

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 25th JUNE 2024

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[09:31]

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

Deputy T. Binet of St. Saviour:

I will also be attending the funeral, and with that in mind, I wonder if Members would permit me to take the Urgent Question as the first question rather than the last, because there is a good chance that I would not be present.

The Bailiff:

It is a matter for Members. Yes, we will put that as first on the questions before questions with notice.

QUESTIONS

1. Written Questions

1.1 Connétable of St. Martin of the Minister for Justice and Home Affairs regarding the Jersey Field Squadron (WQ.226/2024)

Question

“Will the Minister advise what impact, if any, the [announcement](#) that the UK will increase defence spending to 2.5% of GDP by 2030 will have on costs to Jersey, and whether this decision will affect Jersey’s commitment to the Jersey Field Squadron?”

Answer

There is no reason to expect that the decision of the Government of the United Kingdom referenced in the Connétable’s question will affect costs incurred by Jersey.

The Government remains committed to supporting the Jersey Field Squadron as Jersey’s contribution to the defence of the United Kingdom in line with the Intergovernmental Agreement signed in 1981 by the States of Jersey and the UK Home Office.

1.2 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Education and Lifelong Learning regarding enrolled students in schools (WQ.227/2024)

Question

“Will the Minister state the total number of students enrolled in Years 1 to 13, broken down by each of Jersey’s public and private primary and secondary schools?”

Answer

	Nursery	Reception	1	2	3	4	5	6	7	8	9	10	11	12	13	Total
Beaulieu Primary	15	16	24	27	25	30	30	30								197
Beaulieu Secondary									99	88	82	76	105	75	66	591
Bel Royal	17	27	25	25	24	24	29	24								195
d'Auvergne	34	56	54	55	79	50	57	66								451
De La Salle Primary	19	17	24	13	21	31	22	42								189
De La Salle Secondary									76	69	73	54	78	39	53	442
FCJ	20	37	26	36	23	38	40	42								262
First Tower	23	45	43	49	46	45	46	50								347
Grainville									173	173	159	136	131			772
Grands Vaux	10	15	16	22	18	21	24	13								139
Grouville	29	51	55	56	47	50	51	55								394
Haute Vallée									159	122	122	98	115			616
Hautlieu												149	128	285	270	832
Helvetia		9	15	14	8	7	14	13								80
Janvrin	23	43	46	44	42	47	40	44								329
Jersey College for Girls									130	119	114	93	111	87	105	759
Jersey College Prep		71	70	72	43	44	44	45								389
La Moye	30	37	36	48	58	40	58	56								363
La Sente	<i>Year group data includes small numbers</i>															61
Le Rocquier									166	150	147	113	147			723
Les Landes		19	22	21	26	25	24	25								162
Les Quennevais									181	198	173	164	146			862
Mont à l'Abbé Primary	<i>Year group data includes small numbers</i>															61
Mont à l'Abbé Secondary									16	12	14	6	7	6	6	67
Mont Nicolle	17	25	28	26	27	26	29	27								205
Plat Douet	32	35	52	51	73	47	48	53								391
Rouge Bouillon	29	41	47	38	46	50	46	49								346
Samarès	29	50	43	49	43	30	26	26								296
Springfield	25	28	26	25	23	22	25	23								197
St Christopher's	<i>Year group data includes small numbers</i>															39
St Clement's	26	28	29	30	25	28	26	26								218
St George's	27	28	29	26	21	30	28	28								217
St John's	11	22	24	21	25	26	26	22								177
St Lawrence	19	26	26	25	28	25	26	26								201
St Luke's	20	25	26	23	24	23	24	20								185
St Martin's	24	27	28	27	26	26	23	25								206
St Mary's	7	15	27	17	26	22	29	23								166
St Michael's	12	20	26	32	33	33	38	36	33	37	8					308
St Peter's	23	22	26	29	24	27	27	28								206
St Saviour's	16	25	26	25	26	22	26	20								186
Trinity	20	28	27	26	42	19	25	27								214
Victoria College									130	112	102	101	100	69	68	682
Victoria College Prep					56	68	75	65								264

1.3 Deputy M.B. Andrews of St. Helier North of the Chief Minister regarding Government expenditure of Consultants (WQ.228/2024)

Question

“Will the Chief Minister state how much the Government has spent on consultants since he was appointed as Chief Minister; and what actions, if any, he has taken to reduce the use of consultants?”

