

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 10th SEPTEMBER 2024**

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[9:30]

**The Roll was called and the Greffier of the States led the Assembly in Prayer.**

## COMMUNICATIONS BY THE PRESIDING OFFICER

### The Bailiff:

There are no communications under A.

## QUESTIONS

### 1. Written Questions

#### 1.1 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding contracts Health and Community Services has entered into with charitable or other third sector organisations (WQ 256/2024)

#### Question

“Will the Minister provide details for each of the last three years of all contracts Health and Community Services has entered into with charitable or other third sector organisations, including –

- (a) the names of the contracted organisations;
- (b) the start date for each contract and its duration;
- (c) what product or service each contract provides;
- (d) the contract price for each product or service;
- (e) the tendering process followed for each contract; and
- (f) what evaluation is undertaken on the quality and value for money of each contract?”

#### Answer

Health and community services have contracts with several charitable and third sector organisations\*. Please see below table for corresponding answers:

Question (a)	Question (b)			Question (c)	Question (e)
	2021	2022	2023		
Contracted organisation	Contract start date & duration.	Contract start date & duration.	Contract start date & duration.	Service description	Commercial route
Age Concern	01/01/21 1 year	01/01/22 1 year	01/01/23 3 years	Provision of hot meals five days a week, + a weekly frozen meal service for islanders not attending centre	Direct award
Brook Jersey	01/01/21 1 year	01/01/22 1 year	01/01/23 1 year	Integrated Sexual health service for young people aged 21 years and under	Direct award

Communicare	01/01/21 1 year	01/01/22 1 year	01/01/23 3 years	Indirect support of friendship club and exercise classes by funding the rental costs of rooms	Direct award
Dementia Jersey	01/01/21 1 year	01/01/22 1 year	01/01/23 1 year	Structured well-being programme for people who have been recently diagnosed or who have mild symptoms of dementia and family or friends in caring roles. Providing support to the development of the Dementia Strategy.	Direct award
Family Nursing & Home Care	01/01/21 1 year	01/01/22 1 year	01/01/23 1 year	District Nursing Service, Rapid Response and Reablement Service, community health services for children and young people aged 0-19	Direct award
Good Companions Club	01/01/21 1 year	01/01/22 1 year	01/01/23 3 years	Companionship and social activities for individuals aged 55 years and over who are socially isolated	Direct award
Headway	01/01/21 1 year	01/01/22 1 year	01/01/23 3 years	Provision of craft classes, entertainment, exercise classes, food and beverages, other therapeutic and social activities and independent advocacy for people affected by brain injury.	Direct award
Jersey Hospice	01/01/21 1 year	01/01/22 1 year	01/01/23 3 years	Contribution to Specialist Palliative Care Team, Inpatient and bereavement services	Direct award
MIND	01/01/21 1 year	01/01/22 1 year	01/01/23 1 year	Support services for carers of people with mental health problems	Direct award
MyVoice	01/01/21 3 years			Independent advocacy services for people with significant mental health problems or those who lack capacity and do not have support from a significant other	Open market tender
Jersey Recovery College	01/01/21 1 year	01/01/22 1 year	01/01/23 1.25 years	Provision of educational courses for people experiencing mental health issues and their carers	Direct award
Silkworth	01/01/21 1 year	01/01/22 1 year	01/01/23 1 year	12 bedded residential service providing an abstinence-based relapse prevention programme to support people recovering	Direct award

				from drug and or alcohol dependency	
Question (d)**	£10,717,65 To be updated to actual	£10,371,773 To be updated to actual	Per contracts: £12,404,750  Actual: £14,232,625		

At the end of 2023 a mental health services provider framework was set up, with 14 providers onboarded (charities and private sector organisations). A number of mental health services will be commissioned via the framework going forwards. One service has been commissioned via the framework in 2024 for a term of 3 years.

- (f) Commissioners employ a number of methods of evaluating quality and value for money of all contracted services:
- key performance indicators are included within each contract and monitored on a quarterly (or more often) basis.
  - providers are requested to gather service user feedback on service performance, and commissioners collect feedback from system partners.
  - qualitative information such as case studies and complaints/compliments are used to supplement quantitative data to get a more rounded view of services.
  - quarterly or bi-annual service review meetings are held with each provider, where a range of issues are discussed, including what is and isn't working well, service performance against KPIs, workforce issues, financial issues and service developments.
  - commissioners undertake benchmarking of service performance and cost against best practice in other organisations/jurisdictions to assess quality and value for money.

\*'Third sector organisations' is a term used to describe the range of organisations that are neither public sector nor private sector. It includes voluntary and community organisations (both registered charities and other organisations such as associations, self-help groups and community groups), social enterprises, mutuals and co-operatives. (UK National Audit Office)

\*\* Total figure included as contract price for each product or service is commercially sensitive

## 1.2 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Children and Families regarding the number of children who attend school on a reduced timetable (WQ 257/2024)

### Question

“Will the Minister state the number of children who attend school on a reduced timetable due to their complex clinical and education needs and detail the support available, if any, for these children during school hours when they are not at school; and should any support exist, will he further advise –

- who the providers of such services are;
- how the Government supports and works with these providers;

- (c) which Government departments work with these providers;
- (d) the level of Government funding that is available to support these children, and what has been included in the 2025-2028 Government Plan; and
- (e) how much funding each provider has received and how many children they have supported, for each of the last 5 years?"

**Answer**

In line with the Part time timetable policy:

A reduced timetable refers to those circumstances when a decision is made to reduce a pupil's 'overall' curriculum offer. As part of this arrangement, the pupil continues to attend school full time. Cases where children are placed on a reduced timetable are likely to be rare and unique in each individual case.

A part time timetable refers to those circumstances where a decision is made to limit the amount of time a pupil spends in school accessing education (on site or otherwise). As part of this arrangement, and the pupil is not accessing a full-time education. The need to safeguard a pupil must be considered before a part-time timetable is agreed and safeguarding measures built into the plan.

Furthermore, in circumstances where a pupil has a serious medical condition and regular ongoing medical intervention is required, or recovery is the priority outcome, educational arrangements will be reflected in a 'medical/care plan' agreed between school, health and other relevant professionals. This plan may be implemented for a short-term medical condition that requires a period of recovery or for a long-term medical condition that requires ongoing medical support. These plans are not reduced or part-time timetables.

Out of the above, schools are only required to register pupils on part – time timetables.

In 2023-2024 43 pupils were registered for a parttime table, 10 of which are now closed.

The GoJ provide many opportunities to support the above scenarios which are free. These include:

- SKILLS Jersey
- Jersey Youth Service
- JET
- CAMHS Early Intervention
- Inclusion Service Teams (ASCIT, EWOS, SEMHIT, VI, Wellbeing team, HDST, Eps)
- Move On Café
- Jersey Library

Education outsource the following activities which include private providers and charitable providers (this is not an exhaustive list) Some of these are at a cost; others are free:

- Happy Hooves Equine Therapy
- Healing Waves
- Wet Wheels
- Birdsong
- Skate School
- Boxing
- Absolute Adventures

- Chestnut Farm
- Paddle tennis
- Jump Jersey (often offered uncharged)
- Zoo
- Aqua splash
- Les Quennevais Swimming/Sports
- Yoga
- Art Therapy
- Amazin Maize
- Jersey Sports
- Jonno's Watersports
- Camp Bosdet
- Eyecan activities
- Surf School
- Jersey Heritage

Education outsource the following tutoring companies:

- Word and Numbers
- Kings Interhigh online tutoring
- Core Education

As Schools and Inclusion fund these from either their school budgets, SEND funding, RoN funding, JP funding which includes Virtual School funding, it is not possible to provide the costs.

These plans are individualised and bespoke to each child and young person's health and development needs.

### **1.3 Deputy J. Renouf of St. Brelade of the Minister for Treasury and Resources regarding Beaulieu School annual accounts (WQ 258/2024)**

#### **Question**

“In relation to Beaulieu School, will the Minister advise whether –

- the 2022 and 2023 annual accounts have been received by the Government, and if so, when they will be published;
- the school has repaid the two loans issued in 2008 and 2014, totalling £1 million, that were due for repayment in 2022;
- repayments are being made relating to the £7.3 million loan facility taken out in 2019; and
- he is aware of any reason for the delay to the publication of the accounts?”

#### **Answer**

- We have received management accounts from Beaulieu Convent School Limited, but are yet to receive the final audited accounts. I will publish the accounts once I have received the audited and signed version.

(b) On inception of the 2019 loan the outstanding loan balance of £293,488 owed by the school was incorporated into the new loan.

(c) In line with P.26-2019, capital repayments on the 2019 loan are only due on completion of the full project, once the final drawdown on the loan facility is made. As such, I am advised that no capital repayments are currently due.

(d) I am aware of the delay in the publication of the accounts which is attributable to a delay in the completion and sign-off of the audit.

#### **1.4 Deputy I. Gardiner of St. Helier North of the Minister for Infrastructure regarding single use lithium batteries (WQ 259/2024)**

##### **Question**

“In relation to single use lithium batteries, will the Minister advise what processes are in place for their safe disposal and whether any accidents or incidents have occurred at the Island’s recycling facilities, or energy from waste plant, due to these batteries being disposed of with general waste?”

##### **Answer**

Provision for the disposal of single use lithium batteries is facilitated through two established routes:

Drop off point at Household Recycling Centre (HRC);

Battery tube drop off points at various locations around the Island (currently 114 sites).

Lithium batteries are segregated from other chemistry types (Alkaline/Nickel Cadmium) when moved to the lower yard area of the HRC. Here they are packaged by chemistry type into ADR (International Carriage of Dangerous Goods by Road) compliant containers and stored separately pending shipping to a treatment facility. The shipping and treatment of the batteries is carried out under EU Waste Shipment Regulations and a Transfrontier Shipment Notification (TFS) is required to cover these movements.

There have been no recorded accidents or incidents at the HRC or the Energy Recovery Facility due to single use lithium batteries

#### **1.5 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Chief Minister regarding cyber security risks (WQ 260/2024)**

##### **Question**

“In relation to cyber security risks, will the Chief Minister advise –

(a) what measures and Government funding exists to protect public services, Government departments and States Members;

(b) what training and support is provided to those using States of Jersey provided products and applications; and

(c) which, if any, UK bodies the Government is working with in relation to managing these risks?”

##### **Answer**

a. The internal response to cyber security risks for Government provided systems and services is managed by the Government of Jersey and led by Modernisation and Digital (M&D).

As part of increasing the cyber protection for Government departments and public services delivered by the Government of Jersey, there has been investment in Cyber Security through capital funding

as part of the Cyber Security Programmes, as detailed in recent Government Plans. This investment has delivered improvements, including a Security Operations Centre, monitoring systems events and risk assessing alerts for remedial action.

Operational day-to-day technical protection measures for Government of Jersey systems are provided by the Modernisation and Digital (M&D) technical operational teams and their work in ensuring sufficient security measures are in place across Government devices. These technical protection measures include firewalls, encryption, anti-virus and anti-malware software to name a few. These are supplemented by the Security Standards and Policies which are in place across Government public services and extend to subjects such as physical security and the role of all staff in maintaining security.

The Jersey Cyber Security Centre (JCSC) is an arm's length capability which promotes and improves the Island's cyber resilience, supporting the critical national infrastructure, public services, business communities and citizens to prepare, protect and defend Jersey from cyber threats both at home and abroad.

b. As part of the Government of Jersey's corporate statutory and mandatory staff training, which is available to States Members, there is a Cyber Security focussed training module which covers important information related to keeping data safe, security awareness in the office, good password practice and safe ways of using email. The training in place is in addition to the Security Standards and Policies referred to earlier in the response which provides an additional layer of support to public services which are in place across public services and extend to subjects such as physical security and the role of all staff in maintaining security.

c. The Jersey Cyber Security Centre works closely with the UK National Cyber Security Centre, which is the UK Government body which provides advice and support to the public and private sector for the avoidance of computer security threats. In addition, Government departments and other public bodies work closely with their UK counterparts. For example, the Jersey Competition and Regulatory Authority (JCRA) and the Department for the Economy work closely with NCSC and the UK telecommunications regulator OFCOM on matters of telecoms security. JCSC, States of Jersey Police and the Financial Intelligence Unit - Jersey (FIUJ) also work and share intelligence with their UK counterparts on wider matters related to national security, cybercrime, counter terrorism and computer fraud. JCSC also engages with international bodies such as the Forum of Incident Response and Security Teams (FIRST) of which NCSC is also part and co-operates directly with NCSC on cyber incident response.

## **1.6 Deputy I. Gardiner of St. Helier North of the Minister for Children and Families regarding the Government Care Leavers Offer (WQ 261/2024)**

### **Question**

“In respect of the Government [Care Leavers Offer](#), will the Minister provide a detailed breakdown of the annual budget and expenditure for the period 2020 to 2024, including any increases in budget, and advise what plans, if any, he has to update the Care Leavers Offer, and if there are no such plans, explain why not?”

### **Answer**

Below are the budget v actual costs for years 2020 – 2024. 2024 is the full year budget but the spend figure are the costs in the ledger from 01.01.24 – 30.06.24.

Year	Budget £	Actual Spend £	Variance £	
2020	327,000	86,624	240,376	
2021	486,000	483,561	2,439	
2022	511,000	564,635	-53,635	
2023	636,000	957,154	-321,154	
2024	699,000	327,371	371,629	01.01.26 - 30.06.24

The increase in the budget provided each year accounts for the increase in the numbers of care leavers, which is currently at 118. It is expected by the end of December 2024 to rise to 127.

The offer is currently under review and Jersey Cares have been commissioned to consult with care leavers regarding the offer to support the review process. So far, there have been a number of initiatives completed with care leavers and young people to gain feedback on the current published care leaver offer, but this work is not yet complete. The link to the care leavers offer is below and this sets out the current offer to a young person in Jersey identified as a care leaver.

[Guide for Young People Leaving Care](#)

### **1.7 Deputy I. Gardiner of St. Helier North of the Minister for Health and Social Services regarding the Health and Community Services Turnaround Team (WQ 262/2024)**

#### **Question**

“Further to his answers during questions without Notice on [6th June](#), in relation to the Health and Community Services Turnaround Team, will the Minister advise -

- (a) what actions have been completed by the Team since its formation in 2023;
- (b) how the impact of the Team is assessed;
- (c) the Team’s objectives and Key Performance Indicators for July to December 2024;
- (d) the itemised costs for the Team from its formation in 2023 until 1st June 2024; and
- (e) the agreed cost estimates for the Team for the remainder of 2024 and for 2025?”

#### **Answer**

- (a) The Change team’s objectives were focused on supporting the clinical and operational leadership teams to address the recommendations from the Review of Health and Community Services (HCS) Clinical Governance Arrangements within Secondary Care (R.117/2022), the actions set out by the Minister for Health and Social Services in response to the review (R.117/2022 res; R.133/2022) and the financial and operational challenges. This has included but has not been limited to:
  - Support for executive and clinical leadership to prioritise and consolidate improvement recommendations;
  - Support to develop and implement an organisational culture programme;
  - Identification of key clinical governance recommendations and related actions plans working closely with clinical and operational teams and the Quality & Safety team;
  - Support for the review and improvement of serious incidents and complaints review processes;
  - Supporting processes to improve clinical governance, for example, adoption and implementation of NICE guidelines, use of best practice and benchmarking standards;

- Supporting medical job planning;
- Support for identifying improvement actions with regards to safeguarding concerns;
- Support and expertise for the development of Board reports;
- Support and expertise for the development of the specialty improvement plans.
- Leadership on the Financial Recovery Plan

Below are examples of measurable actions that have been completed:

- The introduction of NICE and Royal College Guidelines as the default mechanism for care.
- Re -profiling of the complaints and patient feedback process. This has resulted in a reduction in unresolved complaints from 84 (February 2023) to 11(July 2024) with only 4 complaints over seven days.
- Reviewed and implemented a weekly Serious Incident review process. This has resulted in a reduction in unresolved serious incidents older than 12 months from 12 (February 2023) to 3 (July 2024) All of the remaining 3 are close to completion. 100% of Serious Incidents have now a multi professional safety huddle with dedicated actions to ensure learning and immediate change within 48hrs of the declaration.
- Maternity improvement:
  - Establishment of a maternity improvement plan and continued support in delivering the actions. This has resulted in 104 recommendations (out of 127) being fully completed (as of July 2024) with evidence of sustained improvement with an embedded assurance process developed.
  - At the Coroner's Inquest relating to the death of a baby The Coroner highlighted that changes had taken place within the maternity service and because of the changes The Coroner did not issue a Prevent Future Death ruling (This ruling can occur when the coroner does not believe that significant improvement actions have taken place)
  - Year on Year improvement in Jersey maternity patient survey results.
  - Contribution and leadership support to produce the Maternity Strategy.
- Establishment of Ward level Care Assurance Process. The introduction of weekly Chief Nurse and Senior Nurse presence on wards and the introduction of monthly peer reviews of Clinical areas has resulted in the following:
  - Tissue viability improvement in care 0.6 incident per 1000 bed days (February 2023) reduced to 0.4 incidents per 1000 bed days (July 2024);
  - Reduction in care related complaints;
  - Reduction in number of Falls with Harm reported;
  - Increased number of compliments received;
  - Sustained high levels of compliance with Infection Control indicators C.Diff and MRSA
  - Improved inpatient survey results 2023/2024
- Establishment and clinical leadership support for the Medicines Improvement plan in first half of 2024 (on-going).

- Establishment of a new procedure for Medical Appraisal in partnership with Wessex Appraisal services.
  - The Job planning process has been reviewed. The job planning process for 2025 will commence with external scrutiny and oversight in August 2024.
  - Introduction and establishment of Executive Lead monthly Clinical Governance review process which includes the monthly review of Clinical Incidents, complaints, claims, Clinical care indicators, National audit compliance, NICE and Royal college recommendations and benchmarking compliance all triangulated against the JCC Safe Assessment Framework Standards. Future work will involve additional items, such as compliance reporting, organisational learning, evidence of change and improvement.
  - Introduction and implementation of a Statutory and Mandatory training Framework. Monitoring of compliance will be undertaken regularly.
  - Review and reprofile of the HCS safeguarding committee included:
    - A full review of all legacy (up to 10 years old) outstanding Serious Case Review Recommendations. The review ensured all legacy actions were completed and evidence of implementation provided. A bimonthly process has been established to maintain scrutiny and oversight of recommendations
  - Support for the island-wide Safeguarding Partnership Board which led to a reduction in recommendations that had not been addressed or implemented. As of July 2024, all indicators that are not fully met yet are underway for completion with a positive peer review undertaken.
  - Professional and Leadership support for Interim Chief Nurse including
    - JCC inspection preparation;
    - Development of improved care metrics for on-going monitoring;
    - Development of ward leadership programme for senior Nurse Leaders;
    - Review of Education processes to promote on-island nurse recruitment;
    - Proactive links made with outstanding UK NHS Trusts for peer support;
    - Opportunities for shadowing and leadership arranged for senior nurses, members of the safeguarding/complaints team and board secretary. A peer-to-peer learning visit was arranged for the patient safety team who visited an outstanding Trust to review the incident process.
  - Culture and workforce
    - Support for reconciling key worker accommodation;
    - Identification of contract harmonisation need (now being progressed by Interim Director of HCS Workforce)
    - Implementation of listening events in Maternity which acted as a catalyst for the culture plan.
    - Mentoring of senior HR team
    - Supporting the development of the cultural change programme
    - Supporting recruitment plans
  - Financial Recovery Plan – Objectives and Deliverables in 2023
- (b) The impact of change team members is being assessed on a regular basis by the Chief Officer, HCS through 1:1s and weekly team meetings with the change team members and the executive team to review and maintain progress. Improvements supported are also

visible in the HCS Advisory Board and Senior Leadership Team meeting papers and contributions. The answers in (a) are key performance indicators of impact.

- (c) Below are the specific change team objectives and Key Performance Indicators for July to December 2024 for the two change team members in post, Chief Nurse Lead and the Director of Finance/FRP lead. The replacement for the Medical Director Change lead is currently in process to focus on consultant job planning and mentoring medical leaders until December 24.

#### Chief Nurse Lead:

Ensure the ongoing sustainability of processes related to:

- Maternity
- Safeguarding
- Complaints
- Nurse Quality care indicators
- Serious incident review management
- Clinical Governance review assurance
- NICE compliance
- Embed National Audit programme

In addition:

- Work with the HCS compliance team to ensure organisational readiness for JCC inspection of the hospital;
- Ensure launch of the Nursing Strategy;
- Support the implementation of the Nurse Associate programme;
- Maintain improvements within the Medicine Improvement plan in line with the success of the Maternity improvement plan;
- Support the review of the nurse establishment.

#### Director of Financial Recovery

Ensure the delivery of the Financial Recovery Plan (FRP) and the on-going sustainability of processes for financial management, including:

- Delivery of £5,000,000 FRP savings;
- Delivery of FY24 Budget of £24.5m deficit.

- (d) Expenditure for the Change Team from its formation in 2023 until 1st June 2024 were:

£880,000 in 2023

£370,000 for the period 1 January to 30 June 2024

The agreed cost estimates for the change team are £375,000 for the period 1 July to 31 December 2024. For 2025, no budget has been set yet.

**1.8 Deputy M.B. Andrews of St. Helier North of the Minister for Social Security regarding legislating for a maximum number of hours to be worked by a person across a designated period of time (WQ 263/2024)**

**Question**

“Will the Minister advise what consideration, if any, has been given to legislating for a maximum number of hours to be worked by a person across a designated period of time and, if no consideration has been given, why not; and will the Minister further advise whether she is aware of any cases involving the exploitation of workers who are forced to work long hours?”

**Answer**

On coming into office, I sought to identify areas where Jersey employment legislation is lagging behind other countries. I am also prioritising the existing decisions of the Assembly including, in this area, a review to identify appropriate whistleblowing protection for local employees.

Whereas it is true that there is no local legislation in respect of maximum working hours, we do have protection for employees in terms of rest breaks during a working day, rest days across a weekly cycle and paid annual leave. Each of these applies to all employees from the first day of employment.

Employers are also subject to a common law duty of care towards their employees, including the duty to take reasonable steps to safeguard their employees’ health and safety. The overriding requirement is to balance protections and rights with sufficient workplace flexibility for businesses and employees in Jersey. I am confident that the law as it currently stands strikes a good balance.

I am not aware of any cases of the exploitation of an employee in terms of hours worked. If the Deputy has such evidence, I encourage him to provide details so it can be investigated. However, in the absence of any local issues being raised, at present this is not an area that I am earmarking for review.

In my evidence to the Scrutiny Panel in May 2024 I discussed various areas where I will be looking to update employment protection including improved compensation awards to employees and a future review to consider the provision of statutory leave to support workers who are ill or have caring responsibilities.

**1.9 Deputy M.R. Scott of St. Brelade of the Chair of the Privileges and Procedures Committee regarding a breakdown of the membership of the Privileges and Procedures Committee (PPC) Diversity Forum Sub- Committee in terms of diversity (WQ 264/2024)**

**Question**

“Will the Chair –

(a) provide a breakdown of the membership of the Privileges and Procedures Committee (PPC) Diversity Forum Sub-Committee in terms of diversity (including, but not limited to, race, ethnicity, gender, gender identity, sexual orientation, age, social class, physical ability or attributes, religious or ethical values system, national origin, and political beliefs) compared to the membership of the States Assembly and the population of Jersey; and

(b) outline what measures PPC and the Diversity Forum are taking to ensure that it is engaging with and effectively representing those people who are not represented or who are underrepresented on the Sub-Committee?”

**Answer**

(a) PPC does not formally monitor or record the characteristics of Diversity Forum Members, although, informally, attempts were made when constituting the Sub-Committee to ensure it was

diverse and representative; and PPC is aware of some of the characteristics of Sub-Committee Members.

There are currently 8 members of the PPC Diversity Forum Sub-Committee. Of these, and as far as the PPC is aware, 6 identify as female and 2 identify as male. The average age of members on the Diversity Forum Sub-Committee is 50 which compares to the average age of Members in the States Assembly of 58. The Census Report on the 2021 Jersey Census (R.45/2023) states the mean average age of Jersey residents was 42.3 years, the median average was 43 years with female residents having a slightly greater median age (44 years) than male residents (42 years).

With regards to the other matters raised of race, sexual orientation, age, social class, physical ability or attributes, religious or ethical values system, national origin, and political beliefs, the PPC does not hold this information. We have two Members within the Assembly who have spoken openly about being part of the LGBTQ+ community but we do not collate such information specifically. Similarly, some have shared information about their disabilities which they themselves would not wish to be broadly known. The PPC does not believe that this is something for it to convey and it is a matter for the Members concerned how, and with whom, they wish to share this information. Whilst it's vital we have a diverse Assembly with Committees and Panels which reflect the make-up of our community, we should also respect the privacy of Members, when they do not wish to disclose this information.

(b) The PPC does not believe at this time that minorities are underrepresented on the Diversity Forum Sub-Committee and, when established, the Sub-Committee was open to any Member who wished to join. The Diversity Forum Sub-Committee recently met with members of Liberate Jersey and discussed building diversity for voters and engaging with politics. Rebuilding trust in marginalised communities within Jersey was also discussed with research due to take place on enquiring as to what was currently in place to protect women and those in minority groups; following which, the Diversity Forum Sub-Committee will endeavour to undertake further work. The Diversity Forum Sub-Committee has recently approved the appointment of Deputy Malcolm Ferey, to join as a member. The Sub-Committee is also aware that the Assistant Chief Minister, Deputy Carina Alves, has been given responsibility within Government of working towards raising the profile of diversity, equality and inclusion over the next 2 years and it is very much hoped that cross-governmental working in these areas will be a priority with Deputy Ferey's appointment acting as a conduit between the Sub-Committee and Government, allowing insight into these areas and how they are being developed as policy.

### **1.10 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding staff in the Health and Community Services department (WQ 265/2024)**

#### **Question**

“Will the Minister advise –

- (a) how many staff in the Health and Community Services department are currently suspended;
- (b) how long each such member of staff has been suspended; and
- (c) how much the Department has spent paying staff who have been suspended in each of the last 5 years?”

#### **Answer**

- (a) There are no staff suspensions currently in Health and Community Services
- (b) Not applicable as there are no current suspensions
- (c) Please see the table below confirming the payment made for suspensions in each of the last 5 years.

<b>Year</b>	<b>Cost</b>
2019	£77,809.35
2020	£130,236.18
2021	£132,891.42
2022	£243,961.08
2023	£205,393.30
<b>Total</b>	<b>£790,291.32</b>

### **1.11 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Health and Social Services regarding the Royal College of Physicians report (WQ 266/2024)**

#### **Question**

“Further to the Minister’s response to Oral Question 121/2024 regarding the Royal College of Physicians report, will the Minister advise –

- (a) whether he has read the report and whether he accepts all of the report’s recommendations and, if not, which recommendations he does not accept;
- (b) whether he will be actioning the recommendations according to the timetable set out in the report and, if not, what timetable will be followed; and
- (c) what role he has in relation to ongoing reviews such as this within his department?”

#### **Answer**

- (a) **whether he has read the report and whether he accepts all of the report’s recommendations and, if not, which recommendations he does not accept;**

I can confirm that I have read the Royal College of Physicians (RCP) Report from the Invited Review of Rheumatology, and that I accept all of the recommendations contained within it.

- (b) **whether he will be actioning the recommendations according to the timetable set out in the report and, if not, what timetable will be followed; and**

A detailed update report was published yesterday (22 July), with the HCS Advisory Board papers. This provides information on each of the RCP recommendations, and the progress made to date. The HCS Advisory Board report confirms that all of the ‘immediate’ recommendations were completed before the January Board meeting. Nine of the of the ‘short term’ and three of the ‘medium term’ RCP recommendations have been fully implemented, and a further eight ‘short term’ and two ‘medium term’ recommendations are significantly developed.

- (c) **what role he has in relation to ongoing reviews such as this within his department?**

As Minister for Health & Social Services, I am ultimately accountable for those services which are provided to Islanders. I take this accountability seriously; a key element of this is ensuring I am regularly briefed by Officers, including the Medical Director and Deputy Medical Director, regarding any reviews that are ongoing, and those that are planned, within Health & Community Services.

### **1.12 Deputy S.M. Ahier of St. Helier North of the Minister for Infrastructure regarding the fountains at Les Jardins de la Mer (WQ 267/2024)**

#### **Question**

“Will the Minister advise when the fountains at Les Jardins de la Mer will be turned on for the summer holidays and, if this is not the intention, will he explain why not?”

## **Answer**

While the land on which Les Jardins de la Mer is situated is owned by the Government of Jersey, the public park and fountains are administered and maintained by the States of Jersey Development Company (SoJDC).

The SoJDC advises me that the fountains are in operation from the start of the school holidays at Easter to the end of October half-term. This year they were turned on on the 29th March and will be turned off on the 3rd November. The fountains operate daily from 10am to 10pm.

The fountains switch off automatically in wind speeds of Force 4 or above as the pumps are unable to handle the extra pressure of the water turnover.

There may also be occasions when the fountains may not be working due to a technical fault (for example, a pump failure) which is attended to as quickly as possible.

## **2. Oral Questions**

### **2.1 Deputy G.P. Southern of St. Helier Central of the Minister for Health and Social Services regarding use of the drug Kaftrio in the treatment of a specific mutation of cystic fibrosis (OQ 154/2024):**

Further to the recent use of the drug Kaftrio in the treatment of a specific mutation of cystic fibrosis, will the Minister advise what mechanisms, if any, are in place to provide this treatment to other patients suffering from this long-term condition?

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

There is a mechanism in place that can facilitate the provision of treatment for the specific condition mentioned by the Deputy. It is the same one that was deployed in the case referred to in this question. Given that the treatment involves a very high-cost drug, the patient's clinician is required to submit an independent patient funding request, or I.P.F.R., to the I.P.F.R. panel. In the event that that does not prove successful, the clinician can then refer it to a separate I.P.F.R. appeal panel. This was the route taken recently for the first successful applicants, and I remain grateful to the Deputy for raising the issue in the Assembly, given that it gave rise to the successful appeal. Through this process, which applies to all such drugs, it is not unusual for a trial period to be approved so that the effectiveness of the treatment can be assessed and, in the event of it proving successful, ongoing treatment can then be sanctioned. Finally, I am happy to inform the Assembly that in this initial case the treatment has worked well and the ongoing treatment has been approved. In addition to that, 2 further patients have now been approved for a 3-month trial period. I think it is safe to assume that the application mechanism we have in place is working appropriately.

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

Just in general, to what extent do the U.K. (United Kingdom) N.I.C.E. (National Institute for Health and Care Excellence) guidelines apply in Jersey and how independent is Jersey in order to assess such treatments?

#### **Deputy T.J.A. Binet:**

I am aware that Deputy Southern keeps a very close eye on this and, as I have stated, I am grateful to him for doing so. There has been some correspondence in the middle of August relating to this. It is not a matter I have had a chance to address but I have got an appointment with the deputy medical director on Monday to go into that in more detail. So, I am very happy to keep the Deputy informed as things progress.

## **2.2 Connétable K.C. Lewis of St. Saviour of the Chief Minister regarding sharing the cost of a mail plane with Guernsey (OQ 153/2024):**

Further to the news that Guernsey may lose its mail plane due to Royal Mail funding cuts, will the Minister consider engaging with his Guernsey counterparts to discuss sharing the cost of a mail plane to both Islands; and if not, why not?

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

The short answer to that is yes, the Government would consider opening discussions along those lines. However, Government has not previously funded this service and there is no provision to do so, although successful talks could lead to a new provision being found. I have since discovered that the cost is no longer viable given the significant drop in the delivery of mail to and from the Island. The annual costs for a mail plane was £6 million *per annum* with £1.2 million being covered by the Post Office in Jersey and the rest by Royal Mail, so I think commercially, while I am prepared to have discussions with Guernsey, being realistic, I think, it is going to be commercially unviable.

### **2.2.1 The Connétable of St. Saviour:**

I thank the Chief Minister for his answer, but there are many daily flights from the U.K. - British Airways and many other flights - on a daily basis. Could some arrangement be made so that they could carry the mail to both Islands, obviously supplemented by both Islands?

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

I am not sure what the freight carrying capacity arrangements in relation to the commercial air passenger services are, but I know officials have discussed the matter with the Post Office, who feel that the new arrangements have settled down well with no disruption to the service. But I will undertake to have those discussions and report back to the Constable.

## **2.3 Deputy B.B. de S.DV.M. Porée of St. Helier South of the Minister for Sustainable Economic Development regarding guidelines to small businesses to transition to the 'living wage' (OQ 149/2024):**

Further to the announcement that the minimum wage will be set as a 'living wage', will the Minister advise what guidelines will be provided to small businesses to ensure that they are fully aware of all the steps they are required to take to access the proposed Government package to help employers transition to a higher minimum wage; and when will the guidelines be available?

