Sir, in light of your ruling I fear I must do nothing other than declare I apparently have a conflict because I have got daughters under the age of 18.

The Deputy Bailiff:

Yes. Does anyone else want to make a declaration?

Deputy M. Tadier:

Does the declaration fall into the category of being so broad as to be shared by a large section of society? I think it is so broad that it would be a slight nonsense to have to declare an interest. I am happy to be directed on that.

The Deputy Bailiff:

Yes, well, this proposition does not have direct effect in the sense it is asking for Members to decide if their opinion that 16 to 18 year-olds should be eligible for fully-funded education does not have that immediate effect, whatever that means. Accordingly I rule that it is not a direct financial interest but a financial interest that is general, indirect or shared with a large class of persons. Nonetheless under Standing Order 106(b) you still need to declare the interest. It does mean that you are able to participate in the debate and vote on the proposition. Attorney General, is your light on? No particular reason?

The Attorney General:

No, Sir. [Laughter].

The Deputy Bailiff:

Good, all right. You cannot declare an interest because you cannot vote.

Deputy K.L. Moore:

Given your ruling I shall declare that I have one child remaining who is under the age of 18.

Deputy R.S. Kovacs:

Equally, I have 2 under 18.

Deputy L.V. Feltham:

I have one daughter who is 10.

Deputy C.D. Curtis:

I have a son who is 17.

Deputy H.L. Jeune:

I have 2 boys. I am not quite sure of their age but they are under 18. [Laughter]

The Deputy Bailiff:

You will soon find out tonight when you get home.

Deputy L.K.F. Stephenson:

I have children, Sir, under 18.

The Connétable of St. Mary:

I have no children under 18 but I have grandchildren under 18. Am I caught?

The Deputy Bailiff:

I do not think we are doing grandchildren.

Deputy J. Renouf:

Yes, Sir, I have 2 children in the state system.

Deputy I. Gardiner:

I have a child under 18.

Male Speaker:

I have 2 grandchildren.

The Deputy Bailiff:

I do not think we need to do grandchildren. Deputy Howell, you want to declare an interest? Maybe not.

Deputy L.M.C. Doublet:

I have a child under the age of 18.

The Deputy Bailiff:

Yes. All right. Who wants to speak next on this proposition?

13.1.3 Deputy C.D. Curtis:

As chair of the Children, Education and Home Affairs Scrutiny Panel I can confirm that the whole panel is very concerned about education and training opportunities for all young people. Personally, while I very much appreciate Deputy Gardiner's intention in bringing this proposition, I believe that the Minister for Education and Lifelong Learning is already working on plans to support young people in education and training and therefore this proposition at this time is unnecessary and there is also some confusion regarding paragraph (a), so I am not minded to support the proposition.

13.1.4 Deputy S.Y. Mézec:

I was particularly grateful to listen to Deputy Warr quoting extensively from our manifesto earlier. It is wonderful to hear him talk such good sense. **[Approbation]** Speaking of sense, unfortunately I struggle to find much of it when I look at this proposition and in particular how it is worded. Of course the aspiration for a properly funded education system - we will get to health another day - a properly funded education system, and I use the word "properly" rather than "fully" for nuanced reasons that I will come to in a moment, is obviously something that is in the vital interests of the Island's social and economic well-being to ensure that every young person has the ability to achieve their potential, whatever that potential is. This use of the term "fully funded" is highly confusing and it is abundantly clear from the questions that have been asked so far that it is not clear what it means. As the system currently stands for children below the age of 16, there is already a great deal of inefficiency and inequity in how funding for their education is distributed and yet they are not considered in this proposition. There is various formula for working out how much funding is allocated per pupil and it highly varies across the state system. You have those who are in the fee-paying schools, whether they are fully private or the States-owned ones. You have a different formula attached to how their tuition is funded from public funds to those in the state system and, of course, we have the Pupil Premium where extra funding is allocated. So which of those is the fully-funded one? Are those who are not eligible for Pupil Premium getting shortchanged in not being fully funded? Of course not, because the system has all sorts of variances in them to ensure that the proper funding goes to them, so it is absolutely not clear what she is even asking for in this proposition. It is also the case that a young person going through the education route of an apprenticeship as opposed to an A-Level is having a different style of education in that for their day-to-day life and how they are educated is different to that of their A-Levels in that they are spending an amount of their time working and there is an employer contribution to their life as they are being educated, which of course you do not get while you are doing your A-Levels apart from possibly a Saturday job, and that does not count as part of your formal education in that sense.