Answer

Expenditure on consultancy for 2022 was published in February 2024, and the 2023 report is due to be published before the summer recess. The report for January-June 2024 will then be produced and published.

The production of these reports on consultancy expenditure is complex, and I have asked the relevant finance team to streamline and accelerate reporting, so that Ministers and Members have more up to date information.

Alongside this, as outlined in the Common Strategic Policy, we will control consultancy spending more rigorously. To achieve this the following actions have been taken under the current government:

- All consultancy expenditure will now require the Chief Executive’s approval, with the States Employment Board retaining oversight.
- All Departments are critically reviewing the need for consultancy services with a view to reducing reliance on consultants.
- An action plan is being developed and published in response to the Comptroller and Auditor General’s report [Use-of-Consultants-Follow-Up.pdf \(jerseyauditoffice.je\)](#).

1.4 Deputy K.M. Wilson of St. Clement of the Minister for Treasury and Resources regarding the States financial position following various Government decisions (WQ.229/2024)

Question

“In relation to recent decisions made by the Government to increase the minimum wage to match the living wage, to increase teachers’ pay, and to increase the subsidy for GP visits, will the Minister explain the impact of these decisions on the States financial position; and state what steps, if any, she is taking to ensure that public finances are sustainable?”

Answer

During the development of the Common Strategic Policy (“the CSP”), the Council of Ministers have considered the affordability of the decisions referenced, including the teachers’ pay increase. The CSP commits to reprioritising budgets where appropriate to deliver these objectives, maintain strong public finances and prevent unnecessary expenditure.

The financial impact of those decisions will be included in the forthcoming Government Plan 2025 – 2028, soon to be lodged with the Assembly. This will set out how budgets are balanced over the period and take into account the sustainability of public finances.

1.5 Deputy M. Tadier of St. Brelade of the Minister for Sustainable Economic Development regarding the budget for Culture, Arts and Heritage for 2022 and 2023 (WQ.230/2024)

Question

“Will the Minister publish a full breakdown of the total allocated budget for Culture, Arts and Heritage for 2022 and 2023 including –

- (a) any departmental spend on each area;
- (b) the detail of all grants and allocations through arms-length bodies or government bodies;
- (c) any other areas of allocation or expenditure; and
- (d) any underspends during this period; and
- (e) if there any underspends, as identified in (d), will he indicate the reasons for such?”

Answer

(a), (b), (c), (d): please refer to below table.

€: n.a.

	2022	2023
	£'000	£'000
<u>ALO Funding</u>	7,421	7,954
Jersey Heritage Trust	5,500	5,500
ArtHouse Jersey	915	1,130
Jersey Arts Centre Association	640	850
Jersey Opera House Limited	366	474
Staff	75	113
Consultancy	50	75
<u>Festivals</u>	126	194
13 th Parish Film Festival	20	25
Corn Riots Festival	56	31
Festival of Words	44	63
Lunar New Year 2023	6	48
Dreaming Trees		22
Jazz sous les Pommiers		5
Communication and Engagement	12	14
CIP Events	5	7
Creative Spaces	42	4
Cultural Diplomacy	13	32
<u>Heritage</u>	46	10

German fortification survey	29	
Heritage Strategy Launch	2	
JICAS Archaeology School	15	10
Arts Grants	54	135
Ballet d’Jerri	30	360
Total Department for Economy CAH Spend	7,873	8,899
Jèrriais	509	521
Bailiff’s Office – Liberation Day	100	103
Bailiff’s Office – Platinum Celebrations	100	
Total CAH Spend delivered outside of Department for Economy	709	624
Total CAH Budget	8,582	9,523

1.6 Deputy M.B. Andrews of St. Helier North of the Minister for Sustainable Economic Development regarding footfall in St. Helier (WQ.231/2024)

Question

“Will the Minister advise what actions, if any, he has taken in 2024 to –

- (a) encourage increased footfall in St. Helier, with particular reference to King Street and Queen Street;
- (b) engage with local businesses to promote and encourage footfall in St. Helier; and
- (c) address the empty shops in Town?”