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

I thank the Deputy for her question. Further information on the Living Wage Transition Fund will be published in the coming weeks. This will let businesses know more detail about the different packages available, the activity that grants will look to support and the application process. All details on the process will be communicated to businesses, including small businesses, by the end of the year, to raise awareness of the support available ahead of the grants going live in January next year. In the meantime, we have been, for a number of months, liaising with professional bodies in the Island, such as the Chamber of Commerce, the Jersey Farmers Union, the Hospitality Association, *et cetera*, to apprise them of the details, so that they can inform their members as well.

[9:45]

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

Thank you for the Minister for giving details for the businesses and small businesses. Would the Minister advise if the charitable sector would be included in this Living Wage Transition Fund?

**Deputy K.F. Morel:**

Very good question, I thank the Deputy for that question. The answer is that, yes, charitable organisations will be able to access at least some of the funds, and the reason I say at least some of them is because one of them, for instance, is a revamped Tourism Development Fund, so that would be for visitor economy businesses. Unless there is a charitable organisation operating within the visitor economy, it then would not be able to access that fund. But certainly other ones, such as productivity support, scheme training and so on, they will be able to access it.

**2.3.2 Deputy I. Gardiner:**

Thank you for the Minister, and it is good news that the charitable sector would be included. I know until now it was engagement with the businesses and the Minister had meetings. Have any meetings taken place to explore transition to the living wage with the charitable sector?

**Deputy K.F. Morel:**

Personally I have not had any personal meetings with them. I would have to check with officers as to whether they have had or not but I will find out and be able to tell the Deputy. I fear the answer is actually we have not.

**2.3.3 Deputy J. Renouf of St. Brelade:**

Building on that question, can the Minister give assurances that the funds that will be put in place will be available and targeted, not just at the obvious rural economy and hospitality sectors, but at all businesses, particularly small businesses operating in other sectors so that they are also targeted and made aware of the possibility?

**Deputy K.F. Morel:**

What I can say is that is absolutely the case, that certainly certain elements of the funding will be available to all businesses in the Island and there will not be a distinction as to whether they were a minimum wage payer before or not. The opportunity that arises with this move to the living wage is the opportunity to move towards a more resilient and robust economy. We want to do that by helping businesses become more productive and therefore taking away some of their reliance on labour, which should therefore reduce the impact of the minimum wage. Funds such as the productivity support scheme will be absolutely available to all businesses, particularly small businesses, and they are the ones that we would be seeking to support. So there will not be the case that some businesses will not be able to. But obviously, where there are themed funds, such as the aforementioned Tourism Development Fund, that would be only for businesses within that sector of the economy. But the productivity support scheme will be available to all.

**2.3.4 Deputy J. Renouf:**

I wonder if the Minister could explain a little bit more about the way in which he is going to ensure that the funds are targeted in such a way that they do not disadvantage businesses that are already paying the living wage and will now be competing with businesses that are being subsidised to pay the living wage.

**Deputy K.F. Morel:**

I am very pleased with that question and I thank the Deputy. The reason is because the Deputy used the word 'subsidy' and the whole point of this support scheme is that it is not a subsidy and it is not targeted solely at businesses that pay the living wage or currently pay the minimum wage. The support scheme is there to help businesses, organisations and employers become more productive, and that is where the opportunity to have a more resilient and productive economy lies. These funds will be available to all organisations that employ people, and there will be no distinction as to whether the organisation paid the minimum wage or did not pay the minimum wage. This is neither the

subsidy for the minimum wage, it is grant giving to enable businesses to become more productive and resilient.

**The Bailiff:**

I have Deputies Jeune, Southern, Ozouf and Warr. No further supplemental questions. I am sorry, I am not taking any further beyond that.

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

I am sorry, Sir, I pressed my button and I thought you nodded towards me.

**The Bailiff:**

I am afraid there were a number of people who pressed their buttons and unless I absolutely fix your eyes and nod towards you, Deputy Ahier, I am afraid I did not actually see you. It is one of those things.

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

Deputy Renouf and then the Minister's answers actually helped with a number of questions; so very short. The Minister mentioned that it would be grants. Will there be a mixture of grants and loans - we are about to talk about agricultural loans later - or will it just be grants within this package?

**Deputy K.F. Morel:**

I thank the Deputy for the question. At the moment it is envisaged to be a matched grant, so a proportion paid by the employer and to some extent matched by the Government. That is how it is envisaged at the moment, but the actual ... with what we are looking at, at the moment, it is perhaps something along the lines of 75 per cent from the Government, 25 per cent from the employer.

**2.3.6 Deputy G.P. Southern of St. Helier Central:**

A minor question but it might be an important one. I thought I heard in the Minister's answer him refer to information will be available in the coming weeks, plural, and it might have been week, which is a vast difference. Which was it? Was it in the coming weeks or coming week?

**Deputy K.F. Morel:**

I thank Deputy Southern. It is weeks, plural; so end of this month, beginning of next month.

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

Deputy Southern has asked the same question as I would, but may I just clarify, for the avoidance of any doubt - I am just looking at Standing Orders in the Public Finances Law - there are limitations on the ability for Members to amend propositions brought by the Council under the Public Finances Law, this presumably deals with funds and other matters. Could the Minister clarify beyond doubt kindly whether or not all of the information for the setting up of all of the funds and the detail will be available in that month that he says, because we are 11 weeks away from the Budget and there are limitations about when things can be amended? I think that is what Deputy Southern was wanting. So could he maybe set out a timetable of what is going to come out when, so Members are clear?

**Deputy K.F. Morel:**

I thank the Deputy because I think that is an excellent request, and certainly we will make all that detail available. Like I said, it should be at the end of this month, beginning of next month.

**2.3.8 Deputy P.F.C. Ozouf:**

The Minister said ... I know he is being careful. He said "should be". Will he upgrade that to a "will be" in order to facilitate the Assembly being able to make necessary scrutiny arrangements and amendments as necessary?

**Deputy K.F. Morel:**

I say “should” purely because if a piece of information was missing at the point of publication then that is why I say it. So the intention is that all the information will be available. In the event that an error means that something is not available, that is why I say should. The intention is absolutely to make it all available to everybody in the States Assembly and outside. There is no intention to hide anything or hold anything back, but obviously sometimes errors occur and that was the sole reason for the word “should”.

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

The Minister has mentioned about ... we are talking about the transition to a living wage and talked about productivity gains. Are there any support mechanisms in place or will there be some in place for those employees unfortunate enough to lose their jobs as a result of these productivity gains?

**Deputy K.F. Morel:**

That would be a question better placed for the Minister for Social Security. From the perspective of this support scheme, I do not believe there is any element which is aimed at employees who lose jobs as a result of it. They would be passed into the social security system and would gain access to funding that way, not through this support scheme.

**2.4 Deputy H.L. Jeune of the Minister for Infrastructure regarding the role of the Jersey Development Company in the redevelopment of Fort Regent (OQ 166/2024):**

Will the Minister clarify the role of the States of Jersey Development Company in the redevelopment of Fort Regent, including details of who will finance any work, under which specific budget it will fall, what deliverables have been agreed with the company, and when the Assembly will have sight of any proposed plans?

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

I thank the Deputy for her question. The Fort is at a crossroads in its life, and successive Governments have grappled with bringing forward a viable plan that will ensure its future as an asset for Islanders and visitors to enjoy. We are working along similar lines to the previous Government. At the Regeneration Steering Group’s first meeting in May this year, it was agreed that the States of Jersey Development Company would take on the role of project manager to develop new plans aimed at breathing life back into Fort Regent in a way that is both sustainable and viable. At this time, States of Jersey Development Company’s role is to progress plans for essential refurbishment works to the structure, while simultaneously developing a viable plan for its future use, which will be consulted on. That planning work is being funded by the States of Jersey Development Company, utilising the remaining funds from the College Gardens development, and the longer-term funding for the delivery of the project remains under consideration and will be brought to the Assembly in due course.

**2.4.1 Deputy H.L. Jeune:**

Could the Minister confirm whether all the land currently comprising Fort Regent will remain under public ownership once the regeneration of Fort Regent begins, and whether any part of it is planned to transfer to S.o.J.D.C. (States of Jersey Development Company)?

**The Connétable of St. John:**

It is my belief that all of the land will belong to the Government. There have been no discussions about transferring any of the land.

**2.4.2 Deputy M. Tadier of St. Brelade:**

What consultation or input will the likes of Jersey Heritage and perhaps other organisations, like the National Trust, but predominantly the former, have in the plans for developing or regenerating Fort Regent?

**The Connétable of St. John:**

The organisations mentioned by the Deputy clearly are key stakeholders. The Fort is not only a great asset to us, it is an important historical monument for the Island. In fact, it is one of the best examples in Europe. We will be consulting widely with key stakeholder groups, including the 2 mentioned by the Deputy, and a wider group as well.

**2.4.3 Deputy M. Tadier:**

Has consideration been given to the somewhat radical idea of reverting Fort Regent to become primarily, and perhaps even exclusively, a historic fort and nothing else?

**The Connétable of St. John:**

I believe that the Fort can provide a lot more than being an historic monument. There is lots of opportunity for both Islanders and visitors alike at the Fort, and for us to maintain the Fort and make sure that it is viable, we need to make sure that it is revenue incoming, thank you.

**2.4.4 Deputy A.F. Curtis of St. Clement:**

The Minister said that the project would use funds from the College Garden development. Does the Minister agree it would be better for S.o.J.D.C. to return profits from any developments to the Government who could then redisperse either to S.o.J.D.C. or other developers for Fort Regent with greater transparency?

**The Connétable of St. John:**

It is an interesting question. We were looking for funding for this project and we have identified the monies from the College Gardens development as being suitable to carry on with the work. What we want to do is proceed as quickly as we possibly can.

**2.4.5 Deputy A.F. Curtis:**

Will the Minister commit to ensuring then that any proposed costs borne by the States of Jersey Development Company for feasibility, planning and predevelopment work are published in advance of that work and shared with Members of the States Assembly, in the same way that feasibility projects within the Government are on page 54 of the Budget 2025?

**The Connétable of St. John:**

I think that is an important point that the Deputy raises. As I mentioned earlier, the longer-term funding for the delivery of the project remains under consideration before it is brought back to the Assembly, and I would imagine when it is brought back to the Assembly we will explain what has been spent by this Government to date.

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

Does the brief given to the S.o.J.D.C. include the return of sport to the Fort and, if so, in what capacity?

**The Connétable of St. John:**

It is certainly my intention that there will be an element of sport at Fort Regent. I think it is too early to say the details of that but certainly I know an area that the Deputy and I are both keen on is having some skate facility in St. Helier, and that is certainly part of the brief.

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

Does the Minister believe that there is still a need for large, flexible indoor public spaces such as those currently provided at the Fort by the Queen's and Gloucester Halls for our sporting community as well as for others?

**The Connétable of St. John:**

I do.

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

Following the brief that was given to S.o.J.D.C., the brief identified that the ramparts and outdoor spaces will continue to be freely accessible as a public space in St. Helier.

**The Connétable of St. John:**

The ramparts give a great opportunity to view both the east and west of the Island as well as St. Helier, and I would like to think that they would get far more usage from both residents and visitors alike.

**2.4.9 Deputy I. Gardiner:**

The question was: would it be continued in the brief to be freely accessible whatever development will be done?

**The Connétable of St. John:**

Discussions about the funding for Fort Regent are ongoing. Thank you. Ideally, it would be free, but I cannot make that commitment today.

**2.4.10 Deputy H.L. Jeune:**

Has there been consideration to any other publicly-owned land that would be beneficial for S.o.J.D.C. to support the Government with their regeneration plans?

[10:00]

Could the Minister provide an idea of what these could be?

**The Connétable of St. John:**

Today we are talking about Fort Regent, and that is what I am here to talk about.

**The Bailiff:**

Yes, I was about to say that was, I think, so perilously close it actually crossed the line to not being directly relevant to the question, so I do not allow that.

**2.5 Deputy L.M.C. Doublet of St. Saviour of the Minister for Education and Lifelong Learning regarding the publication of the Early Years nursery provision action plan (OQ 165/2024):**

Will the Minister state whether he intends to publish a report detailing the Early Years nursery provision action plan as set out on page 10 of the Government Plan 2024-2027; and if not, why not?

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

I thank the Deputy for her question. While this was a commitment in the previous Government Plan, I will be pleased to provide the Assembly with an action plan on early years' provisions. It will provide details of and progression against the ambitions I have set out in the Common Strategic Policy. Currently, I have asked officers to prioritise delivery of a series of pilots that show that we can make a positive impact at pace. I will present the plan by the end of October to help inform the debate on the Budget, which includes the financial implications of these plans.

### **2.5.1 Deputy L.M.C. Doublet:**

I am pleased that the Minister is intending to produce this action plan. Could he outline whether his long-term vision would be contained within that, and give us some insight as to what the long-term vision for early years is beyond the targeted 2 to 3 funding that is in the current proposals?

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

The crux of that plan would be to focus on the aims of the C.S.P. (Common Strategic Policy) and the delivery of 2 to 3 year-old spaces and increased provision that is both sustainable and appropriate for what we need on the Island. Beyond that, extending that into lower ages - is the best phrase I can think of - babies and so on, would absolutely be an ambition and aim. Whether that will happen before the end of this term, being realistic, I am not so sure because we have a lot of work to do in providing the nursery provision first. As the Deputy knows, it can be a challenging area because of the nuances of increasing that need and making it a sustainable provision in the long term.

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

My panel brought this amendment to the Government Plan with the intention of enabling the department to have sufficient time to compose a plan, and we consider a deadline would be beneficial. Bearing in mind that an extension of childcare is a principal aim of this Government, does the Minister not think that this should have been prioritised and continue to be prioritised?

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

I thank the Deputy. There are 2 types of priority. There is prioritising producing plans and ideas and there is prioritising delivery of actual actions. I have prioritised the delivery of actions which we will be reporting on, and I am quite happy with that.

### **2.5.3 Deputy C.D. Curtis:**

Will the Minister confirm that the plan will have included full consultation with all nursery providers?

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

Yes, it absolutely does. There was communication with all nursery providers that is ongoing. However, we also need to lead in terms of the nursery provision that is required, and that will mean actually starting pilots, testing their appropriateness, whether they are working, whether they are sustainable, and then trying to engage everybody so that we can increase that provision. We have a very wide provision of nursery on the Island, from private to schools to third sector, which is probably the wrong term, but I think everybody knows what I mean by that. We have to bring all of those together in terms to do that work.

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

The Minister in his answer used the word "realistic". Would the Minister advise to the Assembly what he see as realistic to deliver by 2026 within this.

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

I am pleased with that question because it is about realism but within that realism there must be some ambition, and the ambition is to deliver a sustainable structure of nursery provision for 2 to 3 year-olds so that we can introduce a N.E.F. (Nursery Education Fund) provision. At the moment, the plan is 15 hours because that will help parents. I think that by piloting, by engaging in the way that we are, by looking at where that provision is, we will be able to do that. Plus it will also uncover what that provision actually is. I personally believe that if we provide more nursery places, make them available for 2 to 3 year-olds, there may be families that at the moment are not saying that they want nursery provision, but when it is there they may want to use it. Those numbers may change as well

so we have to be adaptable and realistic but the ambition is by 2026 I hope that we can introduce the 15 hours of N.E.F. funding. But we will do that as appropriate.

#### **2.5.5 Deputy I. Gardiner:**

Just making sure that I understood correct, that the ambition and hopefully realistic is to introduce 15 hours N.E.F. for 2 to 3 year-olds. When I looked into the Government Plan, and I would like to check if the budget is realistic or we would need to require more budget; the rough calculation N.E.F. to 3 to 4 year-olds is approximately just under £4 million, which half of it will require £2 million for 15 hours. We know that 2 to 3 year-old provision is more expensive to deliver than 3 to 4 year-old provision. What budget does the Minister have in mind to deliver 15 hours 2 to 3 year-old provision.

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

The C.S.P. revenue expenditure growth table for extended nursery and childcare provision puts aside £1.517 million in 2025, £2.358 million in 2026, £3.423 million in 2027 and £4.629 million in 2028. So money has been put aside to address nursery provision as that provision grows. Plus also we will go through another process of government funding next year, and if the provision is in place before 2026 there will be an opportunity there. I will say, and I am going to say it again, I keep saying it about education, I do not like the word 'cost'. I think we should use the word 'investment'. So if we have to go for more investment in this, it is a good investment, it is a good investment for our families, it is a good investment for our young people, it is a good investment for our economy and therefore it is a good investment for our Island.

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

The ambition of the Minister is undoubted. I am aware, I think, that there was an indication that the plan would be available by 1st September, and we are past that. But I wonder whether the Minister could inform the Assembly that in order to deliver nursery as is envisaged, the staff will be required in the nurseries that are going to be funded there. What is the Minister's view of the capacity, availability and actions they are going to take in order to ensure that the staff are there; moreover, that they are appropriately remunerated?

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

I do thank the Deputy because it gives me a chance to plug the campaign that we will be starting very soon for early years' recruitment. I recorded a little piece myself. Perhaps Members can ignore that piece and move on to the more detailed piece. But certainly, one of the successes, for example, was to recruit teaching assistants in a similar way. So we are using the same process to look at recruiting for early years. The number of places of training in early years at Highlands College has increased. Please do not ask me the number because I genuinely do not know it off the top of my head. We also though want to try and attract a different demographic. There will be people who are returning to the workplace who may want to get involved with early years and train to that satisfying role with dealing with our young people. There may be certain people who have brought up their own families, are returning to work and have skills that with a bit of training they can use within this sector. I think there is a demographic, there is a workforce outlet that we can attract. Of course one of the benefits of a living wage is exactly that, in all of our sectors we will have a living wage.

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

I thank the Minister for his reply but I wonder whether or not he would assist me and other Members in providing some data. We all laud his ambition to get locals into childcare; that sounds a great idea. But the reality is that there is going to be inevitably a requirement for inbound migrant workers. Is he able to provide some statistics of the split of existing childcare workers? How many are local? How many are under the 5-year rule? How many are subject to work permits? How that might change even despite his ambitions. If he could set out what his ambitions are in terms of local recruitment.

**Deputy R.J. Ward:**

The simple answer is no, I cannot produce that here at this moment. That is an interesting piece of data, I think exactly the type of data we will be looking at because we need that if we are going to train our own. We will always have a balance between those coming on to the Island to work, those who are training here, but one of the things I do want to target is those who live on-Island and might want to return to work and enter that sector. Because the simple reason is that they are already living here, they have housing, they may have families, there is a stable workforce, and it is also a workforce that can train here. I have no problem with workers coming from abroad, we will always need that to some extent. But I think that balance will be there. In terms of the data and what that balance is now and what it will be into the future, I have to say I think that will be a very transient number because it depends on what we need and how successful we are in the provision of nursery places.

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

Just to make sure my question was answered, I did just ask the Minister kindly to produce the data, not on his feet, but could he commit to at least producing the data that is now, which was the subject of my question?

**Deputy R.J. Ward:**

I would ask the Deputy to email me with the specifics of what data he is talking about because, if I am honest, I cannot remember what he said.

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

From the Minister's answers to Oral Question 142/2024 in the States Assembly on 16th July, the Minister made it very clear that the parents need to sign up to nursery places in February and March for the following September, so any actions that would happen would have to focus on February and March. So could the Minister give assurance to parents that there will be changes in February and March and there will be progression? Not an action plan but actually action, and we will see this in February and March when those places will come up for September 2025, and if not why not?

**Deputy R.J. Ward:**

The simple answer is yes, but on top of that it depends what you mean by nursery places. If you mean 2 to 3 year-olds, there was also ... there are places for babies as well, which are much more flexible in terms of when they start. I think we need to build some flexibility into our system, so when nursery places become available throughout the year they may be available to parents. My answer would be yes, but when things come onstream, I would like to have the flexibility that they come in when they are needed. I know that is difficult, but when my kids were young and we were looking for nursery places, we would have snapped up any place at any time, to be quite frank, and worked around it, and I know that is what parents are doing all of the time anyway.

**2.5.9 Deputy H.L. Jeune:**

Just to ask the Minister: so, will anything new and additional be happening to help parents in February, March to sign up for nursery places in September or will it continue as it is at present and was last year? Is there anything new that we can see an increase in additional for February, March.

**Deputy R.J. Ward:**

If the Deputy is referring to next February, March, which she must do because we cannot go back in time, yes, I would hope that there would be more of those places available in September 2026, absolutely. My issue was that they are not available early enough, and so we are trying to introduce some earlier in 2025. Yes, absolutely, certainly in 2026, that is what will be available. Of course they will be applied for in February, March 2025. Yes, I do not see any change to that system. I hope I have answered the Deputy's question.

### **2.5.10 Deputy L.M.C. Doublet:**

I wish the Minister luck with delivering all these priorities. What I wanted to understand was the growth money in the proposed Budget. Is that to serve families who are not already receiving any 2 to 3 spaces or is this a continuation for families who are already accessing this for their children?

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

The main element of it would be to extend because it does say extend nursery and child care provision in the line, so it is about extending. This is the point, we could ... I mean there is a decision to be made: do we introduce the 15 hours now and just pay what is already there and not extend or do we want to target the money to extend nursery provision so it is more across working families? Then we can make that decision as to how we are going to support families when they want that provision. But, yes, the C.S.P. is about extending those places.

### **2.6 Deputy H.M. Miles of St. Brelade of the Minister for the Environment regarding an update on the status of the West of Island Planning Framework as set out in Strategic Proposal 4 of the Bridging Island Plan (OQ 155/2024):**

Further to the announcement by Lloyds Bank that it is to close its St. Brelade branch and the level of empty commercial properties in Les Quennevais Precinct and Parade, will the Minister provide an update on the status of the West of Island Planning Framework as set out in Strategic Proposal 4 of the Bridging Island Plan?

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

The development of the West of Island Planning Framework is one of 40 proposals in the Bridging Island Plan and has yet to commence.

[10:15]

Previous Island Plans have sought to focus much of the Island's development needs on St. Helier, but the purpose of developing a master plan for the west of the Island is to explore whether there is current or increased potential for the west of the Island, which of course includes Les Quennevais, to provide new development opportunities for homes, business and community facilities. I can tell the Deputy that of the 40 Bridging Island Plan proposals, 7 have been completed, 22 are in progress and 11 have yet to commence.

### **2.6.1 Deputy H.M. Miles:**

I thank the Minister for the answer. Given that a quarter of the population of the Island live out west - this is not just a St. Brelade issue - does the Minister agree that maintaining services in the west of the Island is critical to reducing traffic congestion in town, and therefore consistent with reducing our carbon footprint? If so, will he consider allocating funds to accelerate the development of the West of Island Plan?

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

Certainly. The facts that the Deputy posed, a lot of people live in the west of the Island, there is a centre there already and the Bridging Island Plan seeks to maintain and enhance the viability and the vitality of these areas. But it is a challenge. The internet has changed the way people shop, but the current Bridging Island Plan seeks to retain retail development in these areas, but it also provides flexibility to allow other forms of development to be used under a series of tests. The answer is yes. Obviously, there is a future for Les Quennevais, an important future for the retail area of Les Quennevais. It is a difficult balance to try to protect it when it is not used. We do not want to give it away through change of use to other uses but, at the same time, we need to provide the facilities there for the residents. So I say to the Deputy, as soon as I have the money I will do this work.

Obviously, there are 11 pieces of work still to be commenced. That work will have to be done before the next Island Plan debate.

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

This question ultimately is about Lloyds Bank, and the closure of the branch at Red Houses. Can the Minister advise whether or not such change of use or closure of key facilities in what has been billed as Jersey's second urban centre is what was envisaged under the Bridging Island Plan?

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

I am not sure that I completely understand the question here. I do not think there is an expectation in the Bridging Island Plan that any bank was going to close. Obviously there is a massive challenge to banks with people moving from visiting banks on a weekly basis to then sitting at home in front of a P.C. (personal computer) to now people pay their bills while they are waiting for the bus or paying cheques while they are having a cup of coffee with friends. Banking is challenging. Maintaining all these old traditional branches is a challenge. I think the Deputy's question about change of use would be an interesting one, but I would imagine that banking would come under retail, so another retail outlet in that building would be allowed.

### **2.6.3 Deputy M. Tadier:**

That does not provide much comfort, I do not think, just saying another retail, because, for example, if it were pharmacy, there are lots of pharmacies already in St. Brelade but banks seem to be moving out. I will ask specifically, the Island Plan on page 67 says that the Island's second urban centre is Les Quennevais and it will be a key community focus for the provision of homes. Therefore the Island Plan is saying there will be more homes built around Les Quennevais over the next few years, but if there are fewer facilities, such as banking, in those areas is that not going to throw out the balance that is seeking to be struck in the Bridging Island Plan? Does that concern the Minister?

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

Obviously, planning is a particularly challenging thing, and the Deputy throws up a challenge here. On one hand we want to protect the retail structures, if you like, in Les Quennevais in the Precinct and in the Parade. We could, I guess, convert them through change of use to housing and we create more housing with less retail. The plan at the moment will protect those retail shops, those retail buildings, if you like, for further retail until such a point as a change of use application comes in and an alternative use/better use is found. But at the moment, what we need to do is to protect those parts of Les Quennevais and parts of the west of the Island which are already in retail, so that when we build more houses, yes, those facilities are there for residents to use. What I would not want to see happen is the few, or maybe a few more than a few, retail outlets that are closed at the moment get the benefit of a change of use to housing, and then be lost for ever for retail. There has got to be a really good reason to have a change of use approved for these structures.

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

The Minister says that there were 40-odd action points in the Island Plan but there were only half a dozen or so strategic priorities and this West of Island Planning Framework was a strategic priority. I therefore would push the Minister on this point. My Ministerial Plan, before I left office, included the West of Island Planning Framework in the workstream for 2025. Will he commit to continue that work in 2025?

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

I cannot give the Deputy that commitment today. Master-planning or development of guidance, there are a number of these proposals, including the St. Brelade's Bay improvement plan, and I have spoken to Deputy Scott about this, development of Five Oaks master plan. They are there to inform the next Island Plan. None of them have commenced and even the St. Brelade's Bay one, which had an actual

timeframe on it of 2025, I had to explain to the Deputy that is not possible. I need to work on priorities. There is planning reform, water, P.F.A.S. (per- and polyfluoroalkyl substances), Marine Spatial Plan, supporting agriculture and fisheries and offshore wind. There is just a very short list of really important things I have to do, on top of which my Government has ... well the Government I am part of, have committed to reduce expenditure, committed to reduce the use of consultants. We have a number of priorities that we are trying to fit in here. I say to the Deputy, yes, this work will be done but I cannot commit to doing it in 2025 because my priorities for next year are already set.

#### **2.6.5 Deputy J. Renouf:**

I think Deputy Tadier raised some of the important issues here, that this is about conflicts and those are precisely the sorts of things that a master plan is designed to help resolve. There was widespread cynicism, I think, in St. Brelade when Les Quennevais was announced as the second urban centre and the West of Island Planning Framework was supposed to put the flesh on the bones. Can I therefore ask if the West of Island Planning Framework has been removed from the Ministerial work plan, why that decision was made ... the work plan for next year, why that decision was made and what was put in its place because it was clearly possible when I left office?

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

One of the reasons that it is possible to delay certain pieces of work, and in this case the west of Island, is the current planning policy of the Bridging Island Plan seeks to maintain and enhance the retail viability of the defined area of Les Quennevais. It includes the bank, it includes the Parade and the Precinct, and it does this by supporting protection and maintenance of those retail uses. However, it does also provide flexibility, as I have said, to allow other forms of development. If change of use application comes in there are a number of tests the application would have to be subject to and if it passes, then, yes, change of use will be allowed but this is a challenge. We do need to maintain retail centres for these areas, especially Les Quennevais and the west of the Island, and we do that through the current plan. So while a new strategy, a new plan for the west of Island, would be great it does not mean there is not protection, there are not plans in place, there are not policies in place in the current Bridging Island Plan to allow change and work to happen.

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

Point of order if I may.

#### **The Bailiff:**

Point of order?

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

Well, can I ask you to rule whether that answered the question? Because I did ask why the work had been removed from the work stream?

#### **The Bailiff:**

My understanding of the answer was because there were a number of balancing priorities and therefore, I infer, that that was the reason that the Minister was giving. If I am wrong about that, Minister?

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

I am happy to clarify the 2 reasons. One you have already mentioned, there are a number of other priorities, but also the fact that there is currently, in the Bridging Island Plan, a policy that works for Les Quennevais at the moment. It is not as if there are no plans, there is no policy in the plan for that area currently.

#### **2.6.6 Deputy A.F. Curtis of St. Clement:**

The Minister has now touched on this but given he has confirmed the delaying of work on a West of Island Planning Framework, will he commit to ensuring that his department and planned decision makers do give full effect to the guidance around the protection of employment land and the tests he references, specifically with regard to the 2012 *Protection of Employment Land: Supplementary Planning Guidance*, and work with his department on a more robust process for consistent determination against this to retain the viability of units in the west of the Island until such a framework is delivered?

**Deputy S.G. Luce:**

Yes, and it would be my hope, my ambition, that everybody in the department, whether that is from a junior planning officer that has just arrived in the department 6 months ago, all the way through senior planning officers, Planning Committee, inspectors and myself, would all take a consistent view of policies within the Island Plan. But the point I would make to the Deputy is that developing new guidance, if you like, in the same way that we develop supplementary planning guidance, cannot move away from the policies which are in the current Island Plan without coming back to this Assembly to change those policies. So while new guidance is really helpful and it puts more flesh on the bone, more detail for applicants and developers to come forward with their plans, the really important thing is that policies in the Island Plan, which are debated in this Assembly, cannot change. Guidance, whether it is supplementary or otherwise, can only put detail in. It cannot change policy.

**2.6.7 Deputy A.F. Curtis:**

I completely agree, and I was not suggesting new guidance that deviates from the B.I.P. (Bridging Island Plan) policies. I would ask the Minister, again, if he would consider improving the processes around the documentation and recording of the tests of redundancy and the policy tests to ensure more consistent tests and to greater protect employment sites in the west of the Island?

**Deputy S.G. Luce:**

I will do my best to do that. As the Deputy well knows, I really like consistency. I like the same rules to be applied to everybody at all times.

**2.6.8 Deputy H.M. Miles:**

I thank the Minister for all of his answers. It strikes me that there may well be policies in place to protect and develop retail in the west but they are clearly not working. We have at least 7 empty properties, commercial units, in the Les Quennevais Precinct and Parade, and certainly there seems to be more units that are closing than opening. My question really is, all of his answers lead to the conclusion that a master plan is absolutely critical to community development in the west of the Island. He had already said that he needed to work on other priorities. I cannot speak for the western Connétables and the other western Deputies, but for my part we would consider this to be an absolute priority. Because this is a priority, would the Minister agree to consider at least moving the Western Planning Framework up his priority list?

**Deputy S.G. Luce:**

I am very happy to consider moving the planning framework up the priority list. I will take the points the Deputy and others have made on board and go away and discuss it with officers.

**2.7 Deputy T.A. Coles of St. Helier South of the Minister for Sustainable Economic Development regarding the procurement process for passenger and freight ferry services (OQ 156/2024):**

Will the Minister provide an update on the procurement process for the passenger and freight ferry services and state when the Assembly can expect to be informed as to who has been awarded the contract?

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

I thank the Deputy for his question. As Members are likely to be aware, there has been competitive interest in providing future sea connectivity under a combined contractual arrangement with the Governments of Jersey and Guernsey. While securing the right outcome carries a very high political priority, the work is led and undertaken by officials, who will make an objective, evidence-based recommendation to me and my counterpart in Guernsey for final political approval in October. I currently expect to be in a position to inform Members and the public of the successful bidder during October.

**2.7.1 Deputy T.A. Coles:**

Does this October date follow the original timeline provided when the procurement process started? If not, can the Minister confirm why any delays?

**Deputy K.F. Morel:**

There have been no delays during the tender process that I am aware of. It has always been the domain of the tenderer to be able to change the order or the sequence of the process as they wish, and so any media reports suggesting there were delays, I would say, were not entirely accurate. The end of September, October has always been the envisaged time for making announcements, to the best of my knowledge.

[10:30]

**2.7.2 Deputy M. Tadier of St. Brelade:**

Could the Minister clarify who his counterpart in Guernsey is, whether he has met with that person, and whether they have discussed their preference for the successor or the continuation of the ferry operator, and whether they are in agreement? Sorry for all of those questions.