[17:00]

Are we suggesting if it is to be fully funded that those going through apprenticeships no longer get paid by the employers for that but instead get paid by taxpayer funds for that time? Maybe that is a brilliant idea, maybe it is not. I do not know, but I am certainly none the wiser for having listened to Deputy Gardiner's opening speech on this, where I do not think an adequate case on it was made at all. It is an imperative that part (a) be rejected and something better thought through comes back to

the Assembly in one form or another, preferably by the Minister, but from wherever anything comes I hope it is better written than part (a) here. Part (b) of course naturally follows part (a) and is the normal funding process for these things anyway so it is superfluous if you are rejecting part (a). Part (c) of course is tempting. You could look at it and argue that it causes no harm, and I will not begrudge any Member that reads it and thinks that too, but it must be acknowledged that it is superfluous and the evidence is provided in the comments to the amendment that Deputy Ward was able to publish where he cited Hansard. Where he has been asked in this Assembly about this particular policy area and has already to some degree outlined the initial aspects of his plan, which is that he is going to do this anyway and that we can all eagerly wait in anticipation because it is not going to be that long before he produces that anyway. So in that sense part (c) of the proposition is a complete and utter waste of time and simply asks us to affirm what is happening anyway. The Minister for Education and Lifelong Learning has been absolutely clear about that. I hope Members will reject all parts of this proposition and we can move on to other debates and get a better use out of our time because what we have before us, I am sorry to say, has been completely incoherent.

13.1.5 Deputy M.R. Scott:

I might well say something about the position of the economy given that there was a bit of a pop taken at the Minister for Sustainable Economic Development for not being in the room, but of course he supports skills training, of course. I believe we all do and I am absolutely sure and confident that our own Minister for Education and Lifelong Learning does. I think what I am seeing in this proposition is that there is a lot that need not be said, which means one has to question why it is here in the first place. When I read part (a) I find it is a bit meaningless that 16 to 18 year-olds should be eligible for fully-funded education, which I believe they are, or professional training. Well, maybe if those words alone ... but here we go, I find I am trying to rewrite this proposition to make it meaningful and in the end I conclude it is not. It is just not meaningful and, more than that, that in the introduction that was given by the Member, Deputy Gardiner, in her speech, she read some correspondence with the Minister for Education and Lifelong Learning that more or less indicated that if she did not have confidence in him she could take a certain action. I feel like I am being asked to express a vote of confidence now in the Minister for Education and Lifelong Learning if I vote for this, which I really feel I am confident that this is somebody who is incredibly passionate about supporting education. If this is a meaningless proposition or even something that is saying: "Right, okay, we support education" my concern is that I do not really feel comfortable about supporting a proposition that basically at the end of the day is just something that the Deputy might wave around and say: "I got this. Is that not great for me?" when in fact it was happening anyway. While I admire anyone who supports education I will not be supporting this proposition.

13.1.6 Deputy R.J. Ward:

I could wait and play the game but I think, if I may use a footballing term, we need to put our foot on the ball here a little and recognise what we are doing here. Let us bring this debate back to the sort of level it should be at in this Assembly, which is about the proposition, the wording and the implications of what we are trying to do as an Assembly and what I am trying to do as the Minister for Education and Lifelong Learning, something added to the remit that I will bring up in the beginning. A couple of things I want to start with, because I have got a melange of speeches here because I was not expecting the amendment to be withdrawn in this way. I apologise to Members for not circulating the comments paper in the original proposition, which is here, because I did not think we would be debating the original proposition, so I circulated what is the relevant comments paper, because it is unusual for a Member to remove their own amendment to their proposition at the last minute. I do apologise to Members that we could not circulate that, but I will try to explain as much as possible. I will also try to keep your attention at the end of a long day, which is going to be a challenge, but I have done that for 25 years and I will try it again. One of the things that I must mention is conversations I have had with officers in terms of the demands that we make through