Answer

- a) Footfall is one of the key indicators of the health of a High Street, however it only paints half the picture. If the footfall is not being converted to store entry or sales, it is not valuable on its own.

Work continues on a series of ‘quick wins’ for the Central Markets to improve both the retail and cultural experience of shoppers and drive increased footfall. Events programmes are also important to encourage footfall, particularly in the off-season and events such as Public Voice Common Ground, the Lunar New Year festival and La Saison Française have been employed to drive increased footfall to St Helier.

Footfall is now monitored by the introduction of two additional footfall cameras (installed in December 2023) on Queen Street and King Street. This has given us more data around the concentration of footfall and will be comparable year-on-year from this December.

- b) Work is underway with retailers and the Parish of St Helier to shape the forthcoming Retail Strategy and identify public realm improvements, marketing opportunities and meanwhile-uses for Jersey’s high street.

In line with the findings of the 2023 Consumer Survey, officers are also working with local businesses to provide greater flexibility for Sunday trading.

Furthermore, Jersey Business is in constant contact with local businesses to help them develop compelling business plans to entice more footfall.

- c) The Retail Strategy, due to be published this year, will address the various levers we can use to drive down vacancy rates. Amongst the early actions identified from this are the creation of a playbook for prospective retailers interested in investing in St Helier to encourage further investment, this will be published in July 2024.

However, there is not a silver bullet, and it will take a combination of efforts, as well as the acknowledgment of market changes to feel a marked difference on the high street. Landlords' decisions also play a big part in vacancy rates.

There will always be some natural vacancy as the nature of the High Street changes, and where buildings are sold and redeveloped there may be a period in between tenants. Where this is the case, government has sought ways to work with landlords on meanwhile use in some of the empty shops. To date, this has included charity promotion, photography exhibitions, art auctions and public engagement activation.

1.7 Deputy M.B. Andrews of St. Helier North of Treasury and Resources regarding personal Income Tax (WQ.232/2024)

Question

“Will the Minister confirm the contribution made from the top 1, 5 and 10 percent of personal Income Tax earners, as a percentage of the total personal income tax collected for each of the last five years?”

Answer

	Percentage of income tax paid by top 1% of earners	Percentage of income tax paid by top 5% of earners	Percentage of income tax paid by top 10% of earners
2018	12	31	45
2019	12	30	44
2020	12	30	43
2021	13	30	44
2022	13	31	44

This information is taken from the Tax Statistical Digest and does not include High Value Residents

1.8 Deputy M.B. Andrews of St. Helier North of the Minister for Sustainable Economic Development regarding entrepreneurial potential in Jersey (WQ.233/2024)

Question

“Will the Minister advise what policies exist or he is considering, if any, to encourage innovation and develop entrepreneurial potential in Jersey?”

Answer

The Future Economy Programme’s [Delivery Framework](#), published in October 2023 sets out actions to increase productivity to create sustainable economic growth towards 2040. Section 1.1 focuses on Enabling Our Entrepreneurial Spirit through the following actions:

Short Term (by end of 2024):

1. Create a platform for future economic ideas to be fed into Government and develop our on-going engagement process with key stakeholder groups
2. Begin to address barriers to start-up businesses as identified in the Barriers to Business report
3. Review the provision of the Young Enterprise Programme
4. Update the process for assessing entrepreneurs moving to Jersey

Medium Term (by end of 2026):

5. Promote the entrepreneurship opportunities from Impact Jersey

Long Term (beyond 2026):

6. Create an ecosystem of entrepreneurship that combines individual creativity, industry opportunity and Government agility to explore and test economic opportunities

An update on these actions and others in the Delivery Framework will be published later this year.

These cross-sector policies for entrepreneurship are supported by sector specific activity such as the forthcoming Digital Economy Strategy which looks at encouraging digital entrepreneurship by making Jersey an attractive place to start and scale-up a business. In addition, support for start-ups in Jersey is available from Arms-Length Organisations such as Jersey Business and Digital Jersey.