**Deputy K.F. Morel:**

I thank the Deputy. I am in regular contact with my counterpart in Guernsey; it is Deputy Neil Inder, who is the President of the Economic Development Committee in Guernsey. Indeed, I was on the phone to him yesterday evening. But we do not discuss preferences because we do not have preferences. We are awaiting the report from the officials that will provide an objective recommendation. It is not for Deputy Inder or myself to pre-empt that recommendation and so, no, discussion of preferences is not a discussion we have had.

**2.7.3 Deputy M. Tadier:**

Once a decision has been made, does the Minister envisage that any transitional arrangements will need to be put in place, including any interventions by Government? What might those transitional arrangements look like?

**Deputy K.F. Morel:**

It is quite possible that transitional arrangements may be necessary, particularly if the incumbent operator is not successful in this bid, and so there is the possibility that transitional arrangements may be necessary. The exact look of those transitional arrangements, I could not describe at the moment.

**2.7.4 Deputy J. Renouf of St. Brelade:**

I wonder if the Minister could talk a little bit about the process that will be gone through. There are obviously 2 potential areas of disagreement between Jersey and Guernsey. Officers could disagree

in their recommendation and, even if there is a joint recommendation, Ministers could disagree on how to approach that. I wonder if you could say a little bit about what the process is that has been put in place to deal with those potential eventualities?

**Deputy K.F. Morel:**

The process, precisely for the reasons that the Deputy has just outlined, these matters we attempted to deal with in advance of embarking upon the process, so there is essentially an agreement in the form of a memorandum of understanding between myself and Deputy Inder as to how we will work in the event of disagreement. Part of that agreement is obviously for both parties, both Islands, to work together in very good faith to try to ensure that we do come to an agreement at the end of it. Officers have similarly worked together and the tender documents, as I understand, have been shared between officers in both Islands, and officers in both Islands have been talking to each other and engaging with each other throughout that process, again, with the aim of avoiding any disagreements at the end of it.

**2.7.5 Deputy J. Renouf:**

I take it that the Minister is being a little coy about the details of that memorandum of understanding because it is a confidential document. Could he say, though, whether the weighting attached to the discussions, if you like, is equal? In other words, Guernsey and Jersey will have an equal say, the officers will have an equal say, and so on, in that?

**Deputy K.F. Morel:**

Yes, this is an entirely 50/50 experience, so to speak. Jersey and Guernsey's say are entirely equal in this. The Deputy is correct to say that it is a confidential memorandum of understanding; this is because it is between Jersey and another jurisdiction. When it comes to correspondence between different jurisdictions, that does tend to remain confidential. But it is also very simple and, in essence, could be summed up as working in very good faith with each other.

**2.7.6 Deputy T.A. Coles:**

During the procurement process, did the Minister outline any must-have non-negotiables to exist within the contract, and if so, what were his priorities?

**Deputy K.F. Morel:**

Our priorities were around reliability, frequency, future fleet investment, strengthening the southern supply route, and the frequency and reliability, and also operating times that work for Islanders, so it is a much more customer-centric perspective. That has all been there as the framework that we wanted tenderers to respond to. How different organisations respond to each criteria is entirely up to them. I found it interesting, there is a balance to be struck between being prescriptive in terms of saying what we would like to see for the Islands, but at the same time not wanting to stifle any innovation or any interesting ideas, which we could not have come up with ourselves because we are not in the business. The tender is also designed to encourage those respondents to it to provide their own new and innovative ideas, particularly around fleet investment and particularly around sustainable transport going into the future.

**2.8 Deputy M. Tadier of St. Brelade of the Minister for Education and Lifelong Learning regarding introducing Portuguese as a language option during the regular school day in Jersey's state schools (OQ 162/2024):**

Given the sizeable population of Portuguese speakers in Jersey, are there any plans to introduce Portuguese as a language option during the regular school day in Jersey state schools, and if not, why not?

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

All G.C.S.E. (General Certificate of Secondary Education) options differ year-on-year, depending on the pupil cohort, the staff that are available to teach them, and the decisions on G.C.S.E. options sit with individual schools as exam centres because they know the best options for their schools. This is a flexible approach; it gives pupils and schools the opportunity to match the curriculum offer to what is appropriate to their schools. There are no plans to centralise decision-making with regard to G.C.S.E. Portuguese.

**2.8.1 Deputy M. Tadier:**

I am not asking for centralisation of decision-making, What I am asking for is, given the fact that surely there must be both a high actual demand and also a high latent demand for Portuguese as a G.C.S.E., not by just those who already speak some Portuguese but those who do not, would it not be preferable that such an important language for Jersey - and I hope the Minister recognises the importance of Portuguese - should be available as an option during the school day, rather than perpetuating what some would call a system of apartheid, where Portuguese speakers are forced to learn their own language after school, rather than it being an option alongside common languages like French and Spanish, that are offered routinely in the school day as an option.

**Deputy R.J. Ward:**

I would say to the Deputy, actually one school - Haute Vallée - does offer G.C.S.E. Portuguese during the school day. There are 2 others who offer G.C.S.E. Portuguese. I understand about running the G.C.S.E. after school; it is an option that is given. There is no standard language that is offered in any school; it often is matched to what is available to teach that language at G.C.S.E. level. I would support the teaching of G.C.S.E. Portuguese as an option. Anything beyond that, then we have to think about what other options are lost. That is what I would answer the Deputy on that one.

**2.8.2 Deputy J. Renouf of St. Brelade:**

The Minister has referred to one of the factors being pupil demand. I know that my son, who is at a state school, had wanted to study German and was told that it did not matter how many people in the school wanted to study German, that option was not going to be available. I think that the system as it currently sits does not seem to have an overarching vision for the role of languages in the Island, and also the response to Deputy Bailhache's proposition suggests the same. I wonder whether the Minister could perhaps expand on his thoughts and give us a vision for the role that he sees foreign languages playing in the Jersey education system, and then we can perhaps put his attitude to Portuguese into that framework.

**Deputy R.J. Ward:**

It is quite a wide-ranging question. I think it is wrong to say there is no vision for languages; I think it is just fundamentally wrong. Languages are delivered across schools. Many languages are delivered across many schools. I cannot comment on what the Deputy's son was told at school. It may well simply be a practical matter and practical matters in schools matter, because you have to deliver. If there is nobody to teach German to G.C.S.E., then it will be difficult for a school to deliver that. You can add that to physics teachers, you could add that to other teachers in the school. It is unfortunate, but it is a reality of modern schooling. In terms of a vision of languages, of course they are important, but so is the wider curriculum. We are trying to offer a tailored curriculum to every child, particularly in state schools, so they can achieve what they want to achieve. Anything that is made compulsory in school will remove something else, and that is the debate that perhaps we need to have. But that is where I stand.

**2.8.3 Deputy J. Renouf:**

I do not think compulsory has been mentioned at all. But I think the point I am trying to get at is that we are a connected Island, we are a multinational Island, we are trying to make our way in the world, and a vision for how languages would fit into that might be something that would encourage provision, encourage teachers to come forward who might want to learn and add to the capacities within schools and so on. At the moment it just feels very much like we are stuck with what we have got and there does not seem to be this really strong, passionate desire to increase that language.

**The Bailiff:**

Deputy, firstly, that really is a speech and not a question. Secondly, it is rather straying outside the original question. I allowed your first question as a supplementary, but we are talking about the teaching of Portuguese in secondary schools in Jersey. I wonder if you could focus any supplementary question on that.

**Deputy J. Renouf:**

I will ask the question. Could the Minister consider at least the expansion of the provision of Portuguese, given the number of native speakers in the Island who speak Portuguese, and see it in that wider context?

**Deputy R.J. Ward:**

First of all, I absolutely reject the narrative that has been created that language teachers in our schools are not committed and have a vision to language teaching, because they certainly do. They work hard to deliver that every single day, every single week and every single month. They actually deliver it. Yes, absolutely expand Portuguese provision. It happens with the Camões Agreement between Portugal and Jersey, which we are about to renew and in negotiations around that, and the way that will be delivered will be happening. But like it or not, there is a practicality in delivery. You have to have someone to deliver it. You have to have children who are interested in doing it and you have to have the time and space within a school curriculum to do it. If we can magic up time, that would be great. But that does not mean there is not a vision and support for languages in schools.

**2.8.4 Deputy M. Tadier:**

I feel like we are speaking at cross purposes because this is not about magicking up new time. This is about allocation of choice to our students in Jersey. Given the fact that Portuguese is a language which you can commonly speak and practise in Jersey, and given the fact that perhaps 10 per cent of our population are Portuguese and maybe, I do not know, 15 or so per cent of the school population already speak Portuguese. The simple question is: why is the example of Haute Vallée, which has Portuguese in the curriculum, not being extended? Or possibly, why would not it be extended to the other 3 or 4 state schools that we have in Jersey?

**Deputy R.J. Ward:**

It would be extended if it was possible to deliver it within the curriculum time, but if we add something to the curriculum as an option, something else needs to be removed. Young people will be asked: "Do you want to learn Portuguese G.C.S.E. in school time, or do you want to learn one of the other subjects and cover them?" When Haute Vallée have been offering it in year 9, it offers a G.C.S.E., and then those young people can go and do an additional G.C.S.E. later on, which is beneficial to them. Other schools are offering G.C.S.E. Portuguese. I agree in terms of the time in which it is offered, but then other schools are offering other options outside the school timetable or other languages in order to extend the provision. I am quite happy to look at the provision of languages, but it needs to be practical and real for schools. We cannot just magic up staff. We are looking at time, because if you put that into the standard timetable, you have to remove something else as an option for those children. That is the reality of the way schools work. I am quite happy to take the Deputy around some of our 11 to 16 schools to talk to headteachers and discuss that. That might be a way forward.

**2.9 Deputy I. Gardiner of St. Helier North of the Minister for Treasury and Resources regarding the implementation of the Assembly’s adoption of ‘Putting Jersey businesses first’ P.56/2020, as amended (OQ 161/2024):**

Will the Minister advise what specific steps have been taken, and processes put in place, to implement the Assembly’s adoption of Putting Jersey Businesses First, P.56/2020, as amended?

[10:45]

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

I thank the Deputy for her question. P.56/2020 was in 5 parts. Taking these in turn, parts (a) and (b) relate to giving weighting and procurement exercises in the context of recovery from COVID to the economic, social and environmental benefits to Jersey. For this aspect, social value has become more integrated into our procurement service and processes, and 10 per cent of the overall weighting within each set of tender evaluation criteria is now included as standard. There is also a dedicated resource to monitor, measure and develop best practice, engage with on-Island suppliers and build a knowledge base and a commitments register, which suppliers provide during competitive market activity. Part (c) relates to the publication of procurement policies and evaluation criteria. While a specific report was not presented, the expenditure and procurement section of the Public Finances Manual, as well as more detailed procurement procedures, have been updated on a number of occasions. For example, a recent change formalised new procedures for engaging consultants and the Public Finances Manual can be found on gov.je. Part (d) of the proposition relates to the publication of expenditure by the States’ top 100 suppliers. Three reports have been published, covering 2020, 2021 and 2022. Data for 2023 is currently being finalised and is expected to be published by the end of September. Finally, part (e) is a matter for the Minister for Sustainable Economic Development.

**2.9.1 Deputy I. Gardiner:**

Thank you for the very detailed answer given by the Minister. I would bring the attention in my supplementary around part (a) and part (b). Would the Minister advise how she is reassured that the social value is working well for local - especially small businesses - and if the Minister has any figures or evidence to indicate that it did have a positive impact for the local businesses?

**Deputy M.E. Millar:**

As I say, the social value element is now weighted at 10 per cent in our tender processes. The only example I can give you, in terms of how the social evaluation criteria works within a tender over £100,000, is in our new office building. In that case, the social value element has meant over £60,000 has been donated to local charities, 181 non-charitable hours have been donated to community and charitable projects, 3 people have been employed through the back-to-work scheme, 7 prison leavers have been employed, 6 apprenticeships have been offered, 25 work placements given to local students. Then, at the environmental level, it also involves a donation of £10,000 a year for 20 years to Highlands to ensure the continuing viability of construction courses, and 500 trees planted on Dandara development schemes, alongside a donation to Trees for Life and staff volunteering time.

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

I thank the Minister for her answers. Also focusing on parts (a) and (b), the Minister explained a little about the resources that should be available to help local businesses in applying to any tendering process. Could the Minister expand on what initiatives are in place to support especially small Jersey businesses in meeting these qualification standards for being in a competitive nature in procurement processes?

**Deputy M.E. Millar:**

I thank the Deputy. Various work is happening, and it is very much an ongoing process. In the area of digital economy, work is continuing with S.P.P.P. (Strategic Policy, Planning and Performance) to promote Jersey businesses. That includes sharing early market pipelines with Jersey businesses to identify future areas of investment. Another example, we have worked with Family Nursing and Home Care to ensure that high-quality care is provided on-Island where appropriate. Digital Jersey is in the process of developing a database to compile a record of on-Island providers' capabilities to help match those with government opportunities.

**2.9.3 Deputy H.L. Jeune:**

Could the Minister advise if Jersey Business offers such technical support to help especially small businesses to take part in tender bids, and if not, why not?

**Deputy M.E. Millar:**

Jersey Business does not sit within my remit; I think that is a question for the Minister for Sustainable Economic Development. I do not know the answer to that.

**2.9.4 Deputy L.M.C. Doublet of St. Saviour:**

Has the Minister given any consideration to giving an extra weighting or extra points to local businesses during the procurement process, given they would be paying more taxes?

**Deputy M.E. Millar:**

I am not sure it is necessarily true that they will be paying more taxes. Our procurement policies and processes demonstrate positive steps taken to improve Government's ability to put Jersey businesses first. We have to strike a careful balance between wishing to appoint Jersey suppliers while remaining compliant with obligations internationally and to maintain a reputation as an open and liberal trading nation. Commercial Services, however, continues to improve and enhance data-led decision making and understanding of on-Island capabilities and opportunities to engage with local suppliers.

**2.9.5 Deputy L.M.C. Doublet:**

Is there anything built into the procurement system to enable some reflection on the impact for the providers who were chosen and, indeed, the impact on providers who are not chosen?

**Deputy M.E. Millar:**

I do not know the answer to that question; I do not quite understand the question. If you are suggesting that we have to consider the impact on somebody who is successful and the impact on someone who is not successful, I am not quite sure that is Government's role. What I can tell you is that the reporting from, I think, the top 100 suppliers shows us that over 57 per cent of our spend is within Jersey suppliers; some 42 per cent is with U.K. suppliers; and the very small balance remaining is with other jurisdictions, including Guernsey.

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

I had intended to ask the Minister about the adherence to modern slavery provisions within these, but as the Minister went on to explain to the Assembly in some detail the benefits of the States building, having set out such a fulsome list of advantages to the community, including charitable donations being baked in over a number of years, *et cetera*, would she agree to publish the value to the contract of those matters? Because they have not come at zero cost. Would she confirm or otherwise whether or not those costs are now capitalised in the asset price, which this Assembly will be considering when the Minister for Social Security has to ask the Assembly for the purchase of that building, with

those capitalised costs built in? It is quite an important principle. The Minister was advancing something which I think is actually at taxpayers' cost.

**Deputy M.E. Millar:**

Firstly, just to cover ... Deputy Ozouf mentioned modern slavery; I do not believe we have legislation on modern slavery in Jersey, as yet, that we have to consider. I believe that the Minister for Justice and Home Affairs is considering that. I cannot answer that question. Do we want to engage local suppliers or not? There will be a price to engaging local suppliers, and I cannot answer that question. I do not know if it comes at a cost, but it is part of the weighting that we apply in selecting a contract provider; the social value element. I imagine there will be a cost to it. We either take a local supplier with their social value, or we take a foreign supplier with their local value. I do not know if that question can be answered, and I do not know if that information can be provided, but I will consult with the team, because I simply do not know. I do not know if it is feasible to deliver it, and I do not know if it is commercially viable to deliver it. I do not know.

**2.9.7 Deputy P.F.C. Ozouf:**

I may seek a meeting with the Minister because she mentioned that there was a payment of, I think it was £10,000 a year baked into future rental provisions. There is an annual cost that is baked into the rent that therefore will form part of the consideration for the purchase of it, and that is a pretty easy mathematical question to make. It is important that we are clear that benefits are not being paid for by the developer, they are actually being passed to taxpayers because we are having to buy it.

**The Bailiff:**

Deputy, could you ask the question?

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

My question on that specific issue is: does she appreciate that?

**Deputy M.E. Millar:**

I do not believe I did say that there was a sum allocated towards rent. I said that the developer would be making a donation of £10,000 a year to Highlands to ensure viability of construction courses. That is important. As he will know from the Budget, we are hoping to buy the property, so rent will not be an issue in future.

**2.9.8 Deputy I. Gardiner:**

There are several things mentioned, but P.A.C. (Public Accounts Committee) are conducting a procurement review. They recently published submissions from the Institute of Directors, Construction Council and Chamber of Commerce have a similar theme. The direct quote: "The general consensus is the Government of Jersey procurement is broken, serving to act as a barrier to business being done, rather than something that enables local businesses to provide valuable goods and services to our Government and ultimately the local taxpayer." Was the Minister aware of the sentiment within the local Jersey businesses, and if the current procurement policy was a paper exercise to satisfy the Assembly P.56/2020, and would she be thinking to review the policy or to engage with local businesses?

**Deputy M.E. Millar:**

No, I was not aware of that feedback. We have done considerable work, which is outside the scope of this question, to continue to improve our procurement processes. P.56 was about trying to ensure that Jersey businesses were able to tender. All Jersey businesses can tender. Any opportunity over £100,000 must be advertised on the Government's tender portal. Any Jersey business can tender for that. We have open processes. I am slightly confused as to ... do we want to support Jersey businesses or do we not? We are trying to do that, but equally we were asked by P.56 to ensure social value,

and we are trying to ensure social value as well as trying to facilitate tendering by Jersey businesses. P.20 was also done, as I said, in the context of COVID. There is considerable work going on to ensure our procurement processes, but I do feel that that is outside the scope of this question, which was specifically about P.56.

**2.10 Connétable K. Shenton-Stone of St. Martin of the Minister for Justice and Home Affairs regarding developing a statutory spiking offence (OQ 152/2024):**

Will the Minister advise whether the Government has capacity to develop a statutory spiking offence within its ongoing work, responding to the recommendations of the Taskforce on Violence Against Women and Girls' report?

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

I thank the Connétable for the question. Spiking is a serious and concerning phenomenon which will not be tolerated. I am reassured that existing legislation designed to address spiking is fit for purpose and, as such, there is no need to develop a new offence to address this behaviour. Spiking for the purpose of carrying out some kind of sexual assault is under the Sexual Offences Law with a 10-year penalty. Spiking for any reason is a form of assault and where it is done to facilitate another offence such as theft, I understand it would be a serious aggravating factor. Where spiking is done with an illegal drug, possession of that drug in itself would be an offence. There is currently no capacity to develop additional legislation to address spiking within the ongoing work to implement the recommendations of the Violence Against Women and Girls Taskforce. The Government's legislative programme in this area of violence against women and girls has been defined by the recommendations of the taskforce, which made recommendations to strengthen legislation around domestic violence, online abuse, stalking and sexual harassment. The taskforce did not make any recommendations for additional legislation to address spiking. The taskforce recommendations in relation to legislative development were informed by a legislative mapping exercise undertaken by the Law Officers' Department. This exercise considered a number of behaviours that relate to violence against women and girls, including drink spiking. This mapping exercise identified a number of gaps in legislation. However, the need to develop additional legislation to address spiking was not identified.

[11:00]

**2.10.1 The Connétable of St. Martin:**

The U.K. Government confirmed its plans within the King's Speech to introduce a new law to make spiking a specific criminal offence in the U.K.. I believe that Jersey should be proactive in this rather than reactive. Would the Minister be able to confirm what sort of resources would be needed for such an offence to be developed, and could she see that such an offence, if it is not being developed now, can she see that in the next few years there would be resources made available for a specific law and follow with the U.K.'s lead?

**Deputy M.R. Le Hegarat:**

The Connétable is correct in that the new Labour Government in the U.K. has put this on their political agenda to look at in relation to a specific offence. The previous Government had also got it on their agenda, but it was removed by a member of the previous Government as they did not necessarily think it was necessary. However, also the U.K. Government is looking at that piece of legislation as a specific legislation, but they are also looking at what other things may or may not need to be done. In relation to what the Connétable asks, my delivery plan is up to and including, obviously, the middle of 2026, and there is a strict, very tight plan. At this time, as I said, it would be detrimental to be considering doing this as a separate offence, from the point of view I am

concerned of what other things may have to be dropped, but it is not off the agenda if things move forward.

**2.10.2 Deputy L.M.C. Doublet of St. Saviour:**

Does the Minister agree that while legislation is there to punish offences made, it is also there to shape behaviour, and that having a specific offence in this area would send a strong message to any potential perpetrators that this behaviour will not be condoned?

**Deputy M.R. Le Hegarat:**

I fully see what the Deputy is saying and I would not disagree, but obviously as a Government we have to look at what we are trying to achieve, and we are trying to put in place all of the other offences which were identified in the taskforce. This is not only about legislation, but it is about education as well and as I think it is necessary ... as I said, the taskforce, in all of their work, did not find this one of their largest concerns. However, what it does say was that there was an indicator from those who provided information that there was a thought that they could potentially be spiked. What I would like to see is more work done in relation to education and looking at how we can develop this forward. Because it is not only about violence against women and girls in relation to spiking, it is about all our population. I would like to make one point here; we are 49 States Members who all attend our Parish Assemblies. Within that Parish Assembly there will be licensing requests; as States Members, we can ask questions. We can ask questions of those people who have licensed premises, and we can ask them if they are educating their staff in relation to the matters of spiking. I will leave them with that thought.

**2.10.3 Deputy L.M.C. Doublet:**

The Minister mentioned education; what conversations or work is she doing with the Minister for Education and Lifelong Learning to increase education available in schools and, indeed, lifelong learning for our population in this area?

**Deputy M.R. Le Hegarat:**

I thank the Deputy for that question. The new school programme started following the reintroduction of Building a Safer Community. I think within those programmes that they will be doing, there are inputs from police, fire, ambulance, *et cetera*, and the schools. That will be something, I am sure, that the co-ordinator of that programme will ensure is within that, because I am fully aware, certainly from the ambulance services, that they provide information for young people about how they deal with a friend who may be in difficulties. This is primarily what we need to look at; the fact that if somebody has been spiked, we need to take action and we need to take it quickly. We need to report it to the police and all the necessary evidence gathered, in order that we can successfully do something about it. As I said, because that is one of the biggest things that needs to happen. Because it is very difficult to be able to identify an offender in relation to this type of offence, so I think the quicker that we can do that and the matters are reported, the better.

**The Connétable of St. Martin:**

I thank the Minister for her answers, and I do not have any further questions.

**2.11 Deputy M.B. Andrews of St. Helier North of the Minister for Justice and Home Affairs regarding the number of dogs destroyed by Order of the Court (OQ 150/2024):**

Will the Minister advise how many dogs have been destroyed by Order of the Court since 2018 as a result of attacks by them on other animals and members of the public?

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

I thank the Deputy for the question. Obviously, I am answering this question although I do not actually have responsibility for the management of the courts. The Magistrate is able to make a destruction order under Article 11B of the Dogs (Jersey) Law 1961. There is a right of appeal against such an order to the Royal Court. There are no records of any destruction orders having been made since 2023. Prior data to 2023 was not available in the timeframe for answering of this question. The judgment in any appeal that is heard in the Royal Court against the decision of the Magistrate to order the destruction of a dog would be published on the Jersey Legal Information Board website. A perusal of that website shows that, in 2021, a destruction order against a dog in 2020 was successfully appealed. No other appeals against destruction orders between 2018 and the present day were identified.

**2.12 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the use of the former Jersey Gas site for community activities (OQ 160/2024):**

Further to his letter dated 29th August 2024 to the chair of the Environment, Housing and Infrastructure Scrutiny Panel, advising that work on the North of St. Helier Primary School has been delayed to 2027, will the Minister advise whether there is any intention to use the former Jersey Gas site for community activities prior to the works on the new school commencing, and if not, why not?

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

I thank the Deputy for his question. I expect the Deputy is aware the site is not currently in Government ownership and therefore any use, community or otherwise, would need to be negotiated with the site owner. The Government's interest is in acquiring the site for a new primary school and any use of the site prior to that point is currently not a matter within our control. Our focus is on properties that we currently own and I am working with the Minister for Education and Lifelong Learning to get better utilisation of school estate out of hours and I am pleased to report that we are making progress in that area.

**2.12.1 Deputy D.J. Warr:**

To continue on that theme, given the proposed £2.1 million budget cut in his department's rolling vote, and in the spirit of trying to find further savings, has the Minister considered the repurposing of the existing Gas Place showroom into a youth facility upon vacation by Rock(?)? Would he be willing to support such a use, something his Assistant Minister, the Constable of St. Helier, has been championing?

**The Connétable of St. John:**

The priority for this Government is to find a permanent home for a St. Helier youth centre in the north of Town. I think that, with the amount of development in that area, the Council of Ministers as a whole have come to that conclusion and we are refocusing our efforts to deliver that. We have identified a site and we hope to progress as soon as we possibly can.

**The Bailiff:**

We come now on to Question 13. Before we do, I am afraid, Deputy Ozouf ...

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

I put my light on, Sir, to admit to an inadvertent ping, sorry. But also I was going to ask the Minister for supplementary, but you did not get to me, so that is fine.

**The Bailiff:**

Well, I assumed that you were going to make the usual £10 contribution to the charity, notwithstanding the musical nature of your interjection. Very well, we come to Question 13 that Deputy Renouf will ask of the Minister for Infrastructure.

**Deputy J. Renouf:**

Minister for the Environment. Oh, is it ...

**The Bailiff:**

No, I think it is misstated on the ...

**2.13 Deputy J. Renouf of St. Brelade of the Minister for Infrastructure regarding the toilets that are part of the former Nude Food development at La Pulente (OQ 158/2024):**

Will the Minister explain what work, if any, is being undertaken to ensure the toilets that are part of the former Nude Food development at La Pulente are kept open to the public?

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

I thank the Deputy for his question. I am told that the toilets at the former Nude Food site have been opened sporadically over the course of this summer. I understand the company, which owns the former Nude Dunes restaurant at La Pulente, has gone into liquidation and that the handling of claims against the company is with a liquidator. Under instruction from Jersey Property Holdings, litigation has commenced against the company for failure to operate the toilets for regular use by the general public. The liquidator has informed Property Holdings that the company has no funds with which to open and operate the toilets, and officers are meeting on 19th September to discuss the matter.

**2.13.1 Deputy J. Renouf:**

If I hear correctly, the Minister said that the owner had said there was no funds to open the toilets. My understanding is that during the recent filming of *'Bergerac'*, the toilets were opened for the purposes of the use of extras and so on, so clearly it is possible to open them. The planning condition stated that they should be open to all members of the public between the hours of 0900 and 2100 during B.S.T. (British Summer Time) and 0900 and 1700 during G.M.T. (Greenwich Mean Time) in a manner fit for purpose and maintained in perpetuity. Can he confirm therefore that that planning obligation, which normally falls on the Minister for the Environment, has been taken over and is being enforced by Jersey Property Holdings?

**The Connétable of St. John:**

As I mentioned earlier, I understood that the toilets had been open sporadically. I could not confirm if they were, or they were not, open for *'Bergerac'*. I understand that question was asked on social media last night and got mixed responses. The Property Holdings Department are working on this. As the Deputy rightfully says, the terms of the use of that site includes in perpetuity toilets to be open to the public during the hours that the Deputy mentions. It is a legal obligation and we are pursuing that.

**2.13.2 Deputy H.M. Miles of St. Brelade:**

Would the Minister explore the possibility of allowing the previous very popular refreshment kiosk to begin operating again until owners find a new buyer and are ready to trade? Any agreement could include maintaining and monitoring the toilet facilities.

**The Connétable of St. John:**

It is not something I have considered, but I am happy to take that away and give that further consideration.

**2.13.3 Deputy M. Tadier of St. Brelade:**

The Minister talked about the owners not having any money to keep the toilets open, but can he clarify how much money it costs to unlock a door?

**The Connétable of St. John:**

I dare say that depends on who is unlocking the door. I dare say my rates would be cheaper than yours, Sir. Opening a toilet is not just about unlocking a door. If you open public toilets, you have got to maintain them. You have got to ensure that they are clean. You have got to ensure that they have got appropriate consumables there as well.

**2.13.4 Deputy M. Tadier:**

Can the Minister give us any indication about what he means when he says litigation has been started against the owners for not keeping the toilets open? When can we expect to see this litigation come to fruition and what form will it take?

**The Connétable of St. John:**

I am not aware of the full details. What I am aware of is that there is a meeting scheduled for next week and hopefully I will be able to update Members following that meeting.

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

Following on from that, is the Minister aware whether or not he is dealing with what is called a planning obligation, which would be a matter that is a legal requirement as part of a planning consent which the questioner asked and, if so, if it is a planning obligation, it is enforceable against that entity and it is the planning authority that would enforce it? So perhaps it is his colleague, the Minister for the Environment, that may well be able to assist in getting these toilets open and the enforcement made.

**The Connétable of St. John:**

I have not seen the contract, but I understand it was part of the contract of sale, which required the same requirements as the planning obligation.

**2.13.6 Deputy P.F.C. Ozouf:**

Just to confirm then, it was contemporaneous. It was the planning obligation that came first, but it is a planning obligation so it is enforceable. But he will advise.

**The Connétable of St. John:**

I would need to go away and come back and advise the Deputy.

**2.14 Deputy K.M. Wilson of St. Clement of the Minister for Infrastructure regarding the reprofiling of the development of the Le Squez youth centre in the Proposed Budget (Government Plan) 2025-2028 (OQ 169/2024):**

Will the Minister explain what impact, if any, the reprofiling of the development of the Le Squez Youth Centre in the Proposed Budget (Government Plan) 2025-2028, to allow a new youth facility in St. Helier will have on the new youth centre planned for in St. Clement?

[11:15]

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

I thank the Deputy for her question. There is a need to reprofile the capital programme to ensure that it is both realistic and deliverable. As part of this work, improvements to the Le Squez Youth Centre have been scheduled for 2028. It is important to highlight that the current services delivered from

the centre will continue and there will be no change in the youth work delivery. As I mentioned in a previous answer, a new Town youth centre is required in the first instance to ensure that children and young people in the Town area can benefit from the same level of provision to that which is available to young people in other parts of the Island, including at Le Squez. The decision was taken with the full support of the Youth Service and C.Y.P.E.S. (the Children, Young People, Education and Skills Department).

**2.14.1 Deputy K.M. Wilson:**

The consultation with the Youth Service is fine, but what consultation took place with the young people in the area and what was the feedback regarding their decision? Can the Minister explain to us why we have now got one Parish pitched against the other in terms of its development around youth services?

**The Connétable of St. John:**

I am not aware of the consultation that took place, whether the Youth Service consulted with their members or with the wider community. All our services and facilities are important for young Islanders. We have areas where there are facilities and there are areas where there are none. Many of us here will be able to remember and name many youth clubs that used to be in the St. Helier area, such as Aquila, Seaton, so on and so forth, which are no longer there. We need to provide services in St. Helier and the decision has been made to make that a priority.

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

I wonder whether or not the Minister would advise whether or not he consulted his fellow Connétables on the allocation and the importance of St. Helier. He is both a Minister and a member of the Comité des Connétables and, as the questioner rightly says, there is an understanding of the importance of St. Helier. Of course, there are voices for all Parishes, of which St. Saviour and St. Clement are, of course, voices on the Comité des Connétables. Did they have a chance to have their say?

**The Connétable of St. John:**

The discussion around the priorities of the Government Plan was made by the Government and the Council of Ministers took long and hard discussions and debates about this. We have heard from a previous question about the need for facilities in St. Helier where there are no facilities. We have facilities in St. Clement and in St. Saviour and we are looking to further increase the provision of those facilities utilising the school estate which is available to us.

**2.14.3 Deputy P.F.C. Ozouf:**

Sorry, it was quite a simple question: did he discuss it with the Comité des Connétables? I know it is Government, but he is a Minister in a Government, and is a member of the Comité des Connétables, on the Council of Ministers; was it discussed by the Comité?

**The Bailiff:**

I inferred from the answer that all of the decision was made around the Council of Ministers' table but if you wish to answer that ...

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

I meant consultation.

**The Connétable of St. John:**

Infrastructure provides the services. I did not discuss it with my fellow Connétables at the Comité des Connétables. If my fellow Connétables would like to put it on the agenda, I am more than happy to discuss it with them at that arena.