propositions that are coming. When speaking to officers when we were working on P.12, the last amendment that was brought to direct education for me and I paraphrase: “A review of the relevant law as outlined in Ministerial obligations and powers related to post-16 education has commenced. However, this work has been paused to prioritise the commitments made following adoption of P.12/2024 in which Deputy Gardiner committed me to review several elements of the law governing entitlement of financial support for higher education. While the review of the Education Law was temporarily paused it is important to note that at an operational level work is still underway in this area, specifically Skills Jersey are diligently enhancing the existing wraparound services for early intervention with a focus on students at risk of disengagement. This aligns with the goals of the future policy work related to the age participation specifically by providing support and encouragement to students to remain in education.” An enormous amount is going on trying to balance the directional propositions that are coming forward and I recognise that there were things brought to the last Council of Ministers by the Minister that were simply not accepted around apprentice funding, so the last Council of Ministers rejected those. I am having to look at these issues myself. However there is one difference, and that is the fact that I do have a strong commitment to education. I care enormously about every single child that we teach and I will rise above comments that I might consider to be slightly personal and ill-informed, but in leadership one has to take that on board and one has to lead the way, not follow. I ask Members to reject this for many reasons. I will start by making clear that simply making some amendments would be tinkering with the fundamentally flawed position and would make for bad decision making, and that is why the decision to reject the amendment was taken. I will say that I went to the Council of Ministers regarding the amendment to say that we could probably accept it, that it is not doing anything and I was somewhat hoisted by my own petard by certain Members who suggested that before I have said we should not be accepting amendments that do nothing just for the sake of accepting and making things easier. I agreed with that, so what I have demonstrated is that in my leadership I am willing to change those simple things with unity. What was nice was to have the support and the confidence around the Council of Ministers. I did email the Deputy and ask her to have that same confidence in me. That is obviously not there but I hope that in the next few months and year or so I can gain that confidence from the Deputy and those who will probably speak to undermine that confidence today. I really will work hard to do that. Part (a) of the proposition does state that all 16 to 18 year-olds shall be eligible for fully-funded education or professional training in Jersey and to request myself to implement any necessary changes to the existing provision prior to September 2025. Let us talk about the details now. This creates huge ambiguity for all 16 to 18 year-olds referred to. The debate we have gone through, which got somewhat farcical at times with everyone having to declare that they have a child. I have 2 children who are older than that so I should declare that they might feel left out. I love them dearly, as indeed I love my wife. I have now got that into Hansard, as Deputy Coles did, so that is another one ticked off the box. In addition, the words “prior to September 2025”, these are serious issues. The timescale is unrealistic; it is 3 months to implement for the academic year 2024 because anything prior to 2025 will have to start at the beginning of the previous academic year. That is the way schools work and I have a huge knowledge of the way schools work. Funding issues. I have inherited funding from the last Government Plan where money for this change was not included. Indeed, I believe the bids for this were refused twice from the last Council of Ministers. To implement any change prior to 2025 raises the question of which service should the money be diverted from. We could be putting money into education that already exists and is running absolutely effectively, such as the apprenticeships at Highlands College. I want to say clearly the apprenticeships at Highlands College are extraordinarily successful and they are working very well. I would also add and at this point, it might be in my speech again but repetition does not hurt, in response to the report that the Deputy referred to about higher education, Highlands received recurring funding of £900,000 from recommendation 2 of that report towards delivering training, so that gap in funding was identified and was addressed. I will say as well that we have to be very careful with what we wish for. I know that as a head of science I used to fund science probably at a

higher level than other subjects. It was simply because it was more expensive to fund science. That is true in any institution and if we adopt a sort of zero-based budgeting approach for apprenticeships and other courses up at Highlands we are at risk of losing some of those courses because they will not wipe their feet. Is that the phrase, wipe their feet? I think it is. Wipe their face, that is it. They will not wipe their face and so we end up with a very divided approach and the notion that because some money is diverted from some areas of the college to apprenticeships is the problem of funding elsewhere simply demonstrates a lack of understanding of the way these institutions work and the complexity of a multimillion pound institution delivering education for thousands of students all of the time. That is a real issue that we have to address. If Highlands College as an institution want to change their funding model we will talk about that and we will come up with the best funding model. That is an effective way to do it. It does not specify in this proposition the type of educational revision for publicly-funded schools. Estimated costs only relate to apprenticeships, and I reiterate that we vote on the wording of the proposition. We are not here today to vote on what ifs and maybes. It is the wording of the proposition and the implications of that wording, and we have to think very carefully about what we are doing when we do that. People have already mentioned about the paid private schools. Trying to carve out a specific set of courses does not work. School and college funding enables a school leaver to have flexibility with their provision. Having said that, in order to target, and the lifelong learning remit is very important to me, one of the actions that are already being taken with the help of the Minister for Social Security is to remove the critical skills list from the Social Security Law and give me, if you like, control over that critical skills list in conjunction with the Economic Department to identify what skills and what training is needed on this Island long term. In that way we can direct the extra funding that comes from the C.S.P. commitment that I have made to lifelong learning towards that training to improve where we are in the Island and to improve provision on this Island. These propositions stand in the way of that with a simplified view of the way in which we fund. We need to be more intelligent in what we are funding, we need to be more intelligent in the way we address that funding. I urge Members to consider that point alone and reject this proposition to begin with. Is age-related entitlement the best approach? What if a student is ill until they are 19 years of age? It is a serious issue and the reason why the addition of a lifelong learning remit. What about people who are older than 16? Are they not going to receive any sort of funding for courses because that might be the only way in which we will train the people that we want to. Earlier today I answered a question about nurseries and I am trying to encourage people who are not so young - I am not going to use the "O" word, not so young - to perhaps return to the workforce and train in a particular way. This type of proposition that directs significant amounts of funding, undefined, no idea how much this is going to cost, I would say to Members please be careful on what you are voting on. You are voting for a blank cheque, which I simply do not have, and that will get in the way of that change that we desperately need, so there is another implication of this.