1.9 Deputy R.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Treasury and Resources regarding Memorandum of Understandings between the Government and States of Jersey Arm’s length Organisations (WQ.234/2024)

Question

“In respect to the Memorandum of Understandings (MOUs) between the Government and States of Jersey Arm’s Length Organisations (ALOs), will the Minister –

- (a) advise whether these MOUs will be reviewed by Government, and if not, why not;
- (b) provide a timeline for the review of any MOUs;
- (c) confirm if the Assembly will be involved in the reviews, and if not, why not; and
- (d) detail any other mechanism the Government uses to review the MOUs?”

Answer

In answering this question, it should be noted that the MoUs are between the Minister for Treasury and Resources and the five wholly owned States-Owned Entities (rather than the wider group of ALOs).

- a) The MoUs, implemented in May 2022, provide that the MoUs will be reviewed formally between the parties at least every three years;

- b) It is my intention to commence a review of the MoUs in the latter half of this year, with a view to implementing any agreed changes by the third year anniversary of the current MoUs;
- c) The Assembly will not be involved in the formal reviews, since the MoUs are between myself as Minister and the SOEs given the fact that I have political responsibility for the relationship with the SOEs pursuant to the provisions of the Public Finances (Jersey) Law 2019. However, it is my intention to publish any changes to the MoUs in the interests of transparency and, if there are material changes to the MoUs, to brief the appropriate Scrutiny panel; and
- d) The MoUs will be reviewed in the light of recommendations received from the Comptroller & Auditor General in her recent reports and fellow relevant Ministers will be engaged and consulted with respect to the “Policy Lead” aspects within the MoUs. The MoUs will also be reviewed, along with the SOE Boards, in accordance with evolving corporate governance standards, including the updated UK Corporate Governance Code which comes into effect on 1 January 2025.

1.10 Deputy H.L, Jeune of St. John, St. Lawrence and Trinity of the Chief Minister regarding the Critical Infrastructure Resilience – Energy Report (WQ.235/2024)

Question

“Further to the [Critical Infrastructure Resilience – Energy Report](#) published by the Comptroller and Auditor General on 3rd June 2024, will the Chief Minister advise –

- (a) whether Government intends to formally respond to the report and recommendations, and if so, the date for the response;
- (b) if (and how) the Government intends to progress each of the recommendations, and if not, why not;
- (c) how the Government will priorities the recommendations, and the basis for prioritisation; and
- (d) the timeline for the proposed new Resilience Law, as referred to in the report?”

Answer

- (a) The Government will formally respond to the report and recommendations, by way of executive response to the Comptroller and Auditor General. We intend to provide our response by Monday 15 July.
- (b) The Government will progress each of the recommendations through a variety of measures and timeframes, which will be set out in the response.
- (c)The recommendations will be prioritised on the basis of risk, achievability, timeliness and affordability.
- (d) The proposed new Resilience Law is at policy development stage. The Government’s aim is to have this new legislation in place by the end of 2026.

1.11 Deputy D.J. Warr of St. Helier South of the Minister for Treasury and Resources regarding flooring provisions in social housing properties (WQ.237/2024)

Question

“Further to the response to [Written Question 71/2024](#), will the Minister advise –

- (a) the outcomes, if any, of discussions with senior officers and the Minister for Social Security and the Minister for Housing regarding the review of policies in relation to the provision of flooring as standard in all social housing properties;
- (b) whether any other discussions have taken place with Andium Homes and other social housing providers in relation to flooring and, if so the outcomes; and
- (c) how the Government grant system for carpets is currently being funded?"

Answer

- a. The review is ongoing, with the potential options so far identified by the Minister for Social Security and the Minister for Housing and will be discussed with other ministers in due course.
- b. The Minister for Housing has engaged with Andium Homes to identify a basis for the discussions outlined in (a). No direct discussions have taken place with other social housing providers.
- c. Currently funding for the payment of grants is met through Customer and Local Services budget, and this continued provision will be reviewed after the discussions outlined above.

1.12 Deputy D.J. Warr of St. Helier South of the Minister for Housing regarding the future of Haut du Mont site (WQ.238/2024)

Question

"Further to the response to [Written Question 26/2024](#), will the Minister advise what progress, if any, has been made in relation to the future of the Haut du Mont site, following discussions between the new Government and the displaced residents and bereaved families?"