**2.15 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding the improvement of women’s health services (OQ 168/2024):**

Will the Minister provide an update on his work progressing the improvement of women’s health services, including termination of pregnancy?

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

I wonder if the Deputy would be minded to allow me to pass that over to my Assistant Minister, Deputy Howell, who is responsible.

**The Bailiff:**

Yes, very well.

**Deputy A. Howell of St. John, St. Lawrence and Trinity (Assistant Minister for Health and Social Services - *rapporteur*):**

Thank you to Deputy Doublet for her question. We have an action plan for progressing improvements to women’s health services that I will be sharing with the Women’s Health Political Advisory Group later this month and then with Scrutiny. New criteria for access for funded I.V.F. (in-vitro fertilisation) services have recently been published and I would like to thank everyone who helped to shape these criteria, especially Deputy Stephenson for bringing the initial proposal to the Assembly. But these criteria will only come into effect from 1st January if the Assembly approves the necessary funding for the Government Plan, and I urge them to do so. The recently refurbished maternity unit is now open, which includes the dedicated midwifery-led unit. There is also a counsellor, mental health specialist nurse and a breastfeeding specialist. We are listening to feedback from Jersey Maternity Voices, a group of service users, who provide continual service improvement feedback. The findings of the recent survey on contraception services will be published later this month and the findings of the women and girls’ health and well-being survey will be available as part of the Jersey strategic needs assessment in quarter 4, 2024. We continue to progress plans to provide an opt-out breast screening service as opposed to an opt-in screening programme by early 2025. This will ensure that every woman is automatically invited to a screening appointment at the right time. With regard to the termination of pregnancy, there is an active review of fees under way. With the Minister’s support, I have determined that terminations should be free of charge for those under-18s, full-time students under 21 ...

**The Bailiff:**

Assistant Minister, I am sorry, you are well over the time normally allocated for a Ministerial answer. Can you bring your answer to a swift conclusion?

**Deputy A. Howell:**

Yes. We have other things that we are doing to improve women’s health, especially we are going to try to get the gynaecological ward up and running again. Thank you. But I will carry on and let everybody know.

**The Bailiff:**

Just as a reminder, Ministerial answers should be no longer than ... or any answers should be no longer than one minute and 30 seconds. Sometimes people stray over that and there is an element of leeway afforded by the Chair, but there has to be a limit.

**Deputy A. Howell:**

I apologise, Sir.

**The Bailiff:**

No, not at all, it is an ongoing learning process. Yes, a supplemental question.

**2.15.1 Deputy L.M.C. Doublet:**

I thank the Assistant Minister for her answer. In a letter to my Scrutiny Panel in July, the Minister stated that he was unable to commit to deliver wholesale legislation change in the area of termination of pregnancy due to limited resources. Could the Assistant Minister explain where the resources that were previously allocated to this work have been reallocated to?

**Deputy A. Howell:**

I thank the Deputy for her question. I am very sorry, I cannot say exactly where the resources have gone, but we are continuing to make improvements to women's health.

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

On 21st June, the Minister for Health and Social Services was quoted in the media as saying he was trying to get resources to get the full review and update on the Termination of Pregnancy Law back on track, yet recent communications with Scrutiny show that this has not been achieved. Can the Assistant Minister detail what steps were taken to try to secure resources and why it has not been possible?

**Deputy A. Howell:**

We are trying to do our best with the resources we have and we just have to prioritise what we can.

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

I am not sure that answered the question. What steps were taken to try to secure resources?

**Deputy A. Howell:**

Discussions are ongoing.

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

Can I have a supplementary?

**The Bailiff:**

You can ask a supplemental question, yes, indeed.

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

What resources would be needed to get the work back on track, please?

**Deputy A. Howell:**

I think we would need a greater amount of money in the Budget.

**2.15.4 Deputy M. Tadier of St. Brelade:**

What risks were identified by not bringing forward the new law as previously planned and what mitigation, if any, has been made to deal with those risks?

**Deputy A. Howell:**

We were not able to do that and we are prioritising what we can with the funds and resources available.

**2.15.5 Deputy M. Tadier:**

Does the Assistant Minister mean they were not able to identify the risks of not bringing forward this legislation?

**Deputy A. Howell:**

We prioritised, Deputy Tadier, what ...

**The Bailiff:**

Through the Chair, please.

**Deputy A. Howell:**

Sorry. Thank you, Sir. We prioritised what we absolutely needed to do, which included the fact that ... I will read it to you. We are drafting instructions to allow all women in Jersey to have access to termination in Jersey as opposed to just those who are ordinarily resident for 90 days, and that will be issued imminently.

**2.15.6 Deputy L.M.C. Doublet:**

Could the Assistant Minister commit to ensuring that information relating to this area will be prepared in advance of our next Scrutiny hearing so that the questions can be answered fully, including how much money and resources would be required to fulfil the requirements of this policy area?

**Deputy A. Howell:**

Yes. Thank you.

**2.16 Deputy M.B. Andrews of St. Helier North of the Chair of the States Employment Board regarding public sector redundancies (OQ 151/2024):**

Will the Chair advise how many positions across the public sector have been subject to redundancy since the current Council of Ministers took office this year?

**Deputy L.J. Farnham (Chair, States Employment Board):**

The Vice-Chair of the States Employment Board will take the question if that is acceptable.

**The Bailiff:**

Yes.

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

I thank the Deputy for the question. As of 31st August 2024, 8 positions have been made redundant across the public sector with a saving of £552,000 *per annum*.

**2.16.1 Deputy M.B. Andrews:**

Can the Vice-Chair confirm whether more redundancies will happen before the end of this year?

**Deputy M.R. Ferey:**

Yes. This is an ongoing process and part of the savings in payroll is to seek out further redundancies within the public sector of grade 11 and above.

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

During that time period, how many redundancies have been made in the Communications Department and how many members of staff from that department are being redeployed to other areas?

**Deputy M.R. Ferey:**

I thank the Deputy for the question. The savings in payroll are coming from across departments, but so far the ones that have been identified are through the Office of the Chief Executive and through the Chief Operating Office. So the savings in payroll from the Communications Department, first of

all we are seeking redeployment and then further to that we will be looking at redundancies on a voluntary basis, and that is the first plan of attack.

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

Just to confirm, there have so far been no redundancies from the Communications Department?

**Deputy M.R. Ferey:**

That is correct.

**2.16.4 Deputy J. Renouf of St. Brelade:**

Could the Chair or the Vice-Chair tell us whether there is a target for the number of people who will be let go and, if so, whether the target, if there is a target, is being met by asking people to go or targeting particular roles which it is desired to close?

**Deputy M.R. Ferey:**

I thank the Deputy for the question. The target is not on specific numbers of individuals. The target is on savings. So the £15 million savings as identified in the Common Strategic Policy is what we are aiming for, and the number of individuals that fit within those £15 million payroll savings is where we will end up. Can the Deputy just remind me of the second part of his question?

**Deputy J. Renouf:**

Whether there are specific roles being targeted for closures or whether they are simply a general invitation for people to apply to redundancy.

**Deputy M.R. Ferey:**

Thank you. No, not specific roles, but the savings are targeted at grade 11 and above. So it will be the upper tiers of management so that we will end up with a flatter management structure throughout the organisation.

**2.16.5 Deputy J. Renouf:**

Does the Vice-Chair not agree that there is a risk that simply relying on volunteers means that key skills and key experiences and capacity will be lost? For example, somebody may volunteer for redundancy in an area where that job is very much required but it is possible to let them go because that meets the target. What is he doing to ensure that vital capacity is not lost and that the decisions over people who leave are aligned with the priorities of the Government?

[11:30]

**Deputy M.R. Ferey:**

Obviously, a lot of work is going on in that area. So where someone does decide to leave we will seek to redeploy from within existing resources to fill those positions. We also, of course, have a recruitment freeze for a period of 9 months to ensure that we do not take on any more staff while we are trying to rearrange the current staff that we have. So I do not believe that that is a risk, but the mitigations that we have in place should make sure that that is not really a risk.

**2.16.6 Deputy M. Tadier of St. Brelade:**

The Assistant Minister talked about the savings that are being made, but what have the costs of the redundancies to date been; for example, what in terms of payoffs that might need to have been made to staff in order to get them to leave this year?

**Deputy M.R. Ferey:**

I thank the Deputy for the question. So, yes, obviously we have contractual obligations when staff leave their posts and it is down to their grade and perhaps their length of service. So the payments,

of course, there is a cost when staff are let go, whether that is compulsory or voluntary, and the payments that have been made thus far range from £9,000 to £115,000.

**2.16.7 Deputy M. Tadier:**

It would be good to know what the total savings are. That does not really give us ... he has given us the savings that have been made but not the costs, so what is the sum of those costs?

**Deputy M.R. Ferey:**

Yes, the total costs, obviously without ... one of the risks here is I do not want to comment on individual employees so it would be best ...

**Deputy M. Tadier:**

Good, I do not want to hear about that either.

**Deputy M.R. Ferey:**

Sorry, I missed ...

**The Bailiff:**

I am sorry, please let us not interrupt the speaker when they are speaking, so please carry on.

**Deputy M.R. Ferey:**

So all I have at the moment is the range from and to on those redundancy payments.

**Deputy M. Tadier:**

Can I ask for clarification? I asked a straightforward question. Does the Minister not have that information of the total?

**The Bailiff:**

Are you able to give the total to the ...?

**Deputy M.R. Ferey:**

Sorry, just to clarify, the total of all the redundancy payments thus far on those posts is £330,000.

**Deputy M. Tadier:**

Thank you.

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

We are here at the Assembly again and again; there is no capacity within the system to develop policy, especially within the policy teams. Can the Vice-Chair of S.E.B. (States Employment Board) reassure that redundancies will not affect the ability of the Government to develop policies and not affect policy development?

**Deputy M.R. Ferey:**

Obviously, part of the exemptions from these savings are essential and front line services so policy would be regarded ... certain parts of policy would be regarded as essential service for delivering the Government's priorities.

**2.16.9 Deputy I. Gardiner:**

Thank you for the answer. Certain I am not sure. Would also the Vice-Chair reassure that employees who took a redundancy will not come back as standalone consultants, as we had previously cases, because we would not have capacity and knowledge within the system and we require consultancy services?

**Deputy M.R. Ferey:**

I thank the Deputy for that additional question. Obviously, part of this plan, as I mentioned earlier, is the freeze on recruitment, so anyone who is let go for whatever reason would not then be subsequently re-employed because there is currently a recruitment freeze.

**Deputy I. Gardiner:**

I did not ask about re-employment, engaged as an external consultant.

**Deputy M.R. Ferey:**

That certainly would not be the objective of the plan when someone is let go on that basis.

**2.17 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding the planned restructure of the Health and Community Services Department (OQ 159/2024):**

Further to his recent speech at the ‘Our Health in Our Hands’ conference, will the Minister update the Assembly on his planned restructure of the Health and Community Services Department?

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

Earlier in the summer I was invited to share my initial thoughts on the health service and articulate any views I had on how matters might be improved. I expressed my views accordingly and took the opportunity to share the transcript of what I said by email to all States Members. Since then, in conjunction with my Assistant Ministers and the lead policy officer, we have been in the process of refining our ideas, and recently we started to consult with more senior leaders in H.C.S. (Health and Community Services), and going forward we will be consulting with the wider health service. Once we are sure the ideas are workable and likely to deliver a more coherent service, we will look to present them to the Council of Ministers, Scrutiny and the wider Assembly before making them public. Just to put everyone’s minds at rest, especially the large number of people working within H.C.S., the essential principles of the work do not vary much from what was said at the earlier conference and the incentives are mainly on creating a more inclusive and autonomous service, improving interaction with primary care, the charitable sector and public health, but the overall goal being to create a more seamless, efficient, interconnected and, perhaps quite importantly, a more contented service. I hope that helps to answer the Deputy’s question.

**2.17.1 Deputy J. Renouf:**

Could the Minister offer reassurance that he will undertake full consultation on these proposals at the appropriate time? Could he also give a commitment that they will be the subject of a vote in the Assembly also at the appropriate time?

**Deputy T.J.A. Binet:**

On the first part of that question, I thought I had alluded to the fact that we have already started a consultation process. Secondly, whether it requires to come to the Assembly is yet to be defined. So it will depend entirely on the extent of any changes that are proposed. Fairly obviously, if those proposals require coming to the Assembly, then of course they will.

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

Would the Minister advise what the timescale is for the proposed restructure?

**Deputy T.J.A. Binet:**

I do not have a proposed timescale because this is work that is ongoing with other work, but we are proceeding as quickly as we can because we would like to get everything, if we can, organised, done and possibly in place within this Parliament. So we are just moving as quickly as we can.

**2.17.3 Deputy I. Gardiner:**

We know that the turnaround team contracts will expire by the end of this year and we know that the contract for the current H.C.S. chief officer will expire shortly as well, within I think 6 months. Would the consultation be done, be ready before, and if recruitment process will take place?

**Deputy T.J.A. Binet:**

A little bit of a difficult one. All of those posts are currently under discussion and I think we are quite close to resolving them, but we need to be absolutely certain before we make any announcements. But they are being considered and dealt with at the moment.

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

What steps is the Minister taking to ensure that he takes people - and that is staff, the public and this Assembly - with him on this journey so that all the hard work is not wasted come the next election?

**Deputy T.J.A. Binet:**

I do not think I can say anything more other than the fact that we have started a consultation process. We are going to be as thorough as we can and it is pointless trying to impose things on people that are not going to work or that are not going to be acceptable, so we will just work as hard as we can to make sure we do the job as well as we can.

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

What does the Minister believe is a realistic aim for him to have achieved on this matter by the end of this political term?

**Deputy T.J.A. Binet:**

I think I will refer to the comments I made earlier. We are looking ... the overall goal, as I said, is to create a more seamless, efficient, interconnected and more contented service, so those are our goals.

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

Within this restructuring, alongside that I believe the Minister in the past has promised a new strategy for health in the Island. Where is it and who is involved in the design and how does that interrelate with the restructuring and your vision that you have just outlined for what you would like to see in health?

**Deputy T.J.A. Binet:**

The development of a strategy is very much in its early stages. Unless you get the structure of something right, it would be a little bit like arranging the deckchairs on the deck when you have not fixed the hole at the bottom of the boat. So a strategy will emerge, but part of that strategy is designing a more inclusive and more cohesive service in the first instance.

**2.17.7 Deputy H.L. Jeune:**

I am not sure if I would see this the same way. A strategy would be about what you would like the health service to deliver and then you would restructure according to what you would like to deliver, which would be outlined in a strategy. So I would like just to confirm with the Minister if there at least are some clear points that would come out before the restructuring so Islanders and the Assembly would know what kind of key areas for healthcare the Minister for Health and Social Services would like to focus on in his restructuring.

**Deputy T.J.A. Binet:**

I think this one is quite simple. We have obviously a different way of working. That would not be my approach. I have stated what my approach is. It is basically to restructure in the first instance and the strategy will evolve from there.

**2.17.8 Deputy J. Renouf:**

Just perhaps a couple of clarifications. The last major reorganisation of the ... restructuring, rather, of the health service was P.19/2023, which was subject to a vote. The Minister availed himself of the opportunity to vote against it. So would he commit to a vote on the subsequent restructuring which seems to be implied by this? Could he clarify what will happen to the chief officer role, to the recruitment of the new chief officer if they are being recruited into a role that will fundamentally change should the restructuring go ahead?

**Deputy T.J.A. Binet:**

Sorry, could I just ask the Deputy to repeat the first part of that question to make sure I have it clear? Sorry to ask.

**Deputy J. Renouf:**

The previous restructuring was P.19/2023, which was brought to the Assembly, so would he commit to bring a similar restructuring to the Assembly?

**Deputy T.J.A. Binet:**

I will repeat what I said earlier. If the proposed restructuring is substantive and requires to come back to the Assembly, then of course it will. If there are only minor changes that do not require to come back, then they will not.

**Deputy J. Renouf:**

The second part of the question was the role of the chief officer, which might be changed quite dramatically after they are reappointed in the new year. So what contingencies or what does he have to comment about that potential situation?

**Deputy T.J.A. Binet:**

We are not quite at the point where we know whether that restructuring will involve one or 2 roles and I do not want to go into anything further than that at this stage. But as I said in answer to Deputy Gardiner's question, those things are currently under review. Decisions are imminent but not yet made.

**2.18 Deputy T.A. Coles of St. Helier South of the Minister for Infrastructure regarding an update on the Bus Operator Contract (OQ 157/2024):**

Will the Minister provide an update on the bus operator's contract and advise when both the retender process is likely to be complete and confirmation of a successful operator will be given to the Assembly?

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

It seems like tenders are like buses this morning. The position remains that the bus operator contract is being tendered in accordance with the Public Finances Manual. The tender process is running to schedule and there has been a good level of interest shown. The appointment of an operator is expected to take place later this autumn, at which point an announcement will be made.

**2.18.1 Deputy T.A. Coles:**

The term 'later this autumn', can the Minister be a little bit more specific?

**The Connétable of St. John:**

I have not been involved in the process, quite rightly so - it has been officers that have been doing the work - so I would expect to be briefed towards the end of this month or early next month. I would not expect a decision to be made after October. I would like to think it will be sooner rather than later.

**2.19 Deputy I. Gardiner of St. Helier North of the Chief Minister regarding an Internal Government Digital Strategy (OQ 164/2024):**

Will the Chief Minister detail the progress, if any, which has been made in 2024 to develop an internal Government digital strategy?

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

Following a number of operational I.T. (information technology) incidents in January and February, the Chief Information Officer led a review of the underlying infrastructure supporting the Government's digital services, which has been used to create a plan to support further investment in the digital infrastructure to support digital systems. A strategy was commenced under Deputy Curtis and the previous Government and planned revisions to the draft digital strategy will lay out how a major focus of the digital services function will be on remediating and upgrading the I.T. infrastructure to provide a solid foundation upon which further digitisation can occur.

[11:45]

Three immediate actions are improving the reliability of front line digital services, prioritising projects and programmes for delivery as soon as possible, and simplifying digital systems. That is aimed at reducing risk to the provision of digital services by upgrading and enhancing the highest risk applications.

**2.19.1 Deputy I. Gardiner:**

Thank you to the Chief Minister for assuring that the work is continuing. Will the Chief Minister advise if the digital I.D. (identification) to digitalise Jersey has been considered and if it is anywhere in the plans to introduce one digital I.D. that we did have to integrate our governance system?

**Deputy L.J. Farnham:**

I would have to double check and I will do that and come back to the Deputy, if I may.

**2.20 Deputy K.M. Wilson of St. Clement of the Chief Minister regarding restructuring the Civil Service (OQ 170/2024):**

I do believe a large proportion of my question has already been answered by the previous question on this issue, but I did have a supplementary if you would allow me to ask that supplementary in relation to this question.

**The Bailiff:**

Well, I am sorry, we have moved on to that question. You can ask it or you can withdraw it, but you cannot really ask a supplementary of a question you have not asked.

**Deputy K.M. Wilson:**

All right. Well, I will agree to withdraw it and I will speak to the Chief Minister separately.

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

I was hoping the Deputy would ask it because we could clarify any points that might be lying over from the previous questions.

**The Bailiff:**

The Deputy has withdrawn it and that is the ... of course, Chief Minister, you do have question time coming up as well, so that can be dealt with there, I am sure.

**2.21 Deputy M. Tadier of St. Brelade of the Minister for Education and Lifelong Learning regarding a student's ability to access provision of learning in their home language whilst at school in Jersey (OQ 163/2024):**

Will the Minister advise what importance, if any, is placed on a student's ability to access provision of learning in their home language while at school in Jersey and what plans, if any, exist to improve this access?

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

I thank the Deputy for the question. A high importance is placed on access to home languages learning for pupils in Jersey schools. The Language Policy for Education 2022, which is under a scheduled review after its first 2 years, will continue to reflect the high priority and importance that is placed on learners' access to provision in their home language while at school in Jersey.

**2.21.1 Deputy M. Tadier:**

It is news to me that the current language policy is under review. Could the Minister give some more information about why it is being reviewed, what is being reviewed and who is leading on that review? Is it somebody who is already in-house or is somebody being brought in to do that review?

**Deputy R.J. Ward:**

They are scheduled to review every 2 years and we would want to look at the multi-language learner policy, of course, because there is a context to how we deal with this depending on the demands made elsewhere with regards languages. As we are currently in a context of a lot of demands being made on languages in schools with different propositions and different things coming forward, we have to look at the way in which we can also allow multi-language learners to access. Currently, there are 84 countries of birth listed in 2021 in our schools. At one of our primary schools there are 38 first languages other than English, and they are demands being made on our schools that are being dealt with as best they possibly can. So now is a really good time to lead that review and it will be led by the person who leads language learning. I believe the person who was doing it has been seconded to something else but it may be time to return to that focus in modern languages.

**The Bailiff:**

Very well, that brings questions to an end. I do not know if people are leaping in because they want to ask a question of the Minister or they are leaping in to be first in for the first period of the questions without notice. I brought questions to an end. I think questions are at an end and we are moving now to the next period of questions.

**Deputy M. Tadier:**

Sorry, Sir, can I test that? I am obviously not in the Assembly but were there other people who wanted to ask supplementaries on that? I think we still have time.

**The Bailiff:**

I work on the assumption if no one has lit up my screen, to use the perhaps unfortunate expression **[Laughter]**, and I have not seen a light on at the time when the question is last answered, I assume

no one wishes to ask a question. As soon as I said questions are over, Deputy, that was it and there was no one asking at that point.

**Deputy M. Tadier:**

Thank you, Sir.

**The Bailiff:**

If that assists you. Very well, we come to the period of questions without notice. The first Minister is the Minister for Sustainable Economic Development. Before I call upon the Minister, can I just write a few names down here to make sure that I have not forgotten people? I have noted the Connétable of St. Saviour, Deputies Ahier, Coles and Renouf, Deputy Alex Curtis, and Deputies Stephenson, Gardiner and Tadier, so let us see where we get to.

### **3. Questions to Ministers without notice - The Minister for Sustainable Economic Development**

#### **3.1 Connétable K.C. Lewis of St. Saviour:**

Further to a question this morning by Deputy Miles regarding banking, is the Minister aware that St. Saviour has just lost its final bank? In recent times, we have lost Miladi Farm, Lloyds Bank, Five Oaks, and now HSBC Five Oaks has closed, leaving St. Saviour without a bank. As the Island seems to be moving towards a cashless society and many shops in town, including coffee bars, are card only, this will put people without a bank account at a severe disadvantage. Does the Minister not agree?

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

There is so much in that question, if I was to say I agree or disagree I would be agreeing or disagreeing to an enormous amount. So, rather than saying whether I agree or disagree to various things, I absolutely recognise the Connétable's concern and also agree with that concern, although I also accept that this question may be better put to the Minister for Financial Services than myself because I do not have responsibility for banking. But I have raised with him on several occasions my concern that the consumer-facing banks in Jersey are perhaps not always providing the services that Islanders need and that I often see that from the small business perspective. Even in areas like hotels I have heard about the difficulties of gaining finance and things like this. So what I do agree with is that the closure of a branch in Les Quennevais is a closure of a branch which will have been used by many people in that area, it will have been very useful, and particularly as you move further into an Island with a population that is older, then it seems to me that there is likely to be perhaps a greater call for rural branches. So, it is a concern of mine and I do wonder if perhaps we could even think as an Island of rather than one branch perhaps there can be one location but with 3 or 4 banks operating out of that location. That is purely an idea, but yes, I absolutely recognise the concern. I do share that concern, and I am happy to speak to the Minister for Financial Services on that matter as well.

#### **3.1.1 The Connétable of St. Saviour:**

Just very briefly, it was not just St. Saviour but obviously our friends in Grouville and St. Martin used to use that facility there. Lots of small businesses who do have cheques and payments to pay in, now have to go into town, exacerbating the parking situation, if you can find a space. It is from that angle that I fired this question off to the Minister. We really need to get a grip on this and maybe ...

**The Bailiff:**

I am afraid this is a speech, Connétable.

**The Connétable of St. Saviour:**

I am coming to it, yes, Sir.

**The Bailiff:**

If we could have a question, that would be really helpful.

**The Connétable of St. Saviour:**

Yes, Sir. If we could come together and make some facilities for a local bank, does the Minister not agree?

**Deputy K.F. Morel:**

The Minister does agree, and I think that was the thrust of my previous answer. I do think this is an issue we should come together on. I think there are a number of areas or a number of aspects upon which the lack of bank branches touches. Exactly as the Constable said about the traffic impact is a really good example of how banking is ... we think of it as just purely finance, but in this case, it also potentially has an impact on traffic in town and things like this. What I would also add is when people say to me there is never anywhere to park in town, I will always retort there is always a space in Pier Road.

**The Bailiff:**

I would just say from the Presiding Officer's point of view asking: "Does the Minister agree or not agree?" seldom turns a speech into a question [**Laughter**], so if Members could be careful and tailor their questions so they are quite short.

**Deputy K.F. Morel:**

May I suggest it seldom receives a short response from the Minister either.

**The Bailiff:**

Well, I am holding off on that one so far.

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

Air display funding has been cut by approximately ... from £100,000 to £40,000 over recent years. Is it the Minister's intention to reduce that down to zero and how much has been given in total to allow the event to go ahead this year?

**Deputy K.F. Morel:**

I thank the Deputy for his question, and I can state it is not the Minister's intention to cut the air display funding to zero and never has been the Minister's intention to do that. What the Minister would like to see is a very-to-date, innovative, professionally organised air display which is inclusive of all Islanders. In that respect, one thing I would like to see is perhaps a more commercial angle from the air display so that it can raise its own funding. I must say that I was absolutely delighted with both the crowd-funding initiative and the response to the crowd-funding initiative because that is exactly the sort of thing I believe the air display organisers needed to do rather than just purely turning to Government for further grants. By trying to limit the grant to £40,000 when more was needed, rather than just coming solely to Government and then saying: "Oh, the air display cannot go ahead because the Government will not give us any more", by turning to crowd funding, the air display organisers have shown that Islanders are really willing to help out. Those Islanders who are helping out through that area are obviously those Islanders who value the air display more than the Islanders who did not. So, I am really delighted with that initiative, and I do hope that the air display continues to seek other outlets for funding rather than just government funding.

**3.2.1 Deputy S.M. Ahier:**

If he could just confirm that the amount was £40,000, that would be useful. By his response, is he intending somehow to remove the current organisers? Does he intend to put it out to tender?

**Deputy K.F. Morel:**

Yes, I confirm the amount to date is £40,000. We did hold an expressions of interest either last year or the year before and we did receive some responses, but it was the case that they were not ready to take over the air display ... or it is not even take over the air display, anyone can hold an air display, it is an entirely private event. But there was no response which seemed, from our perspective, to be worthy of shifting the funding to another organisation, which is why we have stayed with the Jersey International Air Display. There are no current plans to hold another tender process.

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

With regards to the living wage grant, will the Minister confirm whether businesses created after the announcement of the living wage was made would be able to access this grant scheme?

**Deputy K.F. Morel:**

It is an interesting and it is obviously a very detailed point. I will have to get confirmation on whether there is a limit around that. Off the top of my head, I do not think there is, but I cannot be sure, and I would have to go back and check to make sure I have the correct answer.

**3.4 Deputy J. Renouf of St. Brelade:**

Can the Minister explain why the Social Security Fund was chosen as the source of funds for living wage transitional support?

**Deputy K.F. Morel:**

That was a decision around the entire Council of Ministers table. I do not think it would be appropriate for me to put my take on that alone, but I do believe there was an alignment between the living wage and social security in itself, as in by paying a living wage you are helping people who do not rely on social security perhaps in the same way. But I am pleased it was a Council of Ministers decision, not my own Ministerial decision, so I would not like to speak for the entire Council of Ministers.

**3.4.1 Deputy J. Renouf:**

I am slightly surprised that the Minister does not have more interest in this, given that in the past the Assembly has proved highly resistant to using the Social Security Fund in this way. Therefore, surely does he accept that there is a risk that by choosing this method, he risks potentially losing the funding?

**Deputy K.F. Morel:**

Again, 2 things there. One, I did not choose this method. It was a Council of Ministers decision; it was not my decision. Number 2, I have enormous interest in this area and please do not take a lack of desire to speak on behalf of a group of 11 people as a sign of a lack of interest from my part. I would seriously hope that Assembly Members do not try to remove that funding. I think it is really important.

[12:00]

It is really important for us in the way that the Budget is shaped for future years and I think it is really important that we do provide support as we transition to this living wage. Were we not to provide that support, I think we will end up seeing significant pressures which could lead to business failures within the economy.

**3.5 Deputy A.F. Curtis of St. Clement:**

The 2023 Jersey Business Annual Report and Accounts show that the productivity scheme in that year had 90 enquiries and 4 successful grants totalling £181,500 of grants. Given the Minister is proposing a £7 million productivity support scheme, what changes, if any, is he proposing to the scheme to enable it to be viably used within the planned period?

**Deputy K.F. Morel:**

Jersey Business has already improved on those figures for the subsequent year. If that is the 2023 report, then 2024 is certainly different, I believe. We are already working with Jersey Business to understand how best they will market the scheme precisely because Jersey Business will be the organisation that is likely to deliver this.

**3.5.1 Deputy A.F. Curtis:**

Will the Minister confirm that the productivity support scheme has been running in 2024 and, if so, will he endeavour to get updates on the data to States Members in due course?

**Deputy K.F. Morel:**

I believe so. There is now an element of doubt in my mind just from the question itself, but I will go back and I will get an update on the status of the productivity support scheme as is. Because now I think about it, we did pull back because of the earlier lack of interest, so we did want to redesign it to make sure we got more. I am sure we have been sending stuff out, but I will get an updated report.

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

I was pleased to see the launch of the performance sport programme by Jersey Sport using £120,000 approved by this Assembly in the last Government Plan. However, £150,000 a year had been budgeted under the Minister's remit for performance sport. Can the Minister explain where the remaining £30,000 has gone, please?

**Deputy K.F. Morel:**

I believe that is likely to be ... given that £30,000 is 20 per cent of the £150,000, that is due to the 20 per cent cuts that were made to the Government Plan from last year.

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

The Jersey Sport programme is described as a pilot for 2024, which will be considered for delivery in 2025 and beyond. Can the Minister assure the Assembly that if the Jersey Sport programme is not considered to have been a success, the money will continue to be used to support performance sport in Jersey, just in another way?

**Deputy K.F. Morel:**

I thank the Deputy for her question. I do not see why that would not be the case. If the scheme is considered not to be a success, I would then turn to the Assistant Minister with responsibility for sport to understand how he would want to improve the scheme to make it a success or redeploy that money in a way that does back sport, rather than redeploying it somewhere else.

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

I would like to ask: would the Minister advise if he is aware about sentiments among the small businesses and local businesses that they feel that the Government of Jersey procurement is broken, serving to act as a barrier to business being done than to supporting them to engage with the Government?

**Deputy K.F. Morel:**

It is sad but I agree wholeheartedly with that sentiment. I have serious concerns about the processes in procurement and how they make it difficult for local businesses to access procurement, the time it

then takes for responses to come back. The reason I know this is because I know how long it takes a small business to write a tender for any element of procurement. Then I have heard various examples of never hearing back from the Government, it is taking months and months and months, despite this small business having spent perhaps a week or 2 weeks dropping all other work in order to do the tender process itself. So, it does not surprise me that the Deputy is hearing this sort of concern from the business community, but I find it very sad that it does not surprise me because it is something that I really wish we would enable small businesses to more easily procure from the Government. Indeed, I brought my own proposition in 2019 to that effect, but sadly I have not seen a great deal of change in regard to procurement from small businesses.

### **3.7.1 Deputy I. Gardiner:**

I am grateful to the Minister for his response because this is the reality. Would the Minister engage with the Minister for Treasury and Resources, who is responsible for the procurement system, and maybe review the current existing policy which can allow local small business especially to get easier access to the tenders?

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

I certainly will commit to speaking with the Minister for Treasury and Resources about this. I do find in general one of the ... and this is for all States Members. Government processes in terms of outward-facing processes where the general public in whatever regard interact with Government, they need to be improved in so many areas. From the perspective of how Islanders see Government, if those processes are difficult, then Islanders are guaranteed to come out with a negative impression of Government. So, by purely improving those processes, it could be anything from getting a passport to procuring from Government, it could be anything, if they are smooth and easy and understandable, then Islanders themselves, I am sure, will end up with a better impression of the Government that serves them.

### **The Bailiff:**

With almost prescient timing, that brings the time available for questions to this Minister to a close. The next Minister is the Minister for Treasury and Resources.

