

STATES OF JERSEY



DRAFT CHILDREN (CONVENTION RIGHTS) (JERSEY) LAW 202- (P.19/2022): AMENDMENTS (P.19/2022 AMDS.) – COMMENTS

**Presented to the States on 21st March 2022
by the Minister for Children and Education**

STATES GREFFE

COMMENTS

The Minister for Children and Education makes the following comments on the amendments of the Children, Education and Home Affairs Scrutiny Panel to his proposition concerning the [Draft Children \(Convention Rights\) \(Jersey\) Law 202-\(P.19/2022\)](#) –

1. Amd: I accept this amendment which will change the means of amending the list of ‘exempt decisions’ in Schedule 2 from a Ministerial Order to Regulations. Whilst I recognise the Assembly’s natural interest in wanting to determine any amendments to Schedule 2 and am therefore content to accept the amendment, the requirement to progress Regulations for this purpose represents a less agile approach to this process.
2. Amd 2: I urge Members to reject this amendment which will significantly extend the scope of the Article 6 duty by requiring the preparation of CRIA preliminary assessments for all forms of amendments to non-exempt propositions (i.e. every proposition other than those listed in Schedule 2). I believe that the draft Law as lodged, introduces an appropriate, balanced and proportionate duty with respect to the preparation of CRIAs for the propositions debated by the Assembly.

The effect of this amendment will be significant. As a baseline, if adopted this amendment will require the preparation of approximately 75 additional preliminary assessments in the course of a normal year. In the case of particularly complex propositions such as the Island Plan 2022-25 which we are debating this week, Members would have been required to prepare a CRIA preliminary assessment for each of the 113 amendments which have been lodged. If adopted, I believe the Panel’s second amendment risks inadvertently reducing the CRIA process to a ‘tick-box’ exercise, whilst also removing the opportunity for Members to exercise discretion in choosing to undertake a CRIA for any amendments which will affect the Island’s children, as part of their due-regard duty.

3. Amd 3: I do not accept this amendment which proposes to change the means of commencing the draft Law from a Ministerial Order to an Appointed Day Act.

Successful implementation of this Law (co-ordination of which is a General Obligation of the Minister under Article 11), will be achieved by approaching the duties it introduces as a shared endeavour. The next Minister for Children and Education will need to determine the readiness of all groups of duty-bearers and ensure the availability of appropriate training and resources to support them, prior to the enactment of the Law.

The commencement of the Law by Order enables the Minister to determine the date or dates on which it will be appropriate to enact the remainder of the Law based on this assessment of readiness, without taking up valuable Assembly time to debate an Appointed Day Act. I am confident that the progress which has been made during this term of Government under our commitment to Put Children First will continue to be evident in the next, so that an optimal date can be identified which balances the need to prepare with our shared ambition to see this legislation enacted.

I am grateful to the Children, Education and Home Affairs Scrutiny Panel for their engagement throughout the development of the draft law and their commitment to the

further realisation of children's rights through the processes of the Assembly, the Government of Jersey and civil society.