Answer

Discussions and examination of potential options have taken place between the Government and Andium Homes about the Haut du Mont site, but no decisions will be taken until we speak to the bereaved families and displaced residents to ensure their views are central to shaping any future plans.

1.13 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the Infrastructure Public Realm Programme in the Government Plan 2024-2027 (WQ.239/2024)

Question

"Further to funding allocated to the Infrastructure Public Realm Programme in the Government Plan 2024-2027 and the additional £1 million allocated to the St. Helier Renewal Programme pursuant to [P.97/2024 Amd \(24\)](#), will the Minister advise the details and expenditure, this year to date, of any projects carried out utilising this funding; and outline any future projects, including related costs, for the remainder of this year?"

Answer

The Government Plan 2023 – 2026 states: *"the 2023 Head of Expenditure for Infrastructure Rolling Vote and Regeneration including St Helier will include preparatory work for St Helier urban renewal work including Havre des Pas, with additional funding of £300,000 in 2024 and £350,000 in each of 2025 and 2026 to be included in future Government Plans"*.

The funding has been allocated as set out in the table below and will in some instances be supplemented by Planning Obligation Agreements. It should be noted that the programme and funding set out below will be subject to review as part of the forthcoming Government Plan process.

Project	Budget	YTD Spend + Commitments	Budget Remaining
Coronation Park Extension	£ 160,000	£ 9,275	£ 150,725
La Grande Rue- General	£ 50,000	£ 5,229	£ 44,772
Hill Street Improvements	£ 50,000	£ 34,084	£ 15,916
La Motte Street (Phase 1)	£ 725,000	£ 214,789	£ 510,211
Minden Place (New Street to Bath Street)	£ 120,000	£ 82,010	£ 37,990
Havre des Pas (Ph 2A - Heart of Village)	£ 70,000	£ 46,257	£ 23,743
Havre des Pas (Ph 2B - Dicq Roundabout)	£ 10,000	£ 2,173	£ 7,827
Western Bus Gateway - Option 4	£ 823,071	£ 105,216	£ 717,855
Parish Scheme - Trinity Village	£ 100,000	£ 4,504	£ 95,496
Parish Scheme - St John	£ 372,172	£ 38,314	£ 333,858
St Lawrence Village	£ 10,000	£ 458	£ 9,542
Public Realm Management	£ 210,757	£ 186,957	£ 23,800
La Grande Rue - New Street	£ 742,000	£ 198,884	£ 543,116
La Grande Rue - Broad Street	£ 50,000	£ 30,557	£ 19,443
Beresford Street/Halkett Street Crossing	£ 206,000	£ 10,295	£ 195,705
Halkett Street - Contribution to Parish	£ 300,000	£ -	£ 300,000
Halkett Place/Beresford Street Crossing	£ 30,000	£ 6,496	£ 23,504
Esplanade - Improvement Works	£ 100,000	£ 103,148	-£ 3,148
Bridging the Ringroad	£ 80,000	£ 50,206	£ 29,794
Coronation Park Crossings&Bel Royal Prom	£ 251,000	£ 28,125	£ 222,875
	£ 4,460,000	£ 1,156,977	£ 3,303,023

1.14 Deputy K.M. Wilson of St. Clement of the Minister for Treasury and Resources regarding any inequalities in the current tax policy (WQ.240/2024)

Question

“Will the Minister advise whether she is aware of any actual or potential inequalities arising from current tax policy, and if any such inequalities have been identified, which group of taxpayers are considered most at risk, and what steps her department are considering, if any, to reduce this inequality?”

Answer

Tax policy is developed in accordance with a set of tax policy principles that have been agreed by the States Assembly.

As stated in the principles themselves, no individual tax measure will meet all these principles. Overall, however, the Island’s tax regime should represent a sustainable balance of them.

Fairness and equality can have different meanings to different people. In the personal tax system, it can relate to equality based on age, sex, sexual orientation or marital status – dealing with some

historic equality issues across these areas has been the impetus behind the major reform package to introduce independent taxation.