## **4. Questions to Ministers without notice - The Minister for Treasury and Resources**

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

First of all, I will just apologise to the Minister, but this question has only come about because of a proposition that we have had published to us this morning. The proposition is about the Westaway Trust being transferred into another trust fund. How many trust funds is the Minister responsible for?

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

I do not know how many. I do not have that number. I think the Treasurer often is involved in making many of those decisions and I think there are other bodies and groups that have been established. I think there are quite a number of funds and there are quite a number of groups and bodies who administer them. I know, for example, that there was a degree of, shall we say, rationalisation a year or 2 ago where management and decision-making around certain funds was moved from the jurats into, I believe, a part of Treasury, but I cannot remember the detail of that. So, I do not know the exact number, but I can certainly ask that question.

### **4.1.1 Deputy T.A. Coles:**

I thank the Minister for her answer. My next question comes about with the review of the administration. You have slightly touched on it, but would you commit to a full review to ensure that the best use of these funds are approached and what funds could be consolidated together to get the better returns?

**The Bailiff:**

Would the Minister commit, not would “you” commit. Would the Minister commit?

**Deputy M.E. Millar:**

I think that is a very interesting question. I think that is part of an ongoing process. As I say, there have been general reviews over the years to look at how these funds are managed. They are managed, I think, in a way that is as professional as possible, and I think with the Westaway funds the issue is simply that ... well, there are 2 issues. Firstly, there are very small amounts of funds available. We are only allowed to spend the income rather than the capital. Once those funds are distributed among all the Parishes, it is a very small amount to distribute. Because of the requirements of the use of the funds, it is actually very difficult to spend. The initial objectives are very difficult to effect in the current environment and also it requires headteachers to be involved and headteachers feel that they cannot make certain decisions that the original establishment would do. So, we do keep a very close eye on all of these funds and ensure that they are managed in a common framework as much as possible and very carefully, and that distributions are made appropriately and as carefully as possible.

**4.2 Deputy H.M. Miles of St. Brelade:**

Following the announcement by Lloyds Bank that it is to close its St. Brelade branch and, as we have heard, the St. Saviour branch, will the Minister state if she has had any communication at all with the leadership of Lloyds to confirm how they will adequately support customers who will be negatively impacted by these changes?

**Deputy M.E. Millar:**

I think that is a question that sits with the Minister for Financial Services rather than the Minister for Treasury and Resources. As Treasury, no, we do not have that direct liaison point with banks. That sits with another Minister.

**4.2.1 Deputy H.M. Miles:**

I thank the Minister for her answer. Perhaps I will put that into a written question for the other Minister. This may go along the same lines, but other companies, as part of their operating licences, have public service obligations. I was just wondering whether the Minister would consider introducing a similar obligation for high street banks, which would protect important public services?

**Deputy M.E. Millar:**

Again, I think that is a question for the Minister for External Relations, but as I am his Assistant Minister I would have to say that I think that would be an incredibly difficult thing to achieve. Banks are businesses and as soon as you start imposing obligations on them to keep branches open, we will all lose free banking. We all expect to go and take money out and it not cost us anything, and we will all start to pay for the provision of banking, as you did in the old days apparently. I would think it is a very difficult thing to achieve.

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

During the presentation of the Budget proposition, P.51, which will be debated at the end of November, which was the subject of a presentation by the Minister for Treasury and Resources and the Chief Minister and other Ministers, I was able to attend that and I asked whether or not the Ministers would be providing a full list of all the reports and other documentation, some of which has been referred to earlier, in advance of the Budget. So, could I restate the question: will the

Minister commit to providing a list of all the documents, any further information about the Budget, when it is going to be lodged and what it is about so that Members have full sight of what is coming?

**Deputy M.E. Millar:**

I have to confess I am not quite sure what reports the Deputy would like to see. The Budget is a fairly significant document. There is an annex, which I have just given back to the Chief Minister, which is fairly significant. If the Deputy would like to tell me what reports he wants to see, we can answer the question, but I do not understand what he wants.

**4.3.1 Deputy P.F.C. Ozouf:**

Okay, let me be a little clearer. What does the Government plan to publish for Members about the Budget that Members might not be aware about? For them, it is for the Government to explain to Members what reports are going to be produced in advance of the Budget because we do not know what we do not know.

**Deputy M.E. Millar:**

Again, I am at a loss. We have published the Budget, the report on the Budget and the appendix to the Budget. I believe that is what all Governments have published in the past and again I would need greater ... I simply do not understand what the Deputy is asking for. If he could give me a list of what was published last year that has not been published now, I will look into that, but I simply do not understand what he wants.

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

I really do not want to take up any more time, but there is a list of documents which are going to be provided, such as the health funding, the productivity fund, all others, that we do not know anything about, they are just headline numbers, and we need to know the detail.

**The Bailiff:**

Well, I think we have to move on from that question. You have made the point, and it could be that there can be a communication outside of question period for that purpose.

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

In the Income Forecasting Group's report, R.130/2024, their forecast for personal income tax adjusted down. Has this now materialised and what action has the Minister taken to compensate for this possible shortfall in revenue?

**Deputy M.E. Millar:**

I think, yes, that forecast was taken into account for preparation of the Budget, and it has been accounted for in the way we have compiled the Budget. The Budget has been lodged and you will see our spending proposals which take that into account. I am not sure if it has, I do not have that detail in front of me as to what the current income tax figure is, but we will have taken the forecast into account in establishing the Budget.

**4.4.1 Deputy S.M. Ahier:**

Will she consider not increasing the income tax threshold in the future to try to bolster annual income tax revenue?

**Deputy M.E. Millar:**

I would think that is quite unlikely. We increase the personal tax loans threshold every year; we are doing so this year. In comparison with other neighbouring jurisdictions, we have a very high personal tax allowance, but I see no reason why we would ... it is not in my plan at the moment to not increase it.

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

Just to return to the question about Lloyds for a moment, the Minister for Treasury and Resources, she has ultimate responsibility for that area. I wonder, therefore, whether she could not talk a little bit more about her reaction to the closure of bank branches in rural parts of the Island or less urban parts of the Island.

[12:15]

In particular, whether she is not prepared to discuss with banks things like the potential sharing of branches, potential use of government buildings for branches, for example, the letting of buildings in Les Quennevais Parade which could be sublet to banks for their operations on a part-time basis and so on. In other words, will she consider looking at those potential other solutions?

#### **Deputy M.E. Millar:**

I can only say again I am here this morning as the Minister for Treasury and Resources, that is a matter for the Minister for External Relations and Financial Services, and I suggest the Deputy raises his questions with that Minister.

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

Insofar as it affects the overall revenue that the Minister has to spend, does the Minister have any concerns about the unintended consequences of drives towards productivity by businesses which may entail ultimately a reduction, a significant reduction in staff, especially where A.I. (artificial intelligence) or automation is used, for example in supermarkets, which might result in lower tax revenues to the Treasury, especially if businesses that are more productive are ultimately not paying tax as businesses?

#### **Deputy M.E. Millar:**

Am I concerned about that immediately? No, I am not. I think we do want our business to be more productive, we want Government to be more productive, but I think we have to remember that we are virtually at full employment. Most businesses say that they are still crying out for staff, so I think even with productivity enhancements it is a very long way to go before we start seeing mass unemployment in the Island. Clearly, if that was a risk then that would be a concern. I think we do want business being more productive and it is not just a case of ... productivity does not necessarily mean a reduction in head count, it means better value added and it means that the employees you have are paid more because they are doing better and more productive and more profitable work. I do not think that there is an immediate cause for concern in terms of enhanced productivity and the use of A.I. in the Island. I think it could only be to our advantage.

##### **4.6.1 Deputy M. Tadier:**

Of course, it does not mean a reduction in services or headcount, but it can mean, for example, the closure of certain branches of banks, it can mean that tills with people are taken out of shops and replaced by machines that are automated that do not pay tax. Ultimately there could, and is likely in fact, that there will be a shortfall in tax receipts. Can the Minister reassure the Assembly that she has taken into account the potential downside of the fact that there is good productivity and there is bad productivity and what that might mean for future tax receipts?

#### **Deputy M.E. Millar:**

I think this is a subject for the Fiscal Policy Panel. I am sure they will comment on that in due course. My own observation is that putting in self-service tills does not necessarily seem to be reducing the number of staff and there are just as many staff wandering around helping people with their self-service tills as there were operating the tills in the first place. I am sure the Fiscal Policy Panel will keep that in mind. I agree with them, it is something we have to continue to focus on, but I think if

someone instead of operating a till is doing a better high-value job earning more money, then that may be a better thing for the Island in terms of tax receipts.

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

We have just heard from the Minister for Sustainable Economic Development that 20 per cent cuts have been made to Government Plan growth that had been agreed by this Assembly last year. Can the Minister explain when, why, and how this decision was taken and if cuts were applied across the board or were some areas protected?

#### **Deputy M.E. Millar:**

As the Deputy will, I am quite sure, understand, those decisions were taken by the Council of Ministers over a series of discussions about the Budget for next year, taking into account the finances for this year and taking into account the other demands that arise as they do mid-year for funding. I think the 20 per cent was split generally across very many growth bids. There were very few ... I do not recollect any particular exemptions apart from possibly in Health and possibly in Education and the maintenance of front line services, but the 20 per cent was divided in a very even way with the agreement of the Council of Ministers.

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

Were any risks identified in this approach around the deliverability of the priorities that the growth had been intended to fund and, if so, which does the Minister consider to be at the highest risk of being impacted?

#### **Deputy M.E. Millar:**

Risk assessments would have been conducted or will be conducted by the relevant departments so, yes, that work would be done.

#### **The Bailiff:**

I am afraid that brings the time period within which questions could be asked of this Minister to an end. We now move to questions of the Chief Minister.

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

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

I hope the Chief Minister was listening when the Minister for Sustainable Economic Development said that he was unable to speak for the Council of Ministers on the question of where the money for the Living Wage Financial Support Scheme is coming from. I am hoping that the Chief Minister can therefore answer the question which I asked the Minister which was: can he explain why the Social Security Fund was chosen as the source of funds for living wage transitional support?

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

The Social Security Fund is supplemented by the taxpayer, and it will still be supplemented. Figures were worked out, and perhaps the Minister for Social Security or the Minister for Treasury and Resources would have figures more readily available, but it was possible to reduce the supplementation to the fund while still providing enough money for the fund to meet its commitments. There was a surplus there so it was decided it would be prudent to utilise that money for the economy to help businesses deal with the living wage because that would not impact negatively upon the fund. Although that would mean the fund would get less money, the fund is still sufficiently supported to meet its objectives and obligations.

#### **5.1.1 Deputy J. Renouf:**

It is a very interesting answer because last year the Chief Minister took a very different view. Seven current Ministers voted against the previous Government attempts to borrow or, as it was described by Deputy Bailhache at the time, “plunder” from the Social Security Fund. Just to remind everyone, they were the Constable of St. John, Deputies Feltham, Le Hagarat, Luce, Mézec, Rob Ward and, of course, the Chief Minister himself, all of which voted on a fundamental point of principle against raiding the Social Security Fund in this way. So, what has changed?

**Deputy L.J. Farnham:**

I am just trying to remember which way the Deputy himself voted. I think he probably supported it.

**The Bailiff:**

Well, I think the question is what has changed, Chief Minister?

**Deputy L.J. Farnham:**

What has changed? Well, I suppose I am happy to change my mind when presented with new evidence or information, as I have explained, in this instance. We can still provide sufficient sums for the fund, and that is absolutely key, without compromising the fund. That is at the heart of what has changed, and I think that is what has changed for the Government. We can still provide sufficient funds to ensure it is not compromised in any way while utilising additional money to support businesses with the transition to living wage.

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

I was asked by a constituent why the Esplanade car park has not been returned to its former use in much the same way as Kensington Place remains unused and Cyril Le Marquand public parking remains empty while a private sector development in the meantime has opened up a Commercial Street development where they are now letting cars park. If the vision for town is to encourage more shoppers, surely the Chief Minister should be chasing down the respective A.L.O.s (arm’s-length organisations) and government departments to use these spaces more effectively. Can he explain to the Assembly why this Government is doing so little to back the retailers and small businesses of St. Helier?

**Deputy L.J. Farnham:**

Well, I happen to agree with the Deputy that parking is important for the rejuvenation of town, for the maintenance of town, for the interests of the residents and the businesses. We do have sufficient car parking available, albeit not all in ideal locations, and so I would like to see some progress there. I would like to see not only with being more thoughtful with our existing facilities, but also, I would like to see, and will see when we introduce plans to rejuvenate St. Helier, more focus on providing parking for residents, but especially to support the development of the town economy.

**5.3 Deputy K.M. Wilson of St. Clement:**

I will get a chance to ask my question now, Chief Minister. Can the Chief Minister explain how his plans are preparing a civil service fit for the future, particularly with regard to modernising and transforming the work of the civil service? Can he just help us understand a little bit more about what this entails?

**Deputy L.J. Farnham:**

The aim of this Government is to curb growth. The increase in the 2025 Budget over the 2024 Budget is just over 5 per cent growth. In 2024 over 2023 was over 9 per cent. We started to see budgets beginning to see exponential growth year on year, which was unsustainable. Rather than restructure the public sector, we are reshaping the senior leadership structures because the chief executive officer has identified, Ministers have identified, that we are perhaps overstaffed in certain areas, and we can reprioritise and utilise the resources saved in 2 areas of essential services and those areas supported

in the Common Strategic Policy. The chief executive officer is working closely with Ministerial teams and senior officers to oversee this transition and reshaping of the senior management structures.

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

Could the Chief Minister explain what, therefore, is being done to build future capability, given that there are going to be people moving around, there are going to be people leaving. How are we going to attract future civil servants of the future and how will we replenish the skill base of the service?

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

I think that is a very good question. It is at the heart of the decision-making on this because we want to make sure that our public sector is more productive, and resources are aimed most at where they are needed. A lot of the savings we are making in the Budget, there is a proposed £50 million of payroll savings, but savings will be targeted to areas of front line services and areas where we need it the most, Health and Education, for example, and that is where we need to focus on recruiting the specialist expert workforce that we need. While having said that, we are reshaping senior management structures, there still will be, I would say, ample resource left in senior management structures to not only continue to do very good work, but also to be able to attract the best people in the future.

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

Calling to mind the C.M. (Chief Minister) in his previous role, statements regarding the cannabis industry and its sector, and statements that the industry was going to be one that was going to rival the size of the finance industry. As the cannabis industry involves the oversight by the Chief Minister of a number of other Ministerial departments such as Planning, Health, Economic Development and Home Affairs, could he update, or perhaps would he prepare an update for the Assembly, of how the industry is doing, what its challenges are and is it meeting those expectations that were set in this place a number of years ago?

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

I do not believe I ever said that the cannabis sector could rival the size of the financial services sector, but I did say at the time when I was Minister for the economy, and of course agriculture comes under that, that it could be a significant sector if we allowed it to grow, if you will excuse the phrase. That is a question that needs to be directed at the Minister responsible, which is the Minister for Sustainable Economic Development, but I will discuss that with him and ask if he is prepared, together with other Ministers who may have an involvement, to provide an update.

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

I think the Assembly needs some update on that, and the Chief Minister is in the position to co-ordinate his Ministers, so I am grateful for the response.

[12:30]

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

We have heard from the Chief Minister that there will be no departmental business plans for 2025. Could the Minister advise how the public and the Assembly will know what is being done in 2025 and what tool will there be to let the public and the Assembly know what each department is doing?

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

I am sorry if I was unclear. We are producing departmental business plans but not Ministerial business plans. We are aiming to combine the 2 and that work is underway.

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

Could the Minister give a timeline for when these will be available and how will multisectoral issues get captured within these departmental plans if Ministerial plans are not developed?

**Deputy L.J. Farnham:**

They are due, I understand, for publication in quarter 4 which we are heading into shortly, if not sooner. I think some are ready now. Could she repeat the second part of the question, please?

**Deputy H.L. Jeune:**

How will multisectoral issues be captured between departments, those bigger strategic priorities?

**Deputy L.J. Farnham:**

It is a difficult question to answer without knowing the independent issues because they will be dealt with in different ways. Where there are overlapping areas or juxtapositions, then Ministerial teams and officials will deal with them accordingly. So, without a specific question I cannot answer that, but I will say that Ministers and departments will work in a collaborative way to ensure any multisectoral issues are dealt with appropriately.

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

Will the Chief Minister set out the aims of the restructuring of the Communications Unit and how success against those aims will be measured?

**Deputy L.J. Farnham:**

I cannot provide that off the top of my head, but speaking generally we inherited a Communications Department with some excellent people, but it was simply too large for the organisation. There is no science attached to this other than we want to reduce the size to make sure it is appropriate for what we do and that is exactly what we are doing.

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

What steps are being taken to ensure that the savings as set out in the Budget, and the savings in headcount that I think are alluded to in there, will be actual savings and not just costs spread elsewhere, either through departments taking on their own staff or outsourcing costs elsewhere? Is it about headcount, is it about cost, is about both, and what steps are being taken to guard against that?

**Deputy L.J. Farnham:**

It is about curbing growth, the financial growth in the public sector. To reduce or to stop the chance of new positions being created, the chief executive has applied a recruitment freeze until March of next year; of course, that excludes Health and essential staff. The reprioritisation of spending and the savings we made from curbing the growth in the public sector has either been reprioritised to some essential services or directed towards the Government's priorities in the Common Strategic Policy which include transition to a living wage, extended nursery and childcare provision, the continuation of the school meal programme, reduction in G.P. (general practitioner) fees, provision of more affordable homes and a reduction in government fees and duties, to keep them as low as possible. That is just some examples of where that money will be redirected.

**5.7 Deputy A.F. Curtis of St. Clement:**

What consideration, if any, has the Chief Minister given to introducing new ways for his Ministers to engage with the public about their policies and their actions?

**Deputy L.J. Farnham:**

I am sorry, could he just repeat ... **[Interruption]**

**The Bailiff:**

That is rapidly approaching 2 fines. Could you repeat the question? I will give a half a minute's injury time.

**Deputy A.F. Curtis:**

We will start again. What consideration, if any, has the Chief Minister given to introducing new ways for his Ministers to interact and engage with the public on their policy and their delivery?  
**[Interruption]**

**Deputy J. Renouf:**

I will switch the phone off.

**The Bailiff:**

Yes, perhaps if you would, Deputy, but remarking that there is a fine due, of course, for the interruption. I do not think it was a policy to stop the question being asked but would you go for it again? We will add a minute of injury time.

**Deputy A.F. Curtis:**

Does the Chief Minister require the question again?

**Deputy L.J. Farnham:**

Saved by the bell, almost. **[Laughter]** Well, I believe States Members and Ministers are among the most approachable and available, accessible to the public and continue to do so, as we all do as States Members, on a daily basis. Once we have the Budget completed, have our first year out of the way, we will discuss ways we may consider meeting with members of the public. Of course, I think we have all benefited from the constituency surgeries that we are doing in the districts following the last election. I know Ministers, including myself, always try to play a part in those, so that has gone some way to bridging the gap.

**5.7.1 Deputy A.F. Curtis:**

Very quickly, and I hope I do get that 30 seconds for the Minister to reply. One constituent suggested that a useful way for Ministers to interact would be through fielding perhaps, much as Ministers do with Q.W.O.N. (Questions Without Notice) to the States, but a streamed and published to media monthly Q.W.O.N. equivalent to members of the public. Will he give due consideration to Ministers answering questions from the public and will he discuss that with the Council of Ministers, as I believe that would be a very productive way for his Council to engage with the public?

**Deputy L.J. Farnham:**

Yes, happy to discuss that in detail with the Council of Ministers. Just using up my 30 seconds' injury time.

[12:37]

**LUNCHEON ADJOURNMENT**

[14:16]

**PUBLIC BUSINESS**

**6. Draft Statistics and Census (Jersey) Amendment Law 202- (P.29/2024) - as amended (P.29/2024 Amd.)**

**The Bailiff:**

We now move on to Public Business. The first item of Public Business is the Draft Statistics and Census (Jersey) Amendment Law, P.29, lodged by the Chief Minister. The main respondent is the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Statistics and Census (Jersey) Amendment Law 202-. A law to amend the Statistics and Census (Jersey) Law 2018 and for connected purposes. The States, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following law.

**Deputy K.F. Morel of St. John, St. Lawrence and Trinity:**

Not the Chief Minister but were he here, I believe he would be asking me to act as *rapporteur* on this.

**The Bailiff:**

Well, let us assume he has asked that and ...

**Deputy K.F. Morel:**

If you do not mind, thank you.

**The Bailiff:**

Otherwise you could be here a long time.

**6.1 Deputy K.F. Morel (The Minister for Sustainable Economic Development - *rapporteur*):**

Yes, absolutely. This amendment to the Statistics and Census (Jersey) Law 2018 is a culmination of nearly 4 years work to bring Jersey's Statistics Law and our statistical system into line with international best practice standards. The Statistics Legislation Steering Group was set up by the then Chief Minister in February 2021 to address issues with the current law. These included inadequate legal protections for the independence of Statistics Jersey and also a weakness in the key parts of the law governing statistical production and the governance of the statistical system. I was pleased to be invited to chair the group. Other members were former Senator Vallois, the chief statistician, the principal statistician and the chair of the Statistics Users Group. Over a 6-month period we considered a large amount of evidence, learning from international best practice standards and other statistical systems. Between October and December 2021, the group consulted on the policy paper setting out our proposals for amendments to the law. Feedback on the proposals was overwhelmingly supported. I would really like to extend my thanks to the steering group, in particular to the chair of the Statistics Users Group who devoted significant time - the whole group devoted significant time - as well as their knowledge and experience into developing the amendments I am really pleased to bring forward today. These amendments will address the deficiencies in the law that were identified 4 years ago. They strengthen the legal independence of the chief statistician and Statistics Jersey and introduce greater accountability and transparency. They clarified the role and enhanced the functions of the new Statistics Council which replaces the current Statistics Users Group in law. They bring the definition of Jersey's key statistics, which will be termed 'tier 1 statistics', into line with international standards and provide an enhanced process to assess and review those statistics. They also formalise Jersey's statistical system under the law for the first time and provide the chief statistician with responsibilities to develop the statistical profession. Jersey's statistics legislation must be robust, effective and conform with international best practice standards because it governs how our key official, or tier 1 statistics, are produced. The importance of those statistics cannot be overstated as the United Nations' fundamental principles of official statistics asserts: 'Official statistics provide an indispensable element in the information system of a democratic society serving the Government, the economy and the public with data about the economic, demographic, social and environmental situation.' We need to trust that tier 1 statistics provide accurate data on Jersey for this Assembly, Ministers, businesses, charities, in fact, all of us

must be able to make evidence-based effective decisions on our future, and tier 1 statistics are vital for that to take place. To trust in tier 1 statistics we must have confidence that they have been produced independently of any outside influence and in accordance with high professional standards and ethics. As the United Nations puts it: “To retain trust in official statistics, statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics on the methods and procedures for the collection, processing, storage and presentation of statistical data.” Some further principles that the United Nations cites as being fundamental to ensuring that we can trust in tier 1 statistics are: professional standards and ethics, prevention of the misuse of statistics, accountability and transparency and the effective national co-ordination of statistics production. I have purposely highlighted these principles because it is in these areas that the current Statistics Law has weaknesses. I will, as briefly as I can, highlight these deficiencies and set out how the amendment law will remedy them. With regard to the independence of statistics producers, a number of issues negatively impact the independence of statistics producers under the current law. Under the law, Statistics Jersey has a right to act independently, but they remain States employees and legally part of the Government. This means that, while the chief statistician has a nominal responsibility for commenting on the quality and interpretation of any statistics produced by public authorities, other undertakings and individuals, they can be limited in what they say by their employment status. There is no statutory process for recruiting or dismissing the chief statistician. There is also no responsibility for producers of statistics outside Statistics Jersey, for example, those in central government departments, to act independently when producing those statistics. In the amendment law these deficiencies are remedied: by providing the chief statistician with legal independence from Government as a separate corporation sole; by providing the chief statistician with an unfettered right to comment on any aspect of statistics, including their funding, use, accuracy, reliability, adequacy, erroneous interpretation and misuse; by providing legal protection for the staff of the office of the chief statistician so that their status as States employees will not compromise their ability to produce statistics independently; by providing a transparent process for funding the Office of the Chief Statistician that rests ultimately with the States Assembly; by providing a specific statutory process for appointing and dismissing the chief statistician and providing all producers of tier 1 statistics with the responsibilities to act independently in the development, production, dissemination and communication of statistics. With regard to accountability and transparency, there are significant accountability gaps in the current law. There is, for instance, no requirement on Statistics Jersey nor the Statistics Users Group to produce annual reports, which means there is no published overview of their annual performance and operations. There are no powers or duties to assess or to review official statistics. There are no requirements to inform the Assembly or the Statistics Users Group upon the appointment or dismissal of a chief statistician. There are limited circumstances in which Statistics Jersey must consult with the Statistics Users Group in the law. These issues have all been addressed in the draft law by: requiring Statistics Jersey and the Statistics Council to produce annual reports, including specific requirements to ensure those reports contain relevant information; also requiring that statistics are assessed for quality and importance before being included in the list of tier 1 statistics; requiring ongoing quality reviews of tier 1 statistics; empowering the Statistics Council to raise public concerns about any statistics produced by public authorities; providing for the first time specific requirements for the chief statistician and the Chief Minister to consult with the Statistics Council. With regard to co-ordination of the statistical system, Jersey already has what is known as a decentralised system; however, there are no mechanisms in the law to improve statistical standards, either formally or informally, across our system. Decentralised statistical systems are the most common form across the world. It means the key statistics are produced and published by many public authorities and not just by the National Statistics Office which in Jersey is Statistics Jersey. While many of our key statistics on, for example, health, education and crime, are produced outside Statistics Jersey, law currently prevents any statistics published by other public authorities from being included in Jersey’s list of official statistics. There is no requirement for statistics produced outside Statistics Jersey to conform to statistical

standards and a code of practice. The chief statistician has no formal leadership role for this statistical profession. Finally, there is no formal way of co-ordinating the producers of statistics across public authorities. This includes lack of organisation and planning requirements in the law. The amendment law will address these deficiencies by enabling any statistics produced by public authorities to be tier 1 statistics, providing they satisfy the statutory test for importance and integrity. It also requires all producers of statistics across public authorities to comply with the code of practice as far as it is practicable to do so, in addition to requiring them to act independently when producing statistics by: providing the chief statistician with professional leadership of statisticians and analysts across public authorities, including responsibility for their career and professional development; defining the Jersey statistical system in law to include all producers of statistics and public authorities and establishing the Statistics Producers Group to enable the chief statistician to co-ordinate the Jersey statistical system. In conclusion, the amendment law is designed to: enhance the professional impedance of statistics producers; to improve the accountability of statistics producers, particularly the chief statistician; to aid transparency, notably in requiring the chief statistician and the Statistics Council to publish annual reports and to enable co-ordination of statistics producers and increase standards across all public service providers of statistics. With the caveat that I suggest we use the term ‘stats’ to refer to the word ‘statistics’ **[Laughter]** I move the principles of this amendment law.

#### **The Bailiff:**

I must say, Deputy, I was marvelling at your ability **[Laughter]** to link together ‘statistics’, ‘statistician’ and ‘statistical’. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

#### **6.1.1 Deputy L.M.C. Doublet of St. Saviour:**

I want to thank the Minister for bringing this and statistics are something that is a bit of a love/hate topic, is it not? Personally, I love statistics and I want to urge Members to engage more with Statistics Jersey, because the work that they do is excellent, and to further urge Members to make sure that when we are making our decisions, whether it be in the Executive or the non-Executive, our decisions are based around robust evidence. I had a question for the Minister around how the data could be made available, not just to States Members, but to members of the public. A website that I frequently use is the O.N.S. (Office for National Statistics) website that you can access raw data. Could we have something like that in Jersey, please?

#### **6.1.2 Deputy H.M. Miles of St. Brelade:**

I stand in my capacity as Chair of the Corporate Services Scrutiny Panel. We have provided comments on the law, and they are comprehensive comments, and I do not propose to go into much detail. Suffice it to say, our observations really are that we have received Minister and officer-led briefings on the proposal, as well as multiple submissions from the Statistics Users Group, the Minister for Sustainable Economic Development and also the Chief Statistician. It is evident to the panel that there has been substantial work undertaken to develop this draft law over quite a period, a 4-year period commencing in 2020, but also certainly before that. We have had stakeholder feedback as part of our review of the draft law and that feedback has expressed overall support for the proposals brought by the law. Also, the Statistics Users Group, although they are supportive of the draft law’s intended aims, they did raise where further minor amendments could be made, in their view, particularly in relation to the chosen governance model for the statistical system and the role of the Statistics Council in respect of its authority and oversight function. We have highlighted that view in more detail in our comments paper. Although we are mindful of the feedback received from the Statistics Users Group, on analysis of Jersey’s statistical system in the context of Jersey as a small Island, it is our view that the draft law achieves an appropriate and balanced approach, and the panel is supportive of this draft law as amended by the Chief Minister. The Panel is of the view the proposed changes to the law will provide the appropriate balance of powers to safeguard our

statistical system and to establish it in line with international practice standards. We also considered the manpower implications of the draft law, and we considered those to be relatively modest with the establishment of the Statistics Council and the formalisation of the Office of the Chief Statistician requiring some additional resources.

[14:30]

But the financial implications of establishing the Statistics Council are estimated to be in the region of £90,000 annually, which the panel considered reasonable, given the importance of maintaining an effective and transparent statistical system for the Island. Importantly, if successful in its adoption, the draft law would enhance the governance of Jersey’s statistical system without imposing significant additional costs on the public purse. Just to conclude, thank you, we are supportive of this law.

**The Bailiff:**

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

**6.1.3 Deputy K.F. Morel:**

I will start by thanking the Chair of the Corporate Services Scrutiny Panel, and indeed the whole Panel for their comments and, as the Chair quite rightly said, they are comprehensive. The Chair is also correct about the Statistics Users Group still believing that some further amendments could be made around the governance. This is one of the interesting parts when I was developing this law with the whole group that we have been doing it with, is there are points of disagreement. I suppose the way I would characterise it is, the Statistics Users Group, I would say, were very pleased with 95 per cent but it is just the 5 per cent where we could not reach agreement and that was around the governance. I believe they have taken the right step, which is move with what we have before us and if further amendments need to be made in the future, then they can. I thank the Scrutiny Panel and the Statistics Users Group for all of their input throughout this process. With regard to Deputy Doublet’s question, I absolutely agree about access to raw data. I think it is something that would be best taken up with the chief statistician. There are elements, I forget the web address, but there is a government website where raw data is available, but it is, if I may say, quite inconsistent, and I do not believe it is always kept up to date. There are bits of data available, which is fantastic, and I applaud that, but I get the feeling - and this is a feeling - that it is something that perhaps 5 or so years ago the Government was very focused on and perhaps has lost focus in this area, and that is one reason why it does not seem to be as up to date as perhaps it used to be. I think the right person to take that up with, if the Deputy does not mind, is the Chief Statistician, but I am sure he will be very pleased to speak with her about that. With that, I ask for the *appel*.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote is on the principles of P.29. If Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting and Members to vote.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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 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 (H)				
Deputy L.J. Farnham				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy 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 B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

**The Bailiff:**

Now, how do you wish to deal with the matter in Second Reading? There is an amendment proposed by Deputy Bailhache, and Deputy Bailhache's amendment has also been subject to a proposed amendment by the Chief Minister. Deputy Bailhache, are you minded to accept the Chief Minister's amendment to your amendment?

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

I have told the Chief Minister that I am content to accept his amendment to my amendment.

**The Bailiff:**

Minister, will you therefore accept Deputy Bailhache's amendment to the proposition?

**Deputy K.F. Morel:**

Absolutely, I am content and would be happy for the regulations to be read with that amendment.

**The Bailiff:**

Do Members agree that the regulations can be put forward as amended? Then how do you propose in Second Reading, Minister?

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

*En bloc.*

### **The Bailiff:**

Yes, certainly.

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

Taking a risk there.

### **The Bailiff:**

They are proposed *en bloc*. Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak on any of the regulations?