[17:15]

Should we target attainment levels? This is exactly what we are developing. Let us make sure we draw everybody's attainment level and ability level up to what is needed for the Island and what enables people to really succeed in life. Apprenticeships are paid. Students are able to earn while they are studying. A-Levels are full time and students are not able to earn while they are studying apart from part-time jobs and many of them do those, so we are not comparing like with like. I think that is a very important point and one of the issues about charging for apprenticeships, the charges for apprenticeships with some employers are very low, about £20 a week in order to access that education. I do not know if anyone in this Assembly has managed to get training for £20 a week, because I have not. The effectiveness of that training is quite important. Also, some employers are quite happy to pay that because they can say to their employees: "I am paying for you to go to college. Make sure you turn up for college and make sure you do well" plus there is the fact that we cover the cost of many of the exams and many of the assessments, which can be extremely expensive. The system that is in place is effective. Yes, we will make changes but we will do that in a sustained,

planned, considered, and intelligent way that addresses the needs of this Island so that we can have a long-term improvement to our workforce, and that is what I want to do as Minister for Education and Lifelong Learning. Part (b) requests of me additional funding in the Government Plan. I cannot really say which funding this will be from this proposition because I have absolutely no idea how to cost it. It could be massively significant in the Government Plan. Also, as we develop the Government Plan, which is happening at the moment, we are already looking at C.S.P. priorities on lifelong learning and I hope with that, and even in the supporting of the minimum wage, some of that will go towards training. There are many aspects that we are trying to develop which will address exactly this issue, not this simplified version. We are restructuring the skills into direct Highlands line management and use of the excellent work to direct funding as to where it is best targeted. It is a much more effective approach than the generic funding which has already been put in place. I say again, I mentioned the thing about cross-funding all educational establishments and I say to anybody who has been involved in a large institution trying to deliver training, because there is very little profit in training, it is spend and it is outcomes that are less tangible, more esoteric in the long term - there is a lovely word that I managed to throw into my speech today - that you have to cross-fund within those organisations. I will give you an example. There was a period in the U.K. when the U.K. Government were obsessed with changing qualifications. They thought they would change them just about every year. I personally think it was because the exam boards were making an absolute fortune out of it. When it hit a subject within a school that school had to have extra funding at that time in order to address that change. If there was no flexibility in the way that schools could fund, that course would have been lost or they would not have been completing that course. If you take away flexibility you put institutions at risk. The Independent School Funding Review made a recommendation that addressed the levelling up of funding between vocational and academic education. This was subsequently referenced in the F.E. (Further Education) and Skills Actionable Agenda; that is the point I am repeating. This has been implemented with £900,000 allocated to Highlands, the final tranche of which has just been allocated in the last few weeks and months, so that money has gone into education. We can also add the skill funds, and I might be quite critical of the funding on that because it is not secured and it is not long term and that is what we are trying to do, come up with a funding formula that works. Part (c) - I am going to finish soon because I know I have gone on for too long - it is very important to me that I cover all of the points that I possibly can, particularly given the somewhat vehement assumptions that have been made about my role, which I hope I can convince people otherwise. The last part is about the review of education legislation and policy with a view to increasing participation in education. Successive Ministers have not addressed that, I have been through this before, I have answered questions on this, written questions, oral questions to the Scrutiny Panel. I have given a very clear indication of what we are going to do. We are going to make sure there is a sustainable approach to education and lifelong learning for every individual on this Island. That is what we have to do in the long term and then if we want to change the law to say up to 18 we can do that. It is not a problem, but there are nuances. I believe if you are on a Navy ship and you are only 16 or 17 does that count as being in full-time education? Do apprenticeships count as being in full-time education? There are nuances that we have to address. It was also in Ministerial plans 2 years ago but was not acted upon. So, we are currently looking at how a change in the age of participation would best be implemented, age-related or attainment-related? One-year residency requirements, review of requirement to be living with parents or a family member, immigration rules, who, what, where and to whom, is post-16 available for free? There are so many points that we have been addressing at the moment and that officers are undertaking, all of which will be addressed at the appropriate time. Put simply, we are already addressing part (c). I recognise, I genuinely recognise and I want to put this in the nicest possible way that I can, that it is difficult to mid-term have change. I recognise that. It is difficult mid-term to take on a role and so I would urge the Assembly to reject this proposition, support me in the way that I want to move forward, support in the C.S.P. priorities that I have made as Minister for Education and Lifelong Learning, support and have some faith in the idea that I am going to take