If the Deputy is aware of or has a concern that there is a particular actual or potential inequality across the combined package of Jersey’s taxes, I would be happy to receive details of the issue and the basis for the concern.

Fair and sustainable

1. Taxation must be necessary, justifiable and sustainable
2. Taxes should be low, broad, simple and fair
3. Everyone should make an appropriate contribution to the cost of providing services, while those on the lowest incomes should be protected

Support broader Government Policy

4. Taxes must be internationally competitive
5. Taxation should support economic, environmental, and social policy

Efficient and effective

6. Taxes should be easy to implement, administer and comply with, at a reasonable cost
7. No individual tax measure will meet all these principles. But overall, the Island’s tax regime should represent a sustainable balance of them.

1.15 Deputy K.M. Wilson of St. Clement of the Minister for Social Security regarding individuals in receipt of Income Support (WQ.241/2024)

Question

“Will the Minister detail the number of people in receipt of Income Support broken down by age and gender, and include the percentage increase in payments awarded for the period 2018 to 2023 and January to April 2024, broken down by year?”

Answer

Number of participants on open Income Support claims as at 31/12 each year, and 30/04/24:

Male participants							
	End of year (2024 end of April)						
	2018	2019	2020	2021	2022	2023	2024
age band							
0 - 4	540	535	527	448	378	365	372
5-11	690	705	719	689	612	587	577
12-16	401	404	421	396	353	357	361
17 - 24	261	261	308	259	253	238	230

25 - 64	1801	1759	1978	1667	1473	1454	1490
65+	807	798	835	826	809	813	797

Female participants							
	End of year (2024 end of April)						
	2018	2019	2020	2021	2022	2023	2024
age band							
0 - 4	522	526	483	384	327	315	311
5-11	661	660	694	634	563	531	511
12-16	370	400	413	388	377	365	371
17 - 24	333	324	342	324	263	261	266
25 - 64	2710	2702	2838	2575	2361	2284	2286
65+	1184	1190	1246	1220	1174	1174	1168

The percentage increases within the Income Support system relate to the components that make up the overall Income Support award for a household. The percentage increases applied to most components over this period are:

- Oct 18 (approx. 3.0 %)
- Oct 19 (approx. 1.9 %)
- Oct 21 (approx. 1.1 %)
- Oct 22 (approx. 2.6 %)
- Jan 23 (approx. 6.4 %)
- Jan 24 (approx. 8.6 %)

In addition, specific components have received higher percentage increases in some years, and additional payments have been made to all Income Support households through non statutory schemes during this time.

1.16 Deputy K.M. Wilson of St. Clement of the Minister for Infrastructure regarding staff in the Infrastructure Department (WQ.242/2024)

Question

Will the Minister provide the following information in relation to his department, as of 1st June 2024

- (a) the number of permanent staff employed, broken down by grade and gender;
- (b) the number and cost of temporary staff employed over the last 6 months, broken down by month;

- (c) the number of temporary staff expressed as a percentage of the departmental full-time equivalent staff (including vacancies);
- (d) the number of vacancies in the department over the last 6 months, broken down by month;
- (e) the number of staff employed as consultants over the last 6 months, the cost of each consultant and the duration of their contract;
- (f) the number of employees who have resigned over the last 6 months, broken down by grade and role;
- (g) the number of staff currently waiting to start in a role in the department and details of the posts they have been recruited to; and

the staffing budget and number of full-time equivalent posts for the department for each of the last five years?

Answer

From August 2024, Public Sector Staffing Statistics will be published on gov.je. This is in response to the adoption of P69/2023. Publication will include much of the data requested, with publication on a 6-monthly basis. In addition, reports responding to P59/2019, publish agency and consultancy spend.

a) The number of permanent staff employed, broken down by grade and gender;

The table below shows permanent staff within the Infrastructure department, by grade and gender, as of 1st June 2024. Where figures are lower than 5, we have applied disclosure controls for data protection reasons.