#### **6.2.1 Deputy P.M. Bailhache:**

I think I should say a few words about the amendment which I lodged and the amendment of the Chief Minister to my amendment. The language of the amendments is a little convoluted, but the nature of the issue is quite simple: it is to find a balance between the rights of the state and the rights of the individual citizen. When the 2018 law was first enacted, there was no provision limiting the liability of the chief statistician. If he did something wrong, he could be sued and made to pay compensation if the action succeeded. The original draft new law brought in a limitation of liability and that was extremely wide. It was in fact a blanket provision preventing a person wronged by the negligent, reckless or even unlawful activities of the chief statistician or any of his staff, from receiving compensation for such a wrong. Other than in specific extreme circumstances, no one could bring an action seeking damages for a wrong. The purpose was to protect the state from litigants with very deep pockets, and it is true that there are litigants whose pockets are much deeper than those of the States and could cause extreme difficulties for the Island. But the trouble is that the proposal also excluded an individual with limited means from bringing an action and that, it seemed to me, would have been unfair. My amendment would have removed the blanket exclusion of liability but introduced a cap on the amount of damages that a court could award, that amount to be fixed by the Chief Minister by order, say £50,000 or £100,000, but for reasons which appear in the Chief Minister's amendment, he sought to amend my amendment to limit the liability in a different way, and that is what is before the Assembly at the moment. I was content to adopt the Chief Minister's amendment. It is not a complete solution to the problem but on balance it seemed to me to be fair.

### **The Bailiff:**

Deputy Ozouf, did you put your light on?

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

I did and it was to, as I hold a set of Articles in the Second Reading, to endorse other Members' comments about the full and detailed now in a statutory form putting in place of the statistics. But it was to ask one question, if I may, of the Minister, and that is the inter-relationship that he envisages as a result of Articles that refer to relationships with other bodies. I note that Article 20 deals with the funding arrangements for the Statistics Office, but where the law is I think not clear, but maybe it does not need to be, is with the responsibility that the chief statistician with the Council will have to be publishing statistics which are effectively the Treasury and the Treasurer of the States responsibility. The reason why I say that is because statistics need to be somehow then worked upon in order to be meaningful. I give the example of our G.D.P. (gross domestic product) calculation that is an estimate of the gross national income or gross domestic product of Jersey divided by population number. The G.D.P. number is going to be information from the Treasury which the Treasury needs to then have a formal and statutory role. I just cannot see in the law, but if the Minister kindly says

to me he has considered that with his officials and other Ministers are content, there is to me an important relationship between this long overdue setting up of a day factor, a National Statistics Office similar to the National Statistics Office of the United Kingdom. It is absolutely vital that they have unfettered access and timely information from the Treasury and in that regard their responsibilities over the F.P.P. (Fiscal Policy Panel). Members will know of the Office for Budget Responsibility and all of the comments that have been said about that in the recent U.K. election. We have the F.P.P. that is on a statutory footing. They have a responsibility for estimating future revenues, but based on statistics which is within the Treasury. It is a general question, if I may ask the Minister: has he considered this and does he think these Articles taken together are going to enable us to be able to as a jurisdiction show that we have the data and the information that all those that wish to look at it have it?

**The Bailiff:**

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

**6.2.3 Deputy K.F. Morel:**

I would like to thank Deputy Bailhache and Deputy Ozouf for their interventions. Deputy Bailhache is absolutely right, in his original amendment he identified an area of weakness around the liability of the chief statistician and he described it very well. I am very pleased that he accepted the Chief Minister's amendment to his amendment because it was 2 different ways of limiting that liability. I think it was right that the chief statistician does have to account for the way he undertakes his role with regards to members of the public as well, and so this amendment enables that to happen through the courts if necessary, but with limits on those liabilities which are appropriate to it, so I am very pleased for that. With regard to Deputy Ozouf's question, I believe that the key here is the tier 1 statistics. So, in law we will now have a list of tier 1 statistics which, once this is accepted by the States Assembly, it can then only be changed by the States Assembly. Certainly, from a Treasury perspective, your G.D.P.-type statistics, et cetera, will absolutely certainly be on that list. Then it is beholden on the chief statistician, through his relationship with the Treasurer of the States, to ensure that the information from Treasury is timely, is accurate and is a fair reflection. That will then be the chief statistician's role as the leader of the statistics system in Jersey, that if the chief statistician feels that there are deficiencies anywhere, it is then that person's role, the chief statistician's role, to engage, in this case, for example, with Treasury to ensure that they come up to the standard that is required by international standards. In that sense, yes, Treasury itself and statistics such as G.D.P. are not directly referenced in the law, but they are referenced under the term "tier 1 statistics", and there is no question G.D.P., et cetera, G.V.A. (gross value added) will be part of that. It is that role as the leader of Jersey's statistical system which means the chief statistician will have the right to engage with any element of public administration. I look at the Connétables and one of the things that often came up through our discussions was the fact that Parishes themselves provide statistics which are part of the statistical system. With those statistics - it could be anything from the number of dog licences, it could be the number of driving licences repealed because of old age or infirmity, these sorts of things - the chief statistician will now have a legal basis upon which to engage with the Parishes to ensure that those statistics coming out of the Parishes are appropriate and workable from his perspective. The chief statistician will be able to engage with all sorts of bodies, charitable bodies, any bodies which are part of that public statistical system, and provide statistics upon which we as an Island rely. With that, I will move for the *appel* with regard to the regulations *en bloc*.

**The Bailiff:**

The *appel* is called for. I invite, once again, Members to return to their seats.

[14:45]

I ask the Greffier to open the voting and Members to vote.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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 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 (H)				
Deputy L.J. Farnham				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy 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 Bailiff:**

Do you move in Third Reading, Minister?

**6.3 Deputy K.F. Morel:**

Yes, I do.

**The Bailiff:**

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

**6.3.1 Deputy L.J. Farnham:**

Just very quickly to remind Members this piece of work started under the previous Government led by Deputy Morel. I would like to thank him for continuing with that piece of work and acting as rapporteur today, as well as Deputy Bailhache for accepting the amendment to the amendment which achieves largely the same thing, but perhaps from a slightly different angle with a bit more scope. Also, to all the officials and stakeholders; I believe we have a stronger piece of legislation now that will serve the Island well, thank you.

**6.3.2 Deputy P.F.C. Ozouf:**

I wonder whether in Third Reading the Minister would give any indication of the timing of the consideration of those tier 1 statistics and when they may be made available. I may have missed something of course, they may already be out, but I am not aware of them.

**The Bailiff:**

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

**6.3.3 Deputy K.F. Morel:**

I will start with Deputy Ozouf's question; the answer in short is I will have to check with the Chief Statistician I am afraid, but I will do so and I will get that and circulate it to all Members because I have no doubt that will be absolutely of interest to all Members. I would like to thank the Chief Minister for his thanks. He is absolutely right; I would like to thank the 3 iterations of the Corporate Services Scrutiny Panel for bearing with us. I thank 3 Chief Ministers for bearing with me through this journey as well. The law drafting officers and Law Officers have played a huge role, as well as the Statistics User Group I have mentioned before, and the Chief Statistician and the staff of Statistics Jersey. But there is one person - and I will not name this person, they will know who they are - there has been one policy officer working on this since 2021 and I would really like to thank him for the work he has done bringing many stakeholders together and ensuring that we have a law which in final presentation to the States has been passed unanimously. It could not have been done without his work, thank you. With that I call for the *appel*. [**Approbation**]

**The Bailiff:**

Did you call for the *appel* or you just wish to put it to vote?

**Deputy K.F. Morel:**

You can do a standing vote, I think.

**The Bailiff:**

Those in favour of adopting in Third Reading, kindly show. Those against? The regulations are adopted in Third Reading.

**7. Draft Agricultural (Loans) (Jersey) Amendment Regulations (P.41/2024)**

**The Bailiff:**

The next item is the Draft Agricultural (Loans) (Jersey) Amendment Regulations, P.41, lodged by the Minister for Sustainable Economic Development, and the main respondent is the Chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

## **The Deputy Greffier of the States:**

Draft Agricultural (Loans) (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 2 of the Agriculture (Loans and Guarantees) (Jersey) Law 1974.

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

Members will recall that P.74/2023 as amended - but originally lodged by Deputy Luce - called for recapitalisation of the Agricultural Loans Fund. This fund, although still extant, has not been in operation since 2002. These amendments, therefore, serve to update the fund by reducing the chargeable interest rate to a more competitive level and establishing a more compact advisory board. The agriculture sector has faced many years of increasing costs such as fuel and fertiliser, as well as rising wages and decreasing profit margins. We know that in many cases, this has made it difficult for businesses to reinvest or make capital improvements. The loans scheme will, therefore, provide an important role in the development of the sector, helping it to deliver long-term investment, to recapitalise enterprise, to encourage greater productivity and to improve environmental performance. By offering competitive access to capital, I hope the revised loan scheme will also help to attract new entrants to the market, especially young Islanders who may now be able to see a future in farming. As we begin issuing loans I will be working closely with the Minister for Treasury and Resources to ensure public money is used efficiently and to maximise our investment into this important industry. With that, I move the principles of these amending regulations.

#### **The Bailiff:**

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

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

Our Scrutiny Panel has been briefed on this and has looked at it and has issued comments. The first thing I would like to do is thank the Minister and his officers for providing the briefing and also for answering our subsequent questions on this matter, and also to thank of course my Scrutiny Panel and the officers for dealing with that. I do have some comments that I wish to highlight now to the Assembly, partly to assure them that we have done our job in Scrutiny, but I think there are a couple of points that need to be put on the record, and which the Minister may wish to address in his summing up. The first point I suppose is that we recognise that this flows from a relatively recent States decision, which was supported strongly about giving extra support to our agricultural industry. We also acknowledge the fact that the scheme had not been operating for a good 20 years and, therefore, it needed to be replenished, and that the sums involved that are being proposed for the loans do represent and take into account the increase in inflation since the initial scheme was in place. I will not reiterate all the comments that we have written down because Members can and may have read those already, and I know the Minister would have. One of the questions that we did ask, and that the Minister may want to comment on now, is really around the percentage of interest that is currently being proposed, but also how and if that might change in the future. One of the areas we did ask about of course was the sustainability of the fund, and while the Minister says that 3 per cent is a competitive interest rate, what I think we have to say objectively is that the 3 per cent represents a much lower than market rate that would be available from high street borrowing to the farmers themselves. So, we were keen to make sure that is a subsidised rate because there is a cost to Government potentially if the interest rate is set too low. Of course, any money that is put in the fund from Government is money that otherwise could be sitting in a bank account getting higher interest for Government. Clearly there is a political decision that has been made and we do want to support farmers in this, but it was important for our panel to understand exactly why that 3 per cent had been chosen but also what the implications would be if, for example, we enter a period of either prolonged interest rates which are at their current rates or indeed which may well increase into the future and what would happen about the sustainability of that fund. I think we have received partial satisfaction

around the rationale around that, but of course, we do recognise that the Minister wants to provide access to finance which he says is competitive or certainly lower than market rate. We acknowledge that as a valid, desirable, and legitimate end which is supported by the Assembly, I think. But I would like to ask him specifically because the comments that we received do talk about an ability to increase the interest rate. Could he provide clarity about whether that would be for new applicants in the future and that, for example, somebody who secured a loan at this point for 3 per cent would not find that the interest rate would be going up, or would he have the ability to put the interest rate up during the course of that loan. I think that might be of relevance to the wider Assembly. I will just finish with this last point because, as I said, I will not cover everything in our paper. The Minister did respond to us that under the current regulation full maritime businesses - which are fish farms, we understand - are able to access the loan scheme, and that it will be his intention to revise primary legislation and regulations in the future as part of the legislative programme in 2025 to enable the fishery sector to also access the scheme in the same way as land-based operations. I think that is something we, as a panel, would welcome. We calculate that this might add a potential 40 or 50 ventures to be able to apply for loans, which currently cannot because that is the estimated maximum size of the commercial fishing fleet which might be supported through loans in the future. We were perhaps slightly disappointed that is not currently possible under what is being proposed now, but we do note that it is being suggested as being included next year. Again, if I can just thank those involved, in particular I have to say the officer who gave us a very clear briefing and it is one which was not just about the technical aspects of the scheme but it is clearly somebody who also has a vision about where he and the department would like the agricultural sector and fisheries to be going in the future, and sustainability was truly one of the key themes that ran through that presentation. It was a very constructive meeting we had with the officer. All in all, I think it is fair to say the panel is happy with what is being put forward, notwithstanding we may like some further clarification on the points I have raised, particularly in relation to the percentages, sustainability of the fund, et cetera, and the security, if you like, for those accessing the loan scheme.

### **7.1.2 Deputy S.G. Luce of Grouville and St. Martin:**

Can I add my thanks too to the Minister for bringing this forward today. A short phrase which we hear occasionally mentioned in the Assembly and outside in the business world is “confidence is everything”. I can tell Members - those who have not already found out - that the farming community went away from last year’s debate with a renewed confidence, something they had not had for a very long time; confidence in the future of their business. That gave them the ability to think about how they might invest in technology which in turn will increase their productivity and make their businesses fit for the future. Deputy Tadier speaks about the keen interest rates, and that is absolutely right because what we want to do is to help the farming and fishing communities to be competitive and we want to offer them a loan which can be a little bit more advantageous because we need to think this is not just about investing in the future of those businesses; this is the future of our Island, it is the future of our environment. I would say to the Minister when he thinks on interest rates for the future that one of the great things about the agricultural loan scheme is that it was a fixed rate; farmers could plan for the future, they knew what their commitments were, they knew what monies they would need to find the following year, and that added to the confidence that they had moving forward. So, I support the Minister 100 per cent and thank him for bringing this forward today.

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

A number of Members may well have been in this Assembly long enough to remember some of the ups and downs of the agricultural loans scheme. There is no doubt that without it many farms that are in the best of their class in dairy, new potato and in other sectors - but those 2 particularly - would never have reached their potential without the Agricultural Loans Fund. At the same time, history has shown and the records of this Assembly are that there were some serious issues with the Agricultural Loans Fund at a certain time in the early 2000s. In fact, it was the subject of a

Comptroller and Auditor General report and some serious issues because some of the loans that were issued simply were not capable of having fulfilled the criteria, and that is something I am going to come to in a moment. I am not sure whether the monies were ever recovered.

[15:00]

Members will recall that I made certain observations about Deputy Luce's proposition last year, and I should say on record that I do come from a farming family but I am not from a farming family that has ever applied for or got an agricultural loan, so I have got no conflict of interest, director interest or in the past; I know that is probably important to say. But I do know a lot of farmers that have been in receipt of them, but none of them are particular friends of mine. The purpose of raising that past history is to ask the Minister whether or not he would be kind enough to ensure that both the successes and the failures of the past are considered by the board in the policy, in which I am not quite clear either what the policy is going to be in terms of what is the criteria for which loans are going to be applied. I know the Minister's policy about productivity, and we all support that of course, and we all support the whole issue of our landscape and our environment. There is no doubt that there is going to have to be investments made by farmers to meet net zero and many of the other challenging issues, not least of which are the productivity because of the manpower constraints that many businesses have. We still plant potatoes in many ways that we were doing 100 years ago. There has been some mechanisation with tractors, but it is still a very manual task. I know that there has been some really good and massive improvement in terms of the way that is done, but it is only going to be by working with other experts and using mechanisation, potentially robotics, driverless tractors, we are going to find solutions to some of the real problems that we have today. My questions to the Minister are when is he and how does he envisage the policy for agricultural loans going to be made? Secondly, there are some numbers that were contained in the Minister for the Environment's report going back last year and the numbers have been given in terms of a capitalisation, but my understanding is that this fund is different from the one at the time - and Members still may think there is an overlap - which is the Dwelling House Loan Fund. This fund does not quite work that way. My understanding is that the balance is taken from the Consolidated Fund and returned back to it, so it does not have a balance in hand, like almost an allocation of there is £6 million sitting there until you draw it down. The allocations are drawn down from the Consolidated Fund on a needs basis. That arises the question: has he had discussions with the Treasury about how much money they are going to have to make available? Is there a target amount? What are those numbers going to be? They do not really matter because of the state of the Consolidated Fund, but there is not somehow a piggybank being made for farming of the future as there was and is for the Dwelling House Loan Fund, which has then been put back into Andium, et cetera. I think the Minister knows what I am saying. The final thing I would like to ask the Minister, if I may, is the definition of agriculture and horticulture. There are some suggestions from those that I have spoken with in recent weeks that the cannabis sector is going to be eligible for loans from this fund. I would like the Minister to set the record straight on that. I signalled to the Minister that I think that Members might be quite surprised by hearing that, but it has been said to me that there is consideration and indeed there may have been some conversations with Ministers and those potential loan recipients that that would be the case. I just think that it would be important to clarify that and, what I hope is, ruling that out because I do not think cannabis is the sort of horticulture that one is going to be seeking to try and find a capital solution for, because that industry was supposed to be really profitable and was going to stand on its own 2 feet. So, with those observations, and while I have misgivings generally about subsidies of agriculture, I think that capital and productivity improvements can be of huge benefit and I hope that the board that is now envisaged in this law is quickly appointed and that decisions that are going to really improve the productivity of our valued farming sector are made because that can only be good for them, the Island, and taxpayers.

**Connétable M. Labey of Grouville:**

I hope I am not too late in declaring an interest because I was a beneficiary of an agricultural loan as a young farmer, and I also still possess a company whose memorandum and articles is primarily agricultural, so I do not think I should be involved in the vote.

**The Bailiff:**

You do not appear to take any advantage from whichever way the vote will go so you are not disqualified from voting at all, Connétable. It is a matter for you.

**The Connétable of Grouville:**

I will take your advice, Sir.

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

I applaud the Minister for bringing this forward as I think - as my fellow Deputy Luce has alluded to - the agricultural industry does need support and reintroducing the agricultural loans in this way and making the rate a little more competitive I feel will be of great assistance to the industry. But while I am on my feet, I would like the Minister to also consider extending this template, if you like, to the agricultural industry to the fishing industry. The fishing industry always seems to be the poor relation when we talk about agriculture and fisheries. The fishermen to my mind have an extremely hard metier. They need to make investments in their boats and fishing equipment. This Assembly - I do not know if there are many left from that time - might remember that I secured a loan for the fishermen in 2014 after a very, very difficult storm-ridden winter. To my mind the local fishing industry do struggle. We are down to very low levels of fishers now and to have Jersey without a local fishing fleet to my mind is inconceivable. So, I would like to see some support extended to our fishers.

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

I just rise quickly following the Constable of Grouville in recognising declarations of interest that - apologies to the Presiding Officer - had passed my mind. Since we debated the scheme under Deputy Luce's proposition last year where I declared that I was buying land, I now own land and intend for my business to occupy that and invest in agricultural capital in 2025. I obviously do not know whether my business would apply for the scheme so I seek judgment as to whether it is better to abstain on a vote on this, despite this being speculative on the future in nature and obviously not a direct impact now, because every application is on its own merit, the scheme does not have the new regulations now, and I have not made an application.

**The Bailiff:**

I think in the circumstances you probably do not have a direct current pecuniary interest in the outcome of the scheme, Deputy, and, therefore, whereas it is probably correct that you have explained to Members your position I do not think you are precluded from voting.

**7.1.5 Connétable M.K. Jackson of St. Brelade:**

While I fully endorse what others have said in support of the agricultural industry, one particular issue that encourages me to support the proposition are the measures for which applicants may apply, for measures to improve local food resilience. That I think is of crucial importance to the Island as a whole. We have seen the effects of storms and the empty supermarket shelves in recent months, and an encouragement to produce more food locally is to me essential, and I look forward to those in the agricultural industry being able to do that with the support of Government.

**7.1.6 Deputy A.F. Curtis:**

I do not mean to rise to speak on this for long but I think, following last year and interactions I have had with diverse members in the industry, this is something we should be very excited for. I urge the reconstituted panel - as the amended regulations will provide for - to be somewhat ambitious in the way it supports the aims of a future agricultural industry. The Connétable of St. Brelade has just

mentioned food security and local food production, and this Friday I am sure the Minister should be attending - and perhaps on the Saturday - will of course be the second year of the Regen Conference, which will be considering other forms of agriculture and what the ever changing landscape of agriculture looks like, alongside obviously the more long-established Farm Jersey Conference that appears in November. I would ask him to attend that and make sure he networks and circulates widely with the needs of the emerging industry. It is very easy to recognise the needs of many of the existing players and this year has seen the changes in the potato industry ownership, but I urge him to think about those who currently are very low on capital ownership in the industry and have ambitious plans. If he attends on Friday and Saturday he will meet many a farmer or prospective farmer who could be easily at his and the panel's door, and I hope he listens to them and takes that on board in really refining the scheme. Those voices should be heard.

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

I am pleased to follow Deputy Curtis. My points, in a way, overlap to some extent. I am very supportive of the intent behind this. The agriculture industry should get greater support and I am pleased to see this being brought forward as a part of that range of measures that are being developed. I have some comments that I hope perhaps the Minister will address in his summing up. I felt it might help to hear a little more about the Government's vision in relation to the loan scheme in relation to agriculture. There does not have to be one of course, but there are big strategic challenges facing the industry; a reliance on 2 key sectors - dairy and potato - both of which are under pressure; reliance on chemical inputs; the wage pressures; land moving out of cultivation; a new sector in medicinal cannabis; issuing around food resilience, as the Constable of St. Brelade has mentioned. It would be good I think to have this knitted together in some way to understand how the loan scheme will be used to address some, all, or none of these issues. I was particularly struck, as I have mentioned, by Deputy Curtis's point about new entrants and the extent to which the loans scheme might be applied to new people taking up farming and whether that would apply to them or whether it would signal some change in our approach to new farmers, given the restrictions currently in place regarding *bona fide* agriculturalists and so on. Is there a focus on traditional sectors or will it be intended to drive towards innovation in the farming? I would welcome if perhaps the Minister could say something about how the loans fund will complement the existing grant scheme, for example. Is the loan scheme simply a top up, if you like, extra money made available on slightly different terms to achieve exactly the same objectives, or does the loan scheme have a slightly different set of parameters that are being applied and a different set of goals. I would just welcome seeing that knitted together in some way to understand the intent a little bit more clearly. But the overall objective; I am fully supportive of that.

#### **The Bailiff:**

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

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

I really would like to thank all Members for their interventions there; they are really, really interesting and I am pleased that they were supportive of the intent, while asking some really poignant questions. If I could start by thanking Deputy Tadier and the Economic and International Affairs Scrutiny Panel for their work on this. He raised questions about interest and also about fishing. It is interesting; as the law currently stands, unamended, the interest rate is 6½ per cent that is to be charged. That is obviously beyond where the base rate is at the moment, which is about 5 per cent, although I am sure if I was to go to seek to borrow money from a bank I would probably be charged around 6½ to 7 per cent on that.

[15:15]

But when this law I believe was first brought in, or thereabouts, as I understand it - I was not particularly paying any attention then as a child - but as I understand it interest rates were nearer 10 per cent, so 6½ per cent when this was brought in was a discount on that 10 per cent, and that is effectively the situation we are in here. Base rates are at 5 per cent and 3 per cent is an intentionally discounted rate. Because the interest rate is in the law, as the Minister bringing this forward there is also an element of balance because it would not be practical to be changing the interest rate via the States Assembly every time the Bank of England change its base rate. So it is trying to find that happy medium. If interest rates fall, as I believe many people expect them to, they have got 2 percentage points or so to fall before they are getting into the 3 per cent territory and before we perhaps need to start thinking about amending the law again at the interest rate level. But it must also be said that the law itself provides for interest free loans to be provided for up to 2 years, and it also provides for repayment periods to be changed. In that respect - and also I believe to Deputy Tadier's question - the interest rate can be changed, so if a farmer is in receipt of a loan the interest rate can be changed during the period of that loan, but only in advance of preregistration of that loan, as I understand it. So every 10 years someone in receipt of an agricultural loan has to reregister the loan, and that is the point at which a change in interest rate can be made. But even in that situation the Minister must give at least 30 days' notice of the change of interest rate, equally the same is all true for the situation where the period of repayment is reduced. If the Minister wishes to reduce the period of repayment of a loan that has already been issued then that could only be done, as I understand it, before re-registration and with 30 days' notice. I hope that answers Deputy Tadier's questions. I will then pick up on Deputy Luce who mentioned confidence in farmers, and I am really pleased to hear Deputy Luce talk about the renewed confidence that members of the farming industry have. I have to say I was in Normandy last week with 6 or 7 farmers from Jersey visiting farms in Normandy and also the Lessay Fair where we met with the Chamber of Agriculture. In fact, the whole trip was organised by the La Manche Chamber of Agriculture. Over those 2 days that I spent with farmers there is no question in my mind that there is an absolutely tangible renewed feeling of confidence in the industry. There is no question. In the last few years we have changed that feeling that was there in the agricultural sector. Previously it felt that it was being ushered out and now I think everybody in the agricultural sector knows that they are wanted and welcomed and that the Island, and the States Assembly most importantly, sees the future of agriculture in the Island and cannot see the future of the Island without agriculture. The support scheme which is incredibly successful, particularly as Deputy Alex Curtis mentions smallholders, it has been really successful in helping us develop a little bit of succession because we now have smallholders on the support scheme. Next year I believe we will have 80 smallholders on the support scheme. They are all potential larger-scale farmers of the future. Alongside the support scheme we have this agricultural loan scheme, which is vitally important, and I urge all States Members, if you have not gone and taken a look inside a farmer's shed Members should do so. The reason I say that is I went to visit a farm in St. Peter, opened the shed where they keep a lot of their equipment, and you are just looking at hundreds of thousands of pounds of equipment just to keep the farm going. This is tractors, £100,000-plus; harvesters, 6-figure sums-plus again; other little pieces of large equipment, tens of if not hundreds of thousands of pounds. I remember turning to the farmer and just saying: "How does anybody get into this? How can you possibly get into farming when the capital cost of starting off is enormous?" I am just talking about the equipment; this is before we even talk about buying the land or buying premises to farm from. So there is no question in my mind; it is incredibly difficult at a commercial level for people in agriculture at the moment to access the capital they need to either continue in agriculture or to start in agriculture. This Agricultural Loans Scheme, which has been dormant for over 20 years, is a really effective way for this States Assembly to make sure that we do provide current and future farmers with a future by helping them clear that hurdle of capital which is needed. I will pick up on Deputy Tadier and Deputy Labey's mentions of the fishing industry. It is exactly the same situation. Again I pick any fishing vessel and just think of the price of that fishing vessel and all the equipment on there. So if I as someone perhaps thinking of getting into fishing, how do I

do that if I have not been born with an inheritance or a trust fund that I can tap into in order to do it? So I believe it is the intention to see how we can extend this to fishing. That would need to come via the States of course because it would need further amendments, and we will pick up on that work and understand how best to do it. But I completely agree with Deputy Labey and Deputy Tadier and the Scrutiny Panel that fishing is something that we really need to have a look at inserting into this. To that end as well, fishing is now for the first time - as of last year - supported through a scheme very similar to the Agricultural Support Scheme, so for the first time we now have payments going out to the fishing sector as well because we want to see them thrive. Again, this is a sector that had lost all confidence, and while I do not think in the fishing sector that confidence has returned to the levels of the agricultural sector, I believe they are on a journey to getting there, and they know that the Government now does support them and wants to help them go through that. Deputy Alex Curtis; I will be attending the Regen Festival. I was there last year; I will be there this year. I do not need to go there to meet farmers; I do meet plenty of farmers on a regular basis. As I just said, last week I was in La Manche with 6 or 7 of them, but I always take the opportunity to meet with the farming sector. To be honest, it would be fantastic to meet some of the smallholders who I have not had such time with. To Deputy Ozouf, the Consolidated Fund and the technical way that this works, to be honest I have not sat down with the Minister for Treasury and Resources to check exactly how it works but I believe the Deputy's characterisation of the funds remaining with the Consolidated Fund is correct, and in my view is the way it should be. The older system of taking the money out and putting it somewhere else just does not work and means that other priorities cannot be delivered on as a result. I have to disappoint the Deputy in his hope that the cannabis sector is excluded; it is not excluded because it is an agricultural activity. It is possible for cannabis businesses to apply. What I can say is that the board of the Agricultural Loans Scheme; we are in a transition period at the moment where there are officers on there but in a few weeks it will be entirely independent members on there, and so it is their recommendations that are put forward to the Minister, and the Minister acts on those recommendations. So there is no question in my mind that it is not the Minister who decides these things; it is much more the board that decides these things. But to that end, and I do agree - because we have been so focused on the law and making sure that we get the law fit for purpose so we can meet the demands of Deputy Luce's proposition last year - that we have not looked so much at the policy. So that will be the area that we will look at and I think Deputy Renouf and Deputy Ozouf are absolutely right that the policy is the area we need to elaborate on and build upon. I am slightly disappointed that Deputy Renouf has not heard of the vision for the agricultural sector because it is very much in the Rural Economy Strategy, but it does need to be brought together, I agree, with the Agricultural Loans Scheme. As I was listening I was sitting there partly chastising myself because I always feel like I should have everything done and ready to go all the time, but then thinking, no, this is very helpful and this is the Assembly helping me to get this right. So if this is accepted today the legal aspects of the Agricultural Loans Scheme are done but then the work will have to start very quickly on policy and a vision to make sure it ties in with the support scheme. I believe that is everyone's comments and questions dealt with and so with that I call for the *appel*.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote is on the principles of P.41 and I ask the Greffier to open the voting and Members to cast their votes.

<b>POUR: 43</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 1</b>
Connétable of St. Helier		Connétable of Grouville
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 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 (H)				
Deputy L.J. Farnham				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy 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 Bailiff:**

Deputy Tadier, I take it from your earlier comments that your Panel does not wish to call the matter in? Deputy Wilson, does the Panel intend to call matters in?

**Deputy K.M. Wilson of St. Clement (Economic and International Affairs Scrutiny Panel):**

No, Sir, we do not.

**The Bailiff:**

How would you like to deal with the regulations in Second Reading then?

**7.2 Deputy K.F. Morel:**

I will deal with them *en bloc*. Would the Assembly like me to speak to them?

**The Bailiff:**

It is a matter for you whether you speak to them. You can either speak to them or answer questions on them.

**Deputy K.F. Morel:**

As they say, the mood of the room suggests maybe I should just say *en bloc* and sit down.

**The Bailiff:**

Are they seconded in Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading?

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

It is rather difficult to speak on what are basically 5 regulations, outwith the fact that you are dealing with an underlying set of regulations with a law which I have all read. I am trying to find a way to ask the Minister whether or not we are dealing with a reconstituted board, and having regard to his answer, which I think he said in relation to loans that the independent board will recommend but the Minister will decide, that is the situation. Therefore, the policy issues that we were referring to earlier that Deputy Renouf and I myself asked for - and I am I suppose a little disappointed that there is no policy underlying it but I can understand why - but I would imagine that it is going to take quite a brave Minister and quite a brave panel to start putting public money into cannabis. I just cannot imagine a situation where that would be required and I am kind of flummoxed about that because it is an export industry, it was never supposed to be part of agriculture in that sense, and there is a lot of controversy about it. There are some serious issues which seem to need to be dealt with in the fullness of time. I do not know what to ask apart from whether the Minister will use his powers under this law as amended with these regulations, which I will support, to take a very realistic and assertive view about whether or not we really want to start lending cannabis growers public money.

**7.2.2 Deputy M. Tadier of St. Brelade:**

It is just to show that I am listening and my microphone works; I just could not get it on quickly enough to say of course we did not want to scrutinise this, we have scrutinised it effectively already. Insofar as the comments of Deputy Ozouf, first of all I am not sure to what extent they speak to the regulations but insofar as the regulations should set up a system which is at the very least arm's length from the Minister and, at best, independent from the Minister. I cannot help feeling it is slightly inappropriate for Members to start singling out particular sectors within the industry which might not be able to apply for grants when clearly these grants are open to all of the agricultural sector. Surely the purpose of the scheme in enacting the regulations is to make sure that as long as criteria are met and that there is robust governance around the scheme we should not be prejudicing one sector against another, so long as they meet the criteria and there is genuine need and value being delivered by whichever sector. Could the Minister perhaps reconfirm those principles and values when he response in the second reading?

[15:30]

**7.2.3 Connétable K.C. Lewis of St. Saviour:**

Just a point of clarification from the proposer: does the regulation include agriculture and aquaculture, or just agriculture?

**7.2.4 Deputy J. Renouf of St. Brelade:**

Perhaps the Minister could just clarify in terms of the policy framework which the reconstituted board will be operating under. I think that gets to the nub of some of the points I was making, and Deputy Ozouf perhaps as well. What guidance will they be operating under; what policy framework will they be operating under in order to assure the Assembly that decisions are not just purely at the whim of the 5 people who will be on that board.