these things forward. I am very serious about taking these things forward, and the sustainable mechanism of funding is exactly what is going to happen. This proposition can be dangerous; it can be dangerous because it is undetermined. You will be voting on something that is unsecured, is unsure, no idea where the money is coming from, no idea of the impact it is going to have and will ride coach and horses over the planning and the work that is going on in the department to fundamentally address what we are doing in terms of learning beyond the age of 16. I urge Members to reject this proposition. Let me get on with the job and then judge me on that in a year or so's time, and you are more than welcome to do that then. **[Approbation]**

The Deputy Bailiff:

Members, I should indicate that I recollected after giving the ruling I did under Standing Order 106 that that Standing Order has been amended in its terms since the Standing Order that I read to Members some time ago. It makes no effect on the ruling that I gave. Under the current version of Standing Order 106 a Member must declare an interest, no reference to financial, just an interest, stating the nature of the interest if it is a matter the subject of a proposition and they are aware of that interest, so Members were correct to declare the interest that they did. There has been a change in effectively the definition of a financial interest, removal of the reference to direct and indirect interest and now in the event that the interest is a financial interest which is either personal to the Member or shared with a small number of other people, the Member shall not vote on a proposition. Of course none of the declarations met that test so all Members on both tests, the old one and the current one, are entitled to speak and vote on this proposition.

13.1.7 Deputy A.F. Curtis:

It is quite hard following the main respondent because you have got far less to say and I have got far less surety to say it with. I do not know how I will vote on this one so I raise more to ask some curious questions knowing we will adjourn and knowing that the proposer can come back with them later. We have heard challenges around words, we have heard about the importance of the principle, agreeing the word or otherwise. I would like to understand what eligibility is and what professional training is. I thought about the breadth of education that we could be talking about here and one that came to mind, far less perhaps front of mind, would be Jersey has got a wealth of dance schools and many of our Islanders go off to have careers in the arts - fruitful and very prosperous careers - and I look to Members who have family who have that, but the provision for professional training between 16 and 18 for dance or theatre on Island is probably quite limited for those looking for full-time education on that, but it is not to say it could not exist. My question is a genuine one. To what extent is eligibility intended here? Should it be about any qualification and then once that is provided is it the cheapest provider of that is met? Is it if one person offers an electrical qualification that is cheaper than another it must be taken by the cheaper party as the only one provided by the Government? I do not know and I would like to know more than just the technical, but some of the vision maybe from the proposer as to what she meant on this because it is not clear. It is not clear that if a professional qualification offered by only one provider on the Island comes in at £15,000 per student because of the niche element of it that the state should be obliged because eligibility for that can only be met by that provider. If we are to define a scope who right now should define that scope, and this is where often Ministers or Members bring some detail to that. I do want to make a comment more on how this debate might be perceived outside the Assembly once a vote takes place, regardless of how it goes. It is about how Members comment as either Members or the parties that operate here relay decisions made in this Assembly and what it does to having an informed and valuable debate. Members have already and no doubt will continue to outline varied positions, often one being said: "I support the principle but I will vote against for the reason X." It could be the wording; it could be because they do not want to support propositions that they believe already have work going on. It is quite possible to imagine that Deputy Gardiner or another Member could publish a list of names who vote against and say: "These Members do not support funding 16 to 18 year-olds for their education."

Part of me says it might be in her right to do so because Members have faced that on the other end, but I hope she does not. I want nuanced debate to continue and I want Members to articulate what their perspective on this proposition is and regardless of how they vote work together on the right solution.

Deputy K.L. Moore:

Sir, may I propose the adjournment?

The Deputy Bailiff:

The adjournment is proposed. Seconded? **[Seconded]** Are Members content to adjourn now? The Assembly is adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:27]