Grade	Female	Male	Rather not say	Total
ATM01		<5		<5
CS04	<5			<5
CS05		<5		<5
CS06	9	8		17
CS07	17	6		23
CS08	10	26		36
CS09	11	25	<5	36-41
CS10	12	29		41
CS11	<5	26		26-31
CS12	11	13		24
CS13	<5	13		13-18
CS14	<5	12		12-17
CS15	<5	7		7-12
EW02		<5		<5
EW05		12		12
EW07		<5		<5
EW08		<5		<5

EW09		<5		<5
EW10		<5		<5
EW11		<5		<5
MW01	<5	<5		2-10
MW02		<5		<5
MW03	<5	26		26-31
MW04	<5	43		43-48
MW05	<5	53		53-58
MW06		36		36
MW07		15		15
MW08		<5		<5
TECH08		26		26
TECH09		<5		<5
TECH10		7		7
TIER 1		<5		<5
TIER 2	<5	<5		2-10
TIER 3		<5		<5
Total	96	416	<5	512 – 517

b) the number and cost of temporary staff employed over the last 6 months, broken down by month;

	Jan	Feb	Mar	Apr	May	Jun	Total
Cost Per Month	42,376.09	44,678.01	29,816.50	40,232.46	33,308.40	19,057.89	209,469.35
Temporary FTE Per Month	20.00	19.00	20.00	15.00	18.00	16.00	
Average cost per Temp Per Month	2,119	2,351	1,491	2,682	1,850	1,191	

Please note that June figures are only up to and including 19th June 2024 and, as such, are expected to rise.

c) the number of temporary staff expressed as a percentage of the departmental full-time equivalent staff (including vacancies);

<u>FTE as of 01/06/2024</u>	<u>Temporary Staff</u>	<u>Vacancies</u>	<u>Temporary Staff as a % of FTE (Including Vacancies)</u>
530.55	16	9.98	2.96%

d) the number of vacancies in the department over the last 6 months, broken down by month;

We are unable to accurately provide historical vacancy data within Infrastructure due to a lack of historically centrally held data. As from 22 April 2024, we have a new Talent Acquisition system within ConnectPeople, from which we can accurately report on vacancy

data. Vacancy data will be published six-monthly in our Public Sector Staffing Statistics, commencing in August 2024.

'A vacancy is defined as any role being actively recruited for, and which is showing as Live in our Talent Acquisition system'.

Based on this definition, below is a list of vacancies within Infrastructure, as of 13th June 2024:

- Operations and Transport: 7
- Property and Special Projects: 1
- Sports: 3

Please note that, in addition to the current 'live' vacancies, there may be additional budgeted vacant posts that are not currently being recruited for but may be in the near future. It is important to understand that a budgeted vacant post does not automatically qualify as a vacancy, as the funds may be temporarily reallocated, or the post may still be undergoing requisition approval processes.

e) the number of staff employed as consultants over the last 6 months, the cost of each consultant and the duration of their contract;

Government agency and consultancy spend is published in our P59/2019 reports on a six-monthly basis on the States Assembly website. The reports include a breakdown of the cost of consultants, fixed-term employees and agency staff employed by the Government of Jersey, by each Department and project. There is extensive work that goes into each report, and each is released several months after the period as a result. We are unable to provide data for H1 2024 as of yet.

f) the number of employees who have resigned over the last 6 months, broken down by grade and role;

20 individuals have left Government employment from Infrastructure over the last 6 months. We are unable to provide the grade and role breakdown for data protection reasons, as the individuals would be identifiable.

g) the number of staff currently waiting to start in a role in the department and details of the posts they have been recruited to; and

Directorate	Role	New Starters
Operations and Transport	Assistant Technical Support Officer	2
Operations and Transport	Key Supplier Services Portfolio Manager	1
Operations and Transport	Maintenance Multi Skilled Technician	1
Operations and Transport	Operations Manager Designate Civils and Coastal	1
Operations and Transport	Senior Engineer	1
Operations and Transport	Transport Planner – Active Travel	1
Sport	Leisure Assistant Standard	1

Sport	Membership Services Officer	1
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- h) the staffing budget and number of full-time equivalent posts for the department for each of the last five years?

Each year, staff costs, budgets and headcount are published in our Annual Report and Accounts. 2024 data will be available in the 2024 Annual Report and Accounts.

- 2023: [States of Jersey Group 2023 Annual Report and Accounts.pdf \(gov.je\)](#)
 2022: [States of Jersey Group 2022 Annual Report and Accounts \(gov.je\)](#)
 2021: [R States of Jersey 2021 Annual Report and Accounts.pdf \(gov.je\)](#)
 2020: [States of Jersey Annual Report and Accounts 2020 \(gov.je\)](#)

1.17 Deputy J. Renouf of St. Brelade of the Minister for Health and Social Services regarding the work undertaken by Deputy Sir P.M. Bailhache (WQ.243/2024)

Question

“Further to the response to Written Question [206/2024](#), will the Minister advise how many individuals were spoken to or interviewed by Deputy Sir P.M. Bailhache of St. Clement, and of this number –

- (a) how many were spoken to because they had contacted the Minister expressing a wish to speak to him; and
- (b) how many were spoken to because they were contacted by Deputy Sir P.M. Bailhache without having requested to speak to the Minister?”

Answer

In relation to the original question, Deputy Bailhache met with or spoke to approximately 30 individuals

In relation to questions (a) and (b), no formal record was kept, simply because it was not a formal process. Having spoken to several clinicians directly, shortly after taking office, it soon became clear that there was much discontent within their ranks informing me that others were keen to discuss their concerns.

Given the time this would have taken I took the decision to ask Deputy Bailhache if he would be kind enough to undertake this piece of work on my behalf. Given his background as a former Bailiff and long serving and well-respected member of the States, I felt I could rely on him to undertake the task with complete integrity.

I anticipated that from the time at which Deputy Bailhache took over the work that he too would receive various requests, and or, referrals. I believe that was the way in which it progressed.

It did not seem important at the time to keep formal records of the process, nor does it seem important with the benefit of hindsight. As an elected representative, with new Ministerial responsibilities for a large, complex and troubled portfolio, I saw no crime in listening to the

thoughts and feelings of clinicians, in much the same way as I would, and indeed have, for many others including patients.

1.18 Deputy J. Renouf of St. Brelade of the Minister for Treasury and Resources regarding preparations for the next Government Plan (WQ.244/2024)

Question

“In respect to Article 9(9) of the [Public Finances \(Jersey\) Law 2019](#), will the Minister confirm what specific steps (including meetings, briefing papers, and decisions) have or are being undertaken by Ministers and Officers to ensure that preparations for the next Government Plan will “take into account the sustainable well-being (including the economic, social, environmental and cultural well-being) of the inhabitants of Jersey over successive generations”?”

Answer

Article 9(9) of the Public Finances (Jersey) Law 2019 says:

- (9) The Council of Ministers must –
- (a) in preparing the government plan, take into account the sustainable well-being (including the economic, social, environmental and cultural well-being) of the inhabitants of Jersey over successive generations; and
 - (b) set out in the government plan how the proposals in the plan take that sustainable well-being into account.

The forthcoming Government Plan will set out how the proposals in the plan take sustainable wellbeing into account.

Some of the specific steps undertaken in preparing the plan include:

- Ensuring that the Common Strategic Policy (CSP) is aligned with Future Jersey and the three sustainable wellbeing themes (Community Wellbeing, Economic Wellbeing, Environmental Wellbeing) and the Island Outcome Indicators. The decisions on the priorities to include in the CSP and the associated resourcing implications have directly informed the Government Plan process.
- As part of developing the Common Strategic Policy and the Government Plan, Ministers have received briefings on Future Jersey and the Island Outcome Indicators, including from Statistics Jersey.
- A briefing was provided on the ways that ministers can individually and collectively take sustainable wellbeing into account.
- Briefings on the required content of the Government Plan (as set out in the Public Finances Law), which includes the requirement to consider sustainable well-being.

It should be noted that the Jersey Audit Office is currently undertaking [a review of the Jersey Performance Framework](#) and the approach taken to sustainable wellbeing.

1.19 Deputy A.F. Curtis of St. Clement of H.M. Attorney General regarding offences under the Planning and Building (Jersey) Law 2002 (WQ.245/2024)

Question

“Will H.M. Attorney General provide a breakdown of the number of [Planning and Building \(Jersey