**The Bailiff:**

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

**7.2.5 Deputy K.F. Morel:**

I am going to upset somebody; that is one thing that is guaranteed from whatever I am about to say next. Somebody is going to be unhappy. Let me start with Deputy Ozouf’s question about the cannabis sector. I think it is difficult to say that one sector of agriculture should be excluded just because that is the way I feel or another States Member feels. There is a reality, I would also say, around the cannabis sector that many tens of millions of pounds have been invested in that sector at effectively the request of Government in terms of Government opened up the cannabis sector as a possibility for the Island, investors have moved in and they have invested many tens of millions of pounds in the sector. To then say: “But we are going to treat you very differently to all other farming activities on the Island because while we want you, we do not want you that much.” I find that a very difficult position to maintain and so I am going to upset Deputy Ozouf because I am going to side with Deputy Tadier in this one in that I see the whole point of the board is that it is 5 members of an Agricultural Loans Board who I will distance myself from the idea that it is at the whim of the 5 people, as Deputy Renouf said. The whole point of having several people there is that it is nobody’s whim; no one whim can easily get through. You have got 5 people who will be debating and discussing the cases that are presented to them, the applications that are presented to them. It is those 5 people who will work within the terms of the law to decide whether that is a recommendation they wish to make or not. I believe there is trust that is required. I heard very recently the really interesting concept of the cost of a lack of trust, and it does strike me that societies where there is very little trust between individuals as well as institutions, they cost a lot more. I do fear that Jersey has been moving down this world where there is a lack of trust. Part of this for me is we are charging 5 people and a Minister with the deployment of this loans scheme and we need to trust them to do that, and they will be accountable and they will be replaceable, but these are members of our own society and I believe we need to trust that as well. So I do not agree at all with the idea that it is a whim. I think whoever these 5 people are it undersells the contribution that they are about to make to the Island society that we live in. I think that goes in many areas around boards where we ask non-States Members to take part. We need to trust them. Accountability ultimately is through the Minister and ultimately in the success of the scheme, but I believe that all members of the board will be working for the betterment of the Island’s agriculture sector and that our own individual preferences should not come in over the top of that. With that I ask for the *appel*.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats and ask the Greffier to open the voting and Members to vote.

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 3</b>
Connétable of St. Helier				Connétable of Grouville
Connétable of St. Brelade				Deputy P.F.C. Ozouf
Connétable of Trinity				Deputy B. Ward
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
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 (H)				
Deputy L.J. Farnham				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy 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 L.K.F. Stephenson				
Deputy M.B. Andrews				

**The Bailiff:**

Do you move in Third Reading?

**7.3 Deputy K.F. Morel:**

I do, Sir.

**The Bailiff:**

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

**7.3.1 Deputy J. Renouf of St. Brelade:**

I will happily withdraw the reference to ‘whim’. It did not capture what I was trying to say. It was more about a vacuum I guess, decisions being taken in a vacuum. I do not feel I am quite clear enough on whether the board will be operating within a policy framework or will they simply be told, to caricature it slightly: “Here is £10 million; make your own decisions.” Or will they have in front of them a policy framework - which he and his officers I know have worked on very hard in terms of the grant scheme of which I am very, very supportive - but I would love to know whether either that framework or something similar to it is going to be used in this case, or is it really just literally entirely up to the board to make their own decisions.

**The Bailiff:**

Can I just remind Members that the only purpose of any debate in Third Reading is to whether or not the law should be adopted in Third Reading, and not any other purpose.

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

My difficulty in supporting it in the Third Reading, which I will do but with a big concern, and that concern is that I find it very difficult to hear the Minister. I hear effectively a creeping view that ... I am not prohibitionist, I am not anti-cannabis, I am not anything of that description, however, if we start now regarding our precious agricultural industry and our valued horticultural industry with all of the remarks that other Members have made about being more sustainable, growing our own food, et cetera, I am afraid that cannabis is not that. Cannabis may be a plant but it is a controlled substance and its cultivation at scale - which is what is happening in Jersey, this is not for domestic consumption - one glasshouse alone could provide sufficient cannabis for illegal cannabis use of about 10 million people, I understand. It is enormous. Now, how possibly can this Assembly or the Minister justify effectively subsidising the cultivation of what is a highly-controlled substance - which we do not have control over the licensing because it is an export - and public money, assets and land being used for that? I have always been somewhat of a sceptic of it and what I see is nothing different from if it sounds too good to be true then it probably is. The fact that it is now being apparently open for public money and lending I find a step really that I would suggest is too far. I may be alone but I find it very, very difficult to accept that. But I hope that is not the purpose of the Agricultural Loans Board, I hope that they are going to be approving some really good loans for some really good productivity improvements in our valued dairy sector and our sectors of the economy, but it is with the cannabis thing that I think that we are going to be having lots of issues, and I urge the Minister to reconsider and to take soundings from colleagues about whether or not it is sensible to sign off loans for cannabis. I will leave it there.

### **7.3.3 Connétable K.C. Lewis of St. Saviour:**

Apologies in advance if I missed it but I did not hear a response to my question as to whether loans would be available for agriculture and aquaculture.

### **7.3.4 Deputy M.R. Scott of St. Brelade:**

I just wanted to say that I am very cognisant of what Deputy Ozouf was saying about that it is important not to be lending speculatively. I think the public has had enough of that in any shape or form with public money, and that there must be some different kind of values applied in terms of looking at business plans and what is being produced with the lending of public money as essentially this is what it is about. But I personally will be asking some more questions about that. I certainly will be supporting this; I urge everybody to do this, thank you.

### **The Bailiff:**

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

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

I thank particularly the Connétable of St. Saviour for reminding me of his question. I had remembered just as I sat down that I had forgotten to respond to the aquaculture part. I was intending to do so but I thank him for his nudge. Aquaculture is in scope and, as far as the wider fishing industry, that is something we are seeking to bring into scope in 2025, but at the moment aquaculture is effectively termed as agriculture for the terms of this law and dealt with as such. To Deputy Renouf's question about policy; really that comes back to my response to Deputy Ozouf in the First Reading which was there is not at the moment but I am very happy to work on that and bring that in. I felt that was something missing and was kicking myself as both Deputies were speaking, and so that is something I am very happy to do. I am more than happy. I understand Deputy Ozouf's concerns absolutely about the cannabis sector. I am always concerned about every sector in Jersey so I do not want to say I am not concerned; I perhaps do not share Deputy Ozouf's concerns to the same extent but would definitely be very happy for Deputy Ozouf to come and speak to us about the

medicinal cannabis sector in Jersey and also obviously the Agriculture Loans Scheme. That goes to all States Members as an invitation; I would be very, very pleased to. But I think what I was trying to say in the Second Reading was it is very important that Jersey, from a medicinal cannabis perspective, having invited investment we, as the States Assembly, do to some extent need to be seen to actually want to support its success. That does not necessarily mean public money but I think if we are then to invite investment and then a few years later turn around and speak against investment, is a place that would make it very difficult to do business in Jersey in general. So I think there is an element of seeing something through that we have started. One detail that I did forget with regard to the 5 members of the board is that they make a recommendation to me but in the vast majority of applications - I think it is over £150,000 if I remember rightly off the top of my head, please do not hold me to that - where loans are being requested of a particular financial size or above then it is both the Minister for Sustainable Economic Development and the Minister for Treasury and Resources who have to sign them off. The majority of loans I imagine could well fall into that category and so it would both be the Treasury and the Minister for Sustainable Economic Development who will be doing that. I think that was a response to every Member who spoke. If not please do forgive me, but I call for a final *appel*.

**The Bailiff:**

The *appel* is called for. I ask the Greffier to open the voting and Members to vote.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 1</b>
Connétable of St. Helier				Connétable of Grouville
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 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 (H)				
Deputy L.J. Farnham				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy 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				

**8. Draft Telecommunications Law (Jersey) Amendment Regulations (P.47/2024)**

**The Bailiff:**

The next item is the Draft Telecommunications Law (Jersey) Amendment Regulations, P.47, lodged by the same Minister. The main responder is the Chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Telecommunications Law (Jersey) Amendment Regulations 202-. The States make these Regulations under Article 57 of the Telecommunications (Jersey) Law 2002.

[15:45]

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

The Assembly I am sure will be pleased that they will be getting rid of me after this one. They will be hearing from other speakers going forward; this is the last that I will be bringing today. These amendment regulations provide the legislative underpinning for a telecommunications security framework for Jersey by inserting a new part 5A into the existing Telecommunications (Jersey) Law 2002. Consistently ranked as having among the best high-speed connectivity in the world, Jersey is rightly proud of the connectivity provided by our telecoms networks and services. Indeed, the strength of our economy and our excellent reputation as in international financial services centre, as well as a centre of innovation, are based not only on our laws and high standards but also on the Island’s secure high-speed digital connectivity. Those networks and services are becoming ever more capable and more important as the key critical national infrastructure underpinning and carrying the potential to transform every aspect of our lives. In an ever-changing, increasingly complex world, new capabilities come with new vulnerabilities, risks and threats. It is important that Government and Jersey’s provider of telecoms networks and services have the tools to be able to protect the connectivity on which Jersey depends. Jersey is not alone in taking action. The United States, the European Union, E.U. member states and other democratic nations are all putting in place legislation and the frameworks needed to maintain and improve the security and resilience of telecoms networks and services. So too is the United Kingdom. Jersey’s relationship with the United Kingdom is deep and longstanding, and our closest cultural, economic, and diplomatic relationships are with the United Kingdom. Jersey looks to that country for our defence and international representation. Our telecoms providers use the U.K. +44 phone numbers and they work closely with U.K. telecoms providers and agencies to maintain the security of our networks and services. These amendment regulations are aligned with the U.K.’s Telecom Security Act 2021 and, once implemented by the end of 2025, will provide the tools Government and our providers need to maintain and improve the security of Jersey’s networks. We have worked closely with our providers and other stakeholders, including the Governments of Guernsey, the Isle of Man, the U.K. and their agencies in developing this framework.

We do not hide from the challenges that Government and Jersey providers of networks and services face to implement and comply with the amendment regulations and telecom security framework. We value the input of our stakeholders, most importantly Jersey's providers of networks and services. I assure the Assembly that we will work closely with them to ensure Jersey's telecom security framework is proportionate and fit for purpose. There will also, of course, be costs which need to be borne. It is our belief that the costs of maintaining and securing our connectivity will be less than the costs that Jersey, Islanders and businesses would otherwise face should our networks and services become compromised, data be stolen or our national critical infrastructure cease to work. I believe that these amendment regulations are necessary and expedient and I urge Members to support them in the interest of the security of Jersey. With that as well, I would like to thank Deputy Scott, who has worked closely on these telecom security regulations and also the office of the Jersey Competition and Regulatory Authority, which will be the authority which regulates these security framework works in place and has worked with us during this period. With that I move not for the appel but I move the proposition.

**The Bailiff:**

A little bit too soon for that. You moved the proposition, is the principle seconded? **[Seconded]** Does any Member wish to speak on the principles?

**8.1.1 Deputy M. Tadier of St. Brelade:**

It might be the last time you hear from the Minister today but unfortunately, or fortunately depending on which way you look at it, our panel obviously deals with this Minister and also the Minister for External Relations, so I am going to be metaphorically on my feet quite a lot today, but I will not keep Members any longer than I need to. Again, you will be aware that it has been a busy baptism of fire for the panel in the first few months of this year, now taking us up to September. There is lots of new law legislation coming through like this, as well as amendments to other areas of law. We have been learning a lot as a panel and it has been very interesting. This piece of work in particular was one, I think, that is much more interesting than it might look on the face of it. I hope that is not taken as a backhanded comment in any way, because we do acknowledge that lots of work has been going on in this area, not even just recently but it is a longstanding piece of work. I think that the wider context here is important and I would probably qualify or explain what is being brought forward by the Minister as falling essentially into 2 camps. The first part is really to ensure that Jersey complies with its allies in terms of securing the network from what it understands to be potentially rogue operators or international pressure from hostile entities. I am going to just see if I can quieten down ... I think it is working, is it not? I have got my own hostile entity, I am afraid, outside the door. Of course, talking about the threats from Russia and China, on the one hand, it is important to say that the real politic of this also plays an impact. There are different schools of thought perhaps around the world as to whether or not the requirements about high-risk vendors, et cetera, designated vendor directions that are listed in the law are fundamentally to do with sanctioning bad players or whether they are genuinely to do with security. But, of course, the panel does not really have any comment on that. We have to take at face value the fact that we are told by security forces beyond our shores that certain types of hardware, for example, should not be used in the future. It may well be that, of course, then the Minister, given power in this law, will need to issue designated vendor direction to make sure that certain equipment in Jersey is not being used. On the other hand, I think the law is also to make sure that our network is internally and locally secure. So if there are outages that do occur, which are not to do with any kind of nefarious outside intervention, but just due to the fact that there are problems with the network, it is to make sure, of course, that those problems are mitigated, that there are relevant penalties if there are breaches which should not be happening in the first place, and making sure that the network is, of course, secure for all of us, but including for the business community. We have seen recently, I think, what can happen in terms of at least making payments when networks go down. There are, I suppose, 2 other areas that I want to

give the Assembly some thoughts on. The first point is that there is a panel observation contained in our comments that is from point 11 onwards that the panel notes that the J.C.R.A. (Jersey Competition and Regulatory Authority) in Jersey will effectively have a dual function as both the Telecoms Security Regulator and the Competition Authority. We did ask questions around this because this does differ from for example the United Kingdom model where the Ofcom regulates telecoms and the C.M.A. (Competition and Markets Authority) oversees competition. Now, why would that be relevant? It is because we were concerned, and we maybe do still remain concerned, that on the one hand the J.C.R.A.'s prime function and the reason it was set up is effectively as a competition regulatory authority; the clue is in the title, of course. For example, we know that even in the telecoms market recently, there has been a recent merger going on where Airtel is effectively being bought out by Sure. Of course, it was J.C.R.A.'s job to look at that merger. There is a document that is in the public domain where they have commented on that merger and issued some directions around mitigation, around competition. Of course, as a panel, I would say we will be watching very closely to see how that dual role of the J.C.R.A. both being a competition regulatory authority, but in this case also being effectively the Competition and Markets Authority for Jersey for this new law will pan out. There is definitely a theoretical overlap and potential conflict of interest there and I would want to make sure, and the panel would want to make sure, that we keep a close eye to make sure that there is no real conflicts of interest that appear in that area. I hope it is understood that is not a criticism, by the way, of the J.C.R.A. and we do acknowledge that there are different ways for setting up the model and the new law. But it is something which I think does need to be pointed out in this debate so that it has had relevant scrutiny from our side, but the Assembly and its Members might want to consider that issue as well and maybe changing it in the future. I think the second point, which is then related to that first point, is about the impact on competition, because we speak about this in point 14 onwards in our comments. The first thing that has to be said is that this is no small piece of legislation and it is one that does impose quite a heavy burden on players in the market. We know that there are really just 2 big players, I suppose, when it comes to the telecoms market in Jersey. Of course, the question would normally be, when introducing any new legislation, what impact will it have on the industry? Of course, the fact that this is red tape, whether we like it or not, and it will be, I suspect, very difficult for smaller players to enter back into the market if they wanted to, given the fact that there is quite an onerous level of responsibility in ensuring that they comply with the law, which is not without costs. The corollary of that is that this legislation is unavoidable. So it does go back to the point that, for national security, Jersey is being told that we have to do this, it has to do this, and it has to comply, really, so there is not really a great deal of choice in that matter, but I think it is also desirable anyway for other reasons that the law is implemented. But we must be aware of going into it with our eyes open and the fact that we already have now a reduced market in terms of its competitiveness in the local provision. So those are really the only comments I wish to make. There are further comments that can be read, of course, if they have not been already by Assembly Members. Again, I thank officers for the various briefings we have had. Some of these, by the very nature of them, had to be done confidentially but also the comments and the law itself, of course, are in the public domain. Thank you to my panel and the officers for helping to make those and we are quite happy globally to support this new piece of legislation as it is coming through.

### **8.1.2 Deputy M.R. Scott of St. Brelade:**

I heard the Chair of the Economic and International Affairs Panel's comments with interest, particularly since I formally had that role. In that role, we indeed had briefings of government officers on the subject of these regulations. I am very pleased to see that they have finally been brought to the Assembly today, particularly because of their importance to the future economy of Jersey. One of the key reasons why they are so important to the future economy of Jersey is the role that they have to play in protecting intellectual property. One of the areas of concern in terms of cybersecurity, in terms of the equipment that has been used in some systems, has been the ability to manipulate them, to steal the ideas that have been developed by commercial ventures who are spending a lot of

money developing new products, new solutions that are going to support the development of basically the world and the cost to them of having their ideas stolen before they are even copyrighted or protected in any way by patents. So I very much urge the States Assembly to think of the future economy and support this proposition.

[16:00]

Of course, cybersecurity generally is an area, I think, that is of great significance to the Island, too. We do not have our own standing army. Where we actually see our future growth will very much depend on the reliance on safe and secure systems. In that respect, I would point out that the chair of the Economic and International Affairs panel has mentioned that perhaps there are small players who cannot afford to keep their system secure. I would be saying do not play in this area at all or in any area if you cannot keep your system secure. It is of absolute importance to this community and it is important that Government is able to have a role in this. With respect to Ofcom, I would very much thank the J.C.R.A. for the role that they have taken on. For now, at least, I do see a synergy in the role that they play in terms of competition, the telecoms market and in terms of security which in fact needs to be taken into account in actually seeing really who can afford to play in this game. So on that point, I thank the officers who have worked on this and I thank the Minister for Sustainable Economic Development for taking the brunt of the work and presenting these regulations to the States Assembly today.

**The Bailiff:**

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

**8.1.3 Deputy K.F. Morel:**

I would like to thank Deputy Tadier and his panel for the work, for the comments that they made, but also for so clearly, as I am sure the Assembly understood from the Deputy's intervention, taking the work on this very seriously and seeking to understand its detail and its impact. Deputy Scott is also correct that this work is really important to make sure that organisations seeking to work with Jersey in any way, shape or form can have the confidence that our telecoms networks are entirely secure and therefore have the confidence to work with Jersey, whether that is in business or in any other sector, the public sector or any other. This law and the work that will go on behind it by the telecoms operators and the J.C.R.A. will give them the confidence that when they are working with Jersey they know that they are working with a high-level of security for their communications. I think it is an interesting point that Deputy Tadier raised around the dual role of the J.C.R.A. I would go a bit further to say the J.C.R.A. already has a dual role. It is a competition regulator but it is also a sectoral regulator. It regulates the telecom sector, it regulates the postal sector, it regulates ports. That is separate to its competition work. Indeed, the C.M.A. and Ofcom have very overlapping areas and Ofcom has a competition remit as well as the C.M.A. having a competition remit. So it is quite normal for there to be multiple roles within one of these regulatory agencies. But also in Jersey I think it is really important that we operate in a way which allows agencies to take on - particularly regulatory agencies - different areas of work. Because if we were not to do that, we would be having to set up new regulatory agencies on a regular basis. That would not be a pleasant system to operate with, both from a business perspective but also from a political perspective. Just holding and funding so many agencies would be really awkward. In fact, if all goes to plan, you will see me bringing forward laws in a completely different area, which will be asking another regulator to take on new work in a completely different area as well. So I think it is entirely appropriate to ask the J.C.R.A. to take on this work. They are the organisation outside of the telecoms operators themselves or Government, which has the most knowledge about the telecom sector and is therefore best placed to do this work. That said, Government is having to fund this work by the J.C.R.A. Quite understandably, it is extra work. The J.C.R.A. is having to hire for that, I believe, because it is

specialist work. If they are not hiring then it is likely that I imagine that they will hire in order to do that. Hence, we have to pay for that work to be done as well. Ultimately, extra costs by the regulator get passed on as extra costs to the telecoms operators, which gets passed on as extra costs to consumers. So a law such as this does increase cost. If you want high security, it does cost more. But I do believe that this has been done in a proportionate way, which has enabled those costs to be absolutely minimal to the extent that I do not expect any consumers to notice the cost in that respect. I think it is also really important to understand that Jersey was not so much told to do this, so much as Jersey and the other Crown Dependencies have been made aware that it would be a very, very good thing for us to do this. That it would be a very, very good thing for us to do this, I will leave it at that. But I think this is a really good piece of work, which, again, working with the key stakeholders, we have managed to get through a very technical area, come up with a law which is proportionate, but which will give other countries, other nations that interact with Jersey the confidence that they can do so on a highly secure footing. So, with that, I ask for the *appel*.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I will ask the Greffier to open the voting and Members to vote.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
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 (H)				
Deputy L.J. Farnham				
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 Bailiff:**

Deputy Tadier, I take it from your speech that you are not calling the matter in?

**Deputy M. Tadier:**

That is correct, Sir. We do not need to call this in.

**The Bailiff:**

Thank you very much indeed. How do you wish to deal with the matter in Second Reading, Minister?

**8.2 Deputy K.F. Morel:**

*En bloc.*

**The Bailiff:**

Are they seconded for Second Reading? [**Seconded**]

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

I should probably confess that I was the original *rapporteur* for this original law and so these amendments, I do not think there have been many, or indeed regulations, falling beneath them. I did not speak earlier but, of course, it goes without saying that national security is a matter of huge interest and, of course, when this law was first brought out we did not live in the world in which we sadly live now. Which is not only the fact that we have fantastic telecommunications, which are so fast. I cannot help but recall that the regulator at the time was against that but it still happened. It notes the importance of political debate and political decision making sometimes disagreeing with the regulator. The specific reason for rising and asking the Minister a question in this set of Articles is that I am unclear as to whether or not the Minister, or a Minister, retains what a U.K. Minister would have, which is an ability to issue a direction to telecom providers in the national security interest, which is not subject for reasons that sometimes can be just simply too confidential to a telecom provider. It is inappropriate to give examples but I am aware of one where there was a nexus in Jersey where information was provided to another jurisdiction about certain matters to do with a telecoms provider, where there was a national interest issue and a direction was given by the Minister in that other country. I am not clear whether or not there is going to be an ability under these regulations that in such extraordinary but necessary ... and sadly, in the world that we are living in, this kind of thing happens, and we are talking about cyber-attacks, ownership of telecoms companies that pop up and do things and compromise, and have the capability of causing chaos in jurisdictions. I understand why the Minister is relying upon the J.C.R.A. If they are not competent to do it, they are going to have to be, as the U.K. Ofcom is relying upon the National Cybersecurity Centre, the D.S.I.T. (Department for Science, Innovation, and Technology) and the U.K. National Security Council themselves. We do not have any of those bodies but were the circumstances to exist where a provision or a protection, an order, by a Minister outwith any regulatory issues, I am not sure whether that could be made. I am not sure whether that is capable of being answered either by the Solicitor General or otherwise. But I am nervous if there is simply a complete handing over to a regulator that sometimes even they cannot be told of certain matters, which I do not want to say

anymore. But I think the Solicitor General may well understand the kind of matters I am talking about and whether or not these Articles allow the Minister to make that extraordinarily important but necessary decision if need be.

### **8.2.2 Deputy P.M. Bailhache of St. Clement:**

I have 2 questions for the Minister. The first relates to proposed regulation 24E, which is on page 28 of the regulations, where 24E(1) says: “The Minister must review a designated vendor direction from time to time.” I wonder if the Minister might explain what “from time to time” means. It seems a very fluid instruction to the Minister. Does it mean once a month, once a year? It does not give him very much guidance as to how he should exercise his discretion to review a direction. The second question is on page 44, regulation 24ZA, a right of appeal, which is the Article that gives a right of appeal to the court against a decision of the authority. It is a similar kind of point, really. The question is, paragraph 6 of that Article says, when it determines an appeal under this Article: “The court may”, so the court is given a discretion but how is the court to exercise that discretion? Should it ask itself whether the authority has conducted itself unreasonably? Should it ask itself whether it would have made a different decision had it been taking the first decision? Again, there does not seem to be much guidance to the court as to the exercise of a discretion. Perhaps the intention is to leave the matter to the court. I am sure the court would be very happy to make its own decision as to how it should approach its discretion, but it is at least for consideration as to whether the legislature should give some guidance to the court as to how that should be done.

### **The Bailiff:**

Does any other Member wish to speak in Second Reading? Deputy Ozouf, were you asking a question of the Solicitor General?

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

I was looking across at the Assembly to the Solicitor General and I think he may be ... I apologise to Members, I probably have not looked at every single Article and Members do not tend to. I know the Scrutiny Panel has done a very good job but I would like to ask if the Solicitor General can reassure me and other Members of the Minister’s ability alongside that of the authority, I think that would be helpful.

[16:15]

### **The Bailiff:**

Solicitor, are you able to assist?

### **M. Jowitt, K.C., H.M. Solicitor General:**

Off the top of my head I am looking at 24L, which is on page 34, which is a duty to take specified security measures, which provides as follows: “The Minister may, by order, provide that a provider of a public electronic communications network or a public electronic communication services must take specified measures.” Then there are preconditions as to the circumstances in which he must do that. The reference to “order” would suggest that that might have a public flavour to it, which might not necessarily sit comfortably with security. I would have to consider the bulk of this text, which I think Members will appreciate is substantial, if I were going to be able to answer that with greater authority.

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

I am grateful to the Solicitor General. He is raising some of my concerns without wanting to spell them out. These are sensitive issues. I have no further questions for the Solicitor General and I suspect this needs to go through and then there is some questions just of finessing.

### **The Bailiff:**

Thank you very much, Deputy. If no other Member wishes to speak in Second Reading, I call upon the Minister to respond.

### 8.2.3 Deputy K.F. Morel:

Certainly, if given a choice as to whether the Solicitor General should answer a question or I should, I will plump for the Solicitor General every time. I thank the Solicitor General for his answer. There are significant Ministerial powers in the law. Indeed, I am very grateful, Deputy Scott has been apprising me of a range of them, including Article 24B. It is correct that the Minister can order the J.C.R.A. to review security procedures in respect of interests of security of Jersey. There are various other areas in which the Minister is able to direct. Rather than trying to speak in the way that the Solicitor General can, I would much prefer if any Members would like more information on that, please do ask. The reason I ask Ministers to ask is because then, as it is a legal question, it can be expressed precisely and then we can answer precisely that question. So, with regard to Deputy Bailhache's quite understandable questions, the 'time to time' element was used, I believe, because it is very difficult to prescribe when new security requirements will come into effect. Obviously, we have seen a period of decades where perhaps there were very few security requirements. We lived in a very peaceful and stable world. In the last few years, the requirements have gone off the chart because the world has become more volatile and nations that were once friendly are now less friendly. So in a period such as now, the Minister is more likely to be reviewing on a regular basis. On a period such as the 1990s into the 2000s, that sort of more peaceful period, it may be less so. That is why such flexibility was given. If the Minister wished to do so on an annual basis, and so on, the Minister has the discretion to be able to do that. But the 'time to time' aspect was really to enable it to happen whenever it was necessary, as security requirements come in. On Deputy Bailhache's second question, which was about guidance to the court, I could not feel more out of my depth right now if I tried. I do not know the answer to that question. It is 'may', as I would imagine, we used 'may' in order to precisely give the court discretion and not direct the court as to how it must think on something. But, again, that is something that if Deputy Bailhache would like a more detailed answer with actually someone with a legal background behind it, standing behind that answer, then I suggest we take it out of the Assembly. I would be very happy to find the answer more specifically to that after the Assembly. With that, I move for the *appel*.

### The Bailiff:

A call for the *appel*. I invite Members again to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of St. Clement				
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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 (H)				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy 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 Bailiff:**

Do you propose in Third Reading, Minister?

**8.3 Deputy K.F. Morel:**

Yes, Sir.

**The Bailiff:**

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting in Third Reading, kindly show. Those against? The regulations are adopted in Third Reading.

**Deputy K.F. Morel:**

May I quickly thank the Assembly and all Members for taking part that debate and voting the regulations through.

**9. Draft Patents Law and Registered Designs Law (Jersey) Amendment Regulations 202-(P.48/2024)**

**The Bailiff:**

The next item of Public Business is the Draft Patents Law and Registered Designs Law (Jersey) Amendment Regulations P.48, lodged by the Minister for External Relations. The main responder is the Chair of the Economic and International Affairs Scrutiny Panel. I ask the Greffier to read the citation.

### **The Assistant Greffier of the States:**

Draft Patents Law and Registered Designs Law (Jersey) Amendment Regulations 202-. The States makes these regulations under Article 24A(1)(b) of the Patents (Jersey) Law 1957 and Articles 20A (1)(b) of the Registered Designs (Jersey) Law 1957.

### **The Bailiff:**

Deputy Scott, you are acting as *rapporteur*, is that correct?

### **9.1 Deputy M.R. Scott of St. Brelade (Assistant Minister for External Relations - *rapporteur*):**

That is correct, Sir, thank you. As Members will know, the Government Plan approved by the Assembly in December last year includes investment for the modernisation of Jersey's intellectual property legal framework. This includes the Patents (Jersey) Law 1957 and the Registered Designs (Jersey) Law 1957, which these regulations would amend if adopted. I would like to thank Deputy Ozouf for initiating this key programme of work in his previous role as Minister for External Relations. I would also like to thank the Members and officers of the Economic and International Affairs Scrutiny Panel for their helpful comments on and support for the draft regulations. Two of the themes in the *Strategy for Sustainable Economic Development* that was published by the Minister for Sustainable Economic Development last October are innovative economy and international economy. Modern sustainable economic growth is increasingly driven by innovation, ideas, and intangible assets taken the form of intellectual property used globally. For many businesses, intellectual property is their most valuable asset. Its protection enables them to recoup and benefit from the time and money used to create, research and develop new products, designs and inventions. With the programme of work now underway in the Economy Department, over the next 12 to 18 months I will be bringing a substantial volume of proposed intellectual property legislation to this Assembly, aimed at enabling local businesses to benefit from a number of international treaties relating to intellectual property. Today, as a first step, I am bringing forward these draft regulations. Their purpose is to enable the Island to join 2 important international agreements relating to intellectual property. The first is the Patent Cooperation Treaty. This treaty deals with patents, which, as Members will know, protect new, inventive and industrially applicable inventions. The second is the 1999 Geneva Act of the Hague Agreement concerning the international registration of industrial designs. The Hague Agreement makes provision for designs relating to the outward appearance of a product based on its shape, configuration, pattern or ornamentation. Although the subject matter of both international agreements therefore differs, their purpose is the same, namely to create international systems that allow users to achieve intellectual property protection in a large number of countries worldwide by finding a single application with multinational reach through the Patent Cooperation Treaty and Hague Agreement mechanisms. This replaces the need to file several separate applications, saving users time and money by enabling them to easily and swiftly acquire patent or design protection in multiple markets. Ensuring that Jersey's intellectual property laws are modern and consistent with international standards, such as, for example, those set out in the Patent Cooperation Treaty and Hague Agreement, is an important objective for the Government. If the States Assembly is minded to approve the regulations, it is anticipated Jersey will benefit in a number of ways. Firstly, the draft regulations are intended to support growth of our future economy and inward investment by helping to reduce barriers to doing business in the Island and related red tape. Currently, the fact that Jersey is not included in the Patent Cooperation Treaty and the Hague Agreement may disadvantage some businesses and entrepreneurs in the Island, as they are unable to benefit from the unified procedures created by these international agreements. Under current legislation, in the absence of the proposed amendments, businesses, designers and inventors in the Island are required to file individual applications in each of the countries where they are seeking protection. This makes the process more complex and expensive than the one-stop shops offered by the networks created by the Patent Cooperation Treaty and the Hague Agreement. Secondly, both the Patent Cooperation Treaty and the Hague Agreement often feature as mandatory conventions in

free trade agreements. This means that a jurisdiction must comply with the requirements in these intellectual property conventions in order to benefit from all aspects of the free trade agreement concerned. Whenever opportunities arise, and if this is considered in Jersey's best interest, the Government's ambition is to seek full participation in free trade agreements. This may bring a range of benefits, including lower trade barriers and strengthening the Island's ties with some of the world's most dynamic economies. Jersey's longstanding commitment to the development and implementation of international standards is a cornerstone of the Island's international reputation, which this Assembly has consistently promoted and supported. Jersey law already largely complies with both the Patent Cooperation Treaty and the Hague Agreements. Jersey will be able to seek inclusion without having to make any fundamental changes to its current system of patent and design reregistration. As Members may know, both the Patents (Jersey) Law 1957 and the Registered Designs (Jersey) Law 1957 provide for re-registration in Jersey of intellectual property rights first registered in the U.K. There is no separate examination in Jersey of the extent of compliance with the various requirements in U.K. law that apply before a secondary registration in Jersey can be made. However, in each case, the secondary registration in Jersey can only remain in force in Jersey so long as the right remains in force in the U.K. It is not considered feasible or desirable at this time to establish a primary registration system for patents and designs in Jersey, as the expected costs would not be proportionate to the limited number of applications for patent and design registration in Jersey that currently occur. A small number of highly technical amendments is, however, needed to fully align Jersey law with the obligations in the Patent Cooperation Treaty and the Hague Agreement. This is primarily the case, as both the Patent Cooperation Treaty and the Hague Agreement are written with a much larger jurisdiction system of original grant in mind.

[16:30]

More specifically, in order to retain Jersey's system of re-registration of patents and designs for all other types of applications, the draft regulations make specific provision for the so-called Patent Cooperation Treaty and Hague Agreement applications. If the regulations are adopted and the treaties are subsequently extended, any such applications that include the United Kingdom will, if granted, automatically also cover Jersey without the owner having to re-register it here with the Jersey Intellectual Property Office. I wish to reassure Members that the proposed approach to the Patent Cooperation Treaty and Hague Agreement implementation is very much regarded as an exception with respect to any automatic recognition of intellectual property in Jersey. Importantly, the normal route under existing legislation to obtain design and patent protection in Jersey remains in place for all other types of applications. Furthermore, with regard to trademarks, I have instructed the department to establish a modern and new system of primary trademark registration. It is furthermore important for Members to recognise that the draft regulations I am bringing today concern a small number of changes in a very technical area of our domestic intellectual property legislation. As I have explained, if Members are willing to approve the draft regulations, this will ensure Jersey is compliant with the relevant international treaties. These treaties do not presently apply to Jersey and it should be distinguished that Jersey would need to formally seek their extension before they can take effect here. This process is a separate matter that falls within the responsibility of the Minister for External Relations. I, however, understand that with regard to that process, conversations are ongoing with the Legislation Advisory Panel on the procedure for treaty approvals in Jersey. The Minister for External Relations has confirmed to me that any extension of the treaties referenced in this speech will not occur before further dialogue with the panel has taken place. I also wish to inform Members that the proposed approach to international patents and designs was brought to the attention of stakeholders and the wider public in the consultation on the establishment of a new system of primary trademark registration in Jersey, which ran earlier this year. No objections or concerns in relation to this proposal were raised as part of that consultation. In conclusion, by joining the Patent Cooperation Treaty and the Hague Agreement, once the extension process has been completed, Jersey will be able to offer the types of services in the patents and registered designs area that can

typically be expected from a modern open economy in the most economical way. This is good for local businesses and residents by removing red tape, good for businesses who may be looking to invest in Jersey, and reduces barriers to participation in free trade agreements that may deliver benefits to the wider Island economy. Therefore, to ensure compliance of Jersey law with the Patent Cooperation Treaty and the Hague Agreement, and to enable us to subsequently seek extension of both treaties to Jersey, I ask that the States Assembly approve these draft regulations. Sir, I move the principles.

**The Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

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

My concerns about these regulations lie not in the principles themselves, which indeed I support, but in their purpose, which is as set out in the Minister's report to extend the ratification of the Patent Cooperation Treaty and the 1999 Geneva Act of the Hague Agreement, and the Minister's approach to that purpose. In March 2023, last year, the States resolved that all treaties and international agreements should be approved by the Assembly before coming into effect in Jersey. It was an important resolution, stemming from a proposition of Deputy Mézec, and the Legislation Advisory Panel, which I chair, was charged with the preparation of legislation to give effect to it. The legislation is in draft, but as the Assistant Minister has said, there are difficulties which the L.A.P. (Legislation Advisory Panel) and the Minister are seeking to resolve. I do not need to go into them here. The significance for this debate, however, is that the Minister's report suggests - and the Minister has confirmed to the L.A.P. - that, and I quote: "If the draft regulations are adopted by the States, the process to seek extension of the U.K.'s ratification of both the P.C.T. (Patent Cooperation Treaty) and the Hague Agreement will follow." What the Minister meant by that slightly elliptical statement was that he would issue a Ministerial direction and arrange through the official channel for the U.K. to extend the ratification of the treaties to Jersey. It was pointed out to the Minister by the L.A.P. that such an approach was not unlawful because there is, as yet, no legislation, but it would certainly go against the spirit of the States resolution of 1st March 2023. Presenting treaties to the States so that the extension of the ratification by the U.K. can be approved is important. It enables the Assembly to see what the Government is proposing to do in terms of creating obligations with which Jersey will have to comply. The extension of the ratification of a treaty should not be done behind closed doors; it should be done openly. We, in the Assembly, need to see the text of the treaties which are going to bind us. For example, in relation to the Patent Cooperation Treaty, there is an article, Article 57, which provides that the Union of States has a budget and that if any financial year closes with a deficit, the contracting parties will pay contributions to cover the deficit. Will that affect us? I am sure that there is a satisfactory answer to the question but Members should be given the opportunity to fulfil their responsibility of holding the Government to account on these matters. The Minister has given an undertaking to the L.A.P. not to seek extension of the U.K.'s ratification until there has been an opportunity for further discussion. But I would like him to go further - and I appreciate that the Assistant Minister will probably not be able to assist today - I would like an undertaking that he will bring a proposition to the States seeking approval for the extension of the ratification of these treaties to Jersey. I am sure he will get that approval because the Assistant Minister has made a convincing case as to why the ratification should be extended. But it is important, in principle, that the States should have the opportunity to express a view. The proposition would not be difficult to draft. I can draft it for the Minister now. The States are asked whether they are of opinion to approve the extension of the U.K.'s ratifications of the Patent Cooperation Treaty and the Geneva Act 1999. It is as simple as that. The treaties can be appended to the report and Members can then do their job. There is no reason why this should not be done and there are many reasons, and I have given only one, why it should be done. So I ask the Assistant Minister to pass on that request to the Minister.

### 9.1.2 Deputy A.F. Curtis of St. Clement:

First, I would like to thank the Assistant Minister and officers for the briefing Members received recently on the matter. Since we are talking in the principles and the Assistant Minister spoke on the principles of intellectual property, I hope you will allow Members to likewise reflect on the principles of these regulations before Second Reading. I have pulled out a couple of definitions of intellectual property, but all of them agree that the principle of I.P. (intellectual property), and modern I.P. as it is, is to grant monopolies over ideas or thoughts. One that is a quote found within a publication of the Jersey Law Review defines intellectual property as: “A system of legal rights which governs a world of products of the mind, ideas and expressions of human creativity. It is about the control and use of such ideas and product of human creativity in all its manifestations, ranging from technical inventions in every field of science and technology through to the ingenuity of traders in improving their position in any market and the works of artists and performers in all fields of the arts.” I think when we are now debating the control of the freedom of creativity and the application of one’s ability, we should not take it lightly and we should consider all arguments. The first one we should be considering is why do we have, in this case, patents and, to an extent, designs that can be protected? The common argument, and the one that I will focus on, is that to create an industry of innovation and to create the change in a modern economy, we require the protection and monopolisation of invention to pursue continued investment in research and development. Indeed, this is the one Deputy Scott opened on as a virtue. But I would like to provide context to the other side of intellectual property, because these regulations directly affect those freedoms. I recommend anybody - and I will not spend too long on this - interested in this to read the 2008 book *Against Intellectual Monopoly*, which is a wonderful study into the myths around intellectual property and, to a great extent, patents, the purposes they are proposed for and the reasons we do not need them necessarily in the form they come. But the argument is, quite simply, that innovation will always happen with or without a patent because so much more than just intellectual monopoly is what grants an inventor a prosperous future. It is a first mover in a market. It is the fact that they have the expertise and skills. The first chapter of that book references a case of an early example of patenting in the Industrial Revolution, which is that of James Watt and his version of the steam engine. The book details a history in the 20 years, 10 years, and then up to actually about 50 years preceding their invention of a steam engine that was finally sufficient in its power generation to provide meaningful, productive use. While one might think the invention of this kind of engine would create far greater innovation, it was actually the patenting of this and the prohibitive nature of the use of that patent and the licensing of that patent that slowed down innovation within the steam engine for many years. So it should not be taken that it is in a world of patents that innovation thrives. I think we should worry in particular around these or take concern, at least, because patent law and its jurisdiction has continued to change over the last century, largely through the interpretation and rulings of courts in a way that has led their application greater than it has been by that of legislators and legislation. For example, it was not until 1981 that the U.S. (United States) permitted any form of patenting of software but was a rapid innovation in software up until then. How that is possible without patents is a classic example. There are countless others to give. The reason that is quite important is because carrying on from the Jersey Law Review paper, it said a common feature of intellectual property rights is that they are recognised worldwide and are subject to a significant degree of international harmonisation.

[16:45]

What that means, and our law already inherits predominantly from the 1977 Patent Act of the U.K., is that the way Jersey’s individual’s and businesses’ freedoms to apply invention and creativity are subject to that of other courts and other legislations, increasingly so. Just as Deputy Bailhache just highlighted, agreeing to obligations of treaties requires us to then implement laws and legislation in ways that we may not see befitting of our jurisdiction, patents being an incredibly, as described, harmonised area of legislation. I just want to give a couple more examples while we are on this about where the myths need to be dispelled, or at least a challenge in future revisions needs to come. I took

from page 80 of *Against Intellectual Monopoly* a few quotes in the tech sector, which I know was referenced. The first comes from a comment back from an Intel V.P. (vice-president) or similar, who said: “We have 10,000 patents.” It is an awful lot of patents. Would I be happy with 1,000 rather than 10,000? Yes, provided the rest of the world did the same thing. Then a quote from the I.P. strategy of IBM says: “Even though we have 3,000 patents awarded annually in America, if we had to I could make that number 10,000.” Then a summary of the increased and the prolific patenting at Microsoft comes from a description of the time it faced both anti-trust suits but also the need to pay hundreds of millions of dollars in damages for patent infringement. Those who look at the patent landscape of technology will find many of the monopolies and the largest technology players patent not for true innovation but for trade-offs so that they have equal assets to trade against a competing company in intellectual property, thus that they describe their own patent position as negated and, therefore, no costs are applied. Moving on to what these regulations do, and these might sound like grand comments to have on the amendment of regulations around the Patents Law and the P.C.T. But, in short, my understanding is these regulations would mean that patents registered in the U.K. under a P.C.T. application would automatically be registered in Jersey. Currently we have heard that patents registered in the U.K. can be re-registered in Jersey and the Assistant Minister described as to the report that there is as such no substantive examination of the content of that. While this may be the case by the Government, the current law says that the active registration does place it in the spotlight of the public. I will try to avoid the positions on exact regulations. But the thrust of this is, if we have to come to that Second Reading: ‘When patents are submitted or re-registered in Jersey from a U.K. registration they must be published by the Judicial Greffe for 8 days and there is a period of 2 months for any party who opposes or objects to that to report to the Royal Court on whether that patent should not be applied. Importantly, the reason being that the invention so far as claimed in any claim of the complete specification has been manufactured, used or sold in Jersey before the date which is a priority date of that claim.’ In essence, saying we keep within our secondary registration system of the Patents Law the ability to protect innovators in Jersey who have chosen not to patent work but not to be subject to patents upon them if they were the initial inventor. It is of course, I think, a concern if we want to think about ourselves as innovators and not just a financial services industry, that we could be undermining our own innovators. Because as one moves into the regulations they will note that all Articles regarding the objection and opposition of Jersey re-registration of patents do not apply to one registered under Article 7B, which is the P.C.T. I am trying to avoid talking too much on individual regulations in the principles but the challenge here is we are fundamentally talking about a time and an early move in intellectual property that takes us further away from the control of our own application of where and when it should be applied and who should be granted permission. Jersey makes very clear a provision in many of its I.P. rights, including that of plant variety rights, a 2016 law, to compulsory licences. The P.V.R. (Plant Varieties Rights) Law also talks about the ability to exempt the requirement to pay a fee for small farmers; that is for plant variety rights. We have chosen within the treaty, that is the U.P.O.V. (International Union for the Protection of New Varieties of Plants) Treaty, to re-implement laws with our own context to take into account the Ministerial system, the ability to add orders and schedules. Yet here we are proposing to further remove the ability for the Jersey legislature to, in essence, have a say in the courts and delegate that away; that might be what we want to make. The case, I do not think, has been clearly put. The last question on the principles, and I think we have to ask, is what do these changes seek to support and to promote? Is it purely the patent industry that Jersey already has and wants to grow? That is the management and operation of patents and intellectual property, in essence, an extension to the financial services industry or is it the creator, the engineer and the inventor in Jersey who sees a problem and wants to solve it? This asks larger questions on the principles: is Jersey too small to have a say in any part of the world of intellectual property? Should that stop us trying? But what I would ask, hearing the Assistant Minister is keen on changing larger amounts of intellectual property, is that as we look forward I believe this Assembly needs to give it greater scrutiny, not less, and that our vision for patents and I.P. is one that favours innovation and the

delivery of new ideas, not the protection against building on them and that we look forward and not backward.

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

First of all, I am going to be much briefer than the previous speaker but can I thank Deputy Alex Curtis for perhaps being the one who has put the intellectual in the intellectual property debate today? I cannot say that I understood everything that he said but that is a reflection on me and not him, and I would look forward to perhaps getting that reference again for the book that he has been reading in this area. I think it is an interesting area. Before I maybe address the panel's comments, I think we are in a brave new world in some areas of intellectual property and we simply have to look at what is happening just in the music industry where A.I., I think, is providing some very interesting opportunities but also challenges to the orthodoxy perhaps of creativity. Certainly, I think there are going to be, potentially, big winners and losers in that area when we think about the ability of A.I. on its own but to create authentic-sounding songs from already established artists that exist. No doubt of course there will be some lawyers also who will do very well out of the changing landscape, I am sure. Insofar as our panel has looked at this, we were made aware of the forthcoming changes as far back as April 2024 and where we had a briefing on what was coming through. We subsequently also touched on the legislation in our quarterly hearings with the Minister for External Relations. Ultimately, the panel agrees that it is sensible to seek further inclusion within the beneficial treaties concerning intellectual property. The draft law has been brought forward for debate to allow such inclusion and the panel has been informed that the relevant U.K. authorities at this stage have not raised any concerns that would preclude the extension of the P.C.T. or the Hague Agreement should the draft regulation be adopted. The panel is, therefore, minded to support the draft regulations as proposed. We would probably at this point highlight that this will be an area that we will continue to monitor and scrutinise as necessary. We have identified 3 potential areas that we will continue to scrutinise in this regard. One would be the success of the extension of the relevant treaties. The second would be the digitalisation of the registration systems and the third would be the progression of a system of primary trademark registration in Jersey. Those are all the comments I have for the time being.

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

I am grateful to be able to address the Assistant Minister for External Relations, who is bringing this legislation before Members. I would like to thank her most warmly and her officers for a very clear and very useful presentation when they were kind enough to spend time with Members and explain so that we could ask or answer questions. There have been some interesting remarks made by Members and I am afraid I did not hear every word of the proposer's opening speech. However, I would like to just underline that the States of Jersey, we as an Assembly, are late in bringing forward reforms to our intellectual property and patents arrangements. It was with some regret that the Government led by Deputy Moore, of which I was the Minister for External Relations, had such difficulties in being able to work with our Guernsey and Isle of Man counterparts when we were dealing with the free trade agreement, which I know has been subject in my time, which was the free trade agreement known as C.P.T.P.P. (Comprehensive and Progressive Agreement for Trans-Pacific Partners), the Trans-Pacific Partnership Agreement, which is basically all the growing bits of the world, including Canada, Singapore, Asia and all the rest of it but not the United States. At the heart of it the problem we found was that the last Minister for Economic Development, Tourism, Sport and Culture in not the Moore Government, the one before that, had simply not dealt with this issue. I am immensely pleased that the current Council of Ministers led by the Assistant Minister, who is jointly Economic Development and External Relations, I think she thought she was going to be a Minister for Sustainable Economic Development but she is External Relations and this is firmly within the External Relations camp. As for reasons that I will come on to and which Deputy Bailhache has alluded to, this is a global set of principles, and it really matters. It really matters that the Assembly

has given the External Relations Department the resources and it is important that there is a driving force in the body of Deputy Scott, the Assistant Minister, who is really driving and meeting those targets to get this legislation and all of the related treaties and agreements across the line. They are important because without which we cannot have free trade agreements because we are going to be excluded from them. We are already late because we did not do it and the problem was that the Guernsey and Manx Assemblies, Parliaments if you like, they passed their intellectual property and then the U.K. found some excuse, if I may say, that the Crown Dependencies were not all on the same page and so Guernsey and the Isle of Man were let down by having passed their intellectual property and patents laws arrangements and then being found that they could not be part of that C.P.T.P.P. of trade agreement, and that was a shame. But we backed them and we said we would catch up, and I am delighted that we are catching up, of which this is a small part of it. I am well aware that there are some that will say that intellectual property creates monopolies and creates disadvantages. I am well aware that even articles and newspapers, such as *The Economist*, have argued that there is a need for reform of the international T.R.I.P.S. (Trade-Related Aspects of Intellectual Property Rights) agreements and all of these details which we are going to go on to discuss and replicate into Jersey law. There is an argument about the impact on public health. There are lessons to be learnt post-COVID about patents for medicines and drugs. There are issues, as the chair of the Scrutiny Panel so rightly pointed out, as Deputy Curtis said, about the acceleration of technology and intellectual property, which is now advancing at such speed and it has to be a matter for the global bodies, such as the T.R.I.P.S. oversight body, the World Trade Organization and those other global bodies, to deal with a massively changing and faster-moving world. Yes, it is right that patents perhaps that were fine a few years ago maybe need to have a shorter life. But what I would say to Members most respectfully is that, as the late great Colin Powell wrote in his book, he said and made the observation that matters that are of economic interest of Jersey are not decided here. All we can do is we can seek an opportunity or seek to avoid a problem ourselves. We have very little say. As much as we like to talk about Jersey and as proud as we are as Jersey men and women, we are but a speck, we are but a tiny jurisdiction and we have to be realistic. What I would say in that context is research and development gets brilliant ideas. On the radio this morning there was talk about the latest technology from a well-known telephone brand or maybe it is not telephone, it is other things as well, that is named after a fruit.

[17:00]

I think Members can know what that is I heard that they spent 100 billion in terms of research and development. We are not that kind of jurisdiction, except if we have some brilliant person inventing something fantastic that is realistically going to have the scale of universities and inventors that other places do. But what we can do is that we can have a good and useful and reputable add-on to our existent trade in services business. We can provide the services to those intellectual property providers and owners in terms of the digital industry in the digital sector and add it on to our professional services, and that is where really I see what the opportunity is. I respect absolutely the observations that Deputy Curtis made. He may well be right about some of the monopolistic, I do not like monopolies, he does not clearly either. But I say to him most respectfully I do not think we can change the rules but we can go and talk to the W.I.P.O. (World Intellectual Property Organization) if we want. What I would like to say, if I may, concerning Deputy Bailhache, I was not here when that debate on the requirement of bringing all international treaties to the Assembly was made. What I would suggest constructively is very much along the lines of what he described. We had an earlier debate about tier 1 and tier 2 statistics. Maybe there is a tier 1 and tier 2 type of treaties, there are treaties which are just, frankly, to most Members no brainers. I would suggest that, as the Deputy has rightly said, it requires a very quick proposition, maybe appended to an existing piece of regulation that makes absolutely common sense to adopt. There is no disadvantage for Jersey. If it was the Minister for Financial Services standing here they would say this is all about global standards and it is. It is about a global standard of which we really have absolutely no say in

but we can take advantage of. But the most important thing, if we do not comply we cannot get the trade deals which boost our economy locally for trade in services and that is what this is really about. I agree with Deputy Bailhache, let us have a quick summarised straightforward explanation of these important treaties and agreement that this particular regulation needs to have. In fact, maybe the Assistant Minister can persuade her Minister to lodge a proposition to get a list of all of the treaties that are required for international compliance to T.R.I.P.S. and we can have a look at them. Scrutiny can have a look at them. We can preapprove them because they are obvious. Then when it comes to the treaties that Deputy Bailhache is particularly interested in, and there are certainly some I am, like the International Labour Organization law and others, which do have an access in Jersey, we can concentrate our minds on that. In those remarks, I warmly thank and recognise the Assistant Minister for her work. It is impressive that she is here today doing this work. It is on target, from what I remember in my term of office. I thank also the officers and the law officers and all those that have got what is the original I.P. legislation and was known as the doorstep legislation. They were so thick I think that some Members used it as a doorstep, a thing to stop their doors opening because it was so thick. I do not know how many people read it. I have read it, unlike this it is not a doorstep and I congratulate the Minister and will be supporting all of it and I have not got any questions.

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

I am also going to speak in my capacity today as Assistant Minister for External Relations. Principally I am going to respond to Deputy Bailhache's comments. I really would like to emphasise to Members that today's debate is focused solely on the draft regulations being proposed by Deputy Scott and not on the extension of the treaties referenced in those regulations. Deputy Scott has set out the rationale for the regulations from the perspective of enhancing Jersey's intellectual property regime, which I fully support and which I believe is long overdue. Adopting the proposed regulations would, however, make Jersey compliant with the reference to international conventions which may be extended to Jersey in the future. Treaty extension is governed by a separate process which is overseen by the Minister for External Relations and this is not what is being asked of the Assembly today. I understand that the Minister for External Relations has discussed this matter with the Legislation Advisory Panel in reference to that panel's work on P.6/2023 and has committed that he will not seek the extension of the treaties referenced in the draft regulations before further engagement takes place with the L.A.P. and also with the officers. The Minister confirmed that to Deputy Bailhache by email on Friday that he would not take forward, he would not seek to extend the treaty until that work and those discussions has taken place. A final decision has not yet been made regarding the extension of the treaties, given that this will be subject to such further discussion. Clearly, the Government is supportive of seeking the extension of the treaties as part of the work to modernise Jersey's I.P. regime. I am sure that Deputy Scott will be working closely with the Minister to confirm possible timescales for the extensions, subject to those further discussions with the Legislation Advisory Panel and others. I am somewhat disappointed on the Minister's behalf that there is an implication that the Minister is seeking to circumvent the Assembly in bringing these regulations without also presenting the key treaties for ratification by the Assembly. I do not believe that was the Minister's intention and I do not agree with that implication. The Minister for External Relations has committed to further discussions with the L.A.P. and other key stakeholders before the request would be made to extend the relevant treaties. Today's date, again I emphasise this, is about our domestic I.P. regime and the proposed changes to it. I agree with Deputy Ozouf that this is a matter that we should not delay further because the 2 points are vastly different. While I am clear that today's date is not a discussion about the extension of the treaties in question, I think it does refer to P.6/2023. I understand that there had been a significant number of meetings over recent months with the Minister, External Relations officials, the L.A.P. and the L.O.D. (Law Officers' Department) and that there are a range of practical and reputational issues with the premise of P.6/2023. These include real concerns over practicality and reputational matters, and I believe the Solicitor General has also expressed some concerns about that. There is clearly a significant amount of work that still

has to be done on P.6/2023. I am not sure if the Solicitor General wishes to make a comment or would like to ask a question, no. But there is considerable work ongoing. It is a bit of a ‘*Who Wants to be a Millionaire?*’ moment going on there. There is considerable work going on and there is no intention to pull the wool over anybody’s eyes. I was not intending to respond to Deputy Curtis’s comments, intellectual property is an incredibly complex area. Deputy Curtis has read a book, which seems to suggest it is not working adequately, does not support innovation and creativity. I am sure there are very many books saying completely the opposite. I was at a talk at lunchtime suggesting that patents are in fact time limited and suggesting in fact that in the global pharm industry as patents run out there is a cliff edge which will cost the pharmaceutical industry worldwide tens if not hundreds of billions in lost revenue. Without patents we will not see significant production of new drugs. It is important that the vast amount of research and development that goes into producing drugs for the market that we can all benefit do need patent protection for numerous reasons. I agree with virtually everything Deputy Ozouf said, both in terms of the necessity for these regulations for us to participate in the C.P.T.P.P., which will give us access to some of the world’s most dynamic economies and to one of its largest trading blocks. That concludes my remarks, but I would encourage Members to support these regulations.

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

I was not going to speak on this but I have been prompted by some of the comments I have heard. I have personally and with U.K. patent attorneys filed numerous patents. It is an essential part of business, especially when you have many investors involved. I completely support this draft law. But would just like to point out that it probably should have been done a lot sooner. I filed a P.C.T. myself about 10 years ago. While I am pleased to see this draft law progress, as a member of L.A.P. I would also like to say I totally support Deputy Bailhache’s comments about States Assembly consideration of the international treaties. I do hope this States decision from February 2023 will be progressed too. But just to conclude, I do support this draft Patents Law.

#### **The Bailiff:**

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

#### **9.1.7 Deputy M.R. Scott:**

I thank the various Members for their comments on the proposition, which I will just go through in turn briefly. First of all, Deputy Bailhache, he brought up this subject of P.6/2023 in relation to the extension of treaties generally. That was in the context of the debate of a bilateral treaty to accede, I believe, to the U.A.E. (United Arab Emirates), for which Deputy Bailhache brought an amendment seeking States approval of treaties generally. I believe in fact I supported that. I am very supportive of the principle that the States Assembly should know what it is buying into. What I find a little confusing or hard to understand in this particular case is that the report for the proposition contains links to these treaties. I am not hiding anything; they are out there. I believe that the general purpose of the Deputy’s amendment was to allow scrutiny of the treaties that may be extended. I do believe there has been not only the opportunity for scrutiny but also there has been scrutiny. But I do very much want to reemphasise what Deputy Millar has said, what was said in my own speech, that there is an ongoing discussion going on with the Legislation Advisory Panel regarding exactly how P.6 can be implemented practically and to give effect to its full intention, while just being mindful of some of the other considerations that need to be brought into account with different types of treaties. But these are very simple ... well, I will not say simple but they certainly are treaties that are already out there. They have been provided and these regulations are part of a process, not only to enable those to be extended to the Island but they do serve as a springboard for the extension of other treaties to the Island. I urge the States Assembly not to drag its feet in this area. Just coming back to the Deputy, I have explained the links to the treaty provided. I will, however, pass on Deputy Bailhache’s

request to the Minister, as requested. There are more opportunities for the Legislation Advisory Panel to discuss this matter with the Minister and to pursue some of the questions that might arise. Then we had Deputy Curtis. I think the discussion became somewhat esoteric there but I do accept that no system is perfect. I will also point out that 157 countries have these treaties extended to them.

[17:15]

They participate in this for the reason of protecting their economies, of protecting people who are creating new inventions. I was a bit troubled by this idea that there is almost a suggestion there should be no protection for people who invest time and money in developing ideas because maybe that is fine if you are someone very wealthy. But I think there is a possible basis for inequity there. But the other point that he raised was in relation to the lack of a primary registry being set up in this particular area here. I did explain in my speech why that is. Also, in the briefing that was offered to Members, I did emphasise that in an ideal world I would like to see this Island generating lots of intellectual property, which would support our economy, which would support our community and many of our ambitions. We are just simply not at that stage yet and it just is not really financially feasible for us to be setting up a primary registry at this stage. As a practical matter, we do not have the resourcing at the moment to have officers even checking the very detailed content of things like patents at the moment. There is a certain extent to which there is reliance on resourcing in the U.K. already. Deputy Ozouf, I very much thank him for his contribution to the debate and in fact for perhaps answering a lot of questions for me. He was not though here at the beginning of my speech in which I thanked him for initiating early work, so thank you for initiating this work. Let us be clear, there has been a certain amount of scrutiny of all this already insofar as the funding was part of a budget plan of the Government Plan previously that was scrutinised. The point is well made that, again, coming to our own ability to trade, this is one of the many obstacles that we have to overcome in order to even engage internationally. I, again, say that while the Legislation Advisory Panel and the Minister for External Relations continue their discussions on this, which I agree are highly desirable, please, do not let this get in the way of approving these treaties, which relate to our domestic economy and our ability to start improving our economic situation. Then I have Deputy Millar again, thank you very much for your contribution and indeed which I hope have clarified the Minister for External Relations' position. Deputy Catherine Curtis, again, thank you for sharing your experience. I agree, I think our positions are quite aligned therein. Thank you, Deputy Catherine Curtis, for her support too. At this point I have the opportunity also to thank the government officers who have worked on these draft regulations. To be honest, they have had a certain amount of scrutiny from myself, as you would expect. I reiterate my thanks to the Economic and International Affairs Panel for their support, not only for the draft regulations and subsequent moves towards the treaty extension but also for the wider intellectual property modernisation programme. I do hope that the States Assembly will also be giving support to those pieces of work. I ask the Assembly to support the principles of this piece of legislation now.

**The Bailiff:**

Do you call for the *appel*?

**Deputy M.R. Scott:**

Yes, please, Sir.

**The Bailiff:**

The *appel* is called for, I invite Members to return to their seats. The vote is on the principles. I ask the Greffier to open the voting and Members to vote.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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 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 (H)				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy 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 Bailiff:**

I take it from what has been said that the Scrutiny Panel does not wish to call the matter in.

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

That is correct, Sir.

**The Bailiff:**

Thank you very much, Deputy. How do you wish to deal with the matter in Second Reading, Deputy Scott?

## 9.2 Deputy M.R. Scott of St. Brelade:

*En bloc*, please, Sir.

### The Bailiff:

Are they seconded *en bloc*? [**Seconded**] Does any Member wish to speak in Second Reading? Those in favour of adopting ... the *appel* is called for and I see Members already in their seats. [**Laughter**] I ask the Greffier to open the voting.

<b>POUR: 43</b>		<b>CONTRE: 1</b>		<b>ABSTAIN:</b>
Connétable of St. Brelade		Deputy A.F. Curtis		
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 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 (H)				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy 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 B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

**The Bailiff:**

Do you propose in Third Reading, Deputy Scott?

**9.3 Deputy M.R. Scott of St. Brelade:**

Yes, please, Sir.

**The Bailiff:**

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

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

I really mean the congratulations of the Assistant Minister on this. I wonder in this Third Reading whether or not she would be willing also to set out the timetable of the rest of this legislation in very brief terms. Because this is one of a number of pieces of the legislation which had come forward. It is a big piece of work and a timetable of what is going to be required may be helpful in the context now of this Third Reading and getting this one over the line, which I am so pleased about.

**The Bailiff:**

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, I call on Deputy Scott to respond.

**9.3.2 Deputy M.R. Scott:**

I thank the Assembly for its support so far. As Members already know, there are substantial changes to be made with regards to our trademark legislation as well. As we look to move to a system of primary registration from the current system of secondary registration, and it was supported in the recent public consultation which ran earlier this year, to this effect our intention is to bring draft legislation to the Assembly which sets out the powers of the registry, along with other supporting subordinated legislation to transition to this primary system of registration of trademarks. Generally, this and some other minor legislative amendments are being advanced as soon as possible. To some extent, we have to liaise with the U.K. in this, so we cannot give a definitive timetable. It certainly is the intention to have all this presented to the States Assembly within this term. Again, I very much would appreciate the support that they can give and their scrutiny and any questions in the meantime. In the meantime, I ask for the vote for this Third Reading.

**The Bailiff:**

Sorry, are you asking for the *appel*?

**Deputy M.R. Scott:**

I am, thank you.

**The Bailiff:**

Very well, the *appel* is called for and I ask the Greffier to open the voting.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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 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 (H)				
Deputy L.J. Farnham				
Deputy S.Y. Mézec				
Deputy P.F.C. Ozouf				
Deputy Sir P.M. Bailhache				
Deputy T.A. Coles				
Deputy B.B. de S.V.M. Porée				
Deputy D.J. Warr				
Deputy H.M. Miles				
Deputy M.R. Scott				
Deputy J. Renouf				
Deputy C.D. Curtis				
Deputy 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 Bailiff:**

In about 3 minutes I am required to ask Members whether they wish to continue or whether they wish to adjourn. Members will remember that there are 3 items of Public Business; the Financial Services (Disclosure and Provision of Information), the Comptroller and Auditor General: Appointment of Member and the Jersey Police Complaints Authority, appointment of a member. Is the adjournment proposed? Deputy Tadier, do you have a point of order that you wish to raise?

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

It is not a point of order, Sir, it is that I wanted to speak on this because I am involved in the next item and before some other Member perhaps proposes that we stay on and finish business tonight, I think it is important that we ... I think there are a couple of reasons we need to come back tomorrow. I think P.49 is quite a heavyweight item. It is going to be not just of importance to Jersey but there will be lots of people watching this. I think it is important that we have a proper debate about it. I also wanted to just highlight the fact that the comments paper that our panel has issued is not linking and is not appearing on the Order Paper. I think that is a problem for anyone who is trying to follow and click on the Order Paper and be able to read our comments, if they have not read them up until now. I do not know if that could be resolved overnight.

**The Bailiff:**

Deputy, I am assuming by your intervention you are proposing the adjournment.

**Deputy M. Tadier:**

In a longwinded kind of way, Sir, yes. **[Laughter]**

**The Bailiff:**

The adjournment is proposed. Is it seconded? **[Seconded]** Does anyone wish to speak on the adjournment? Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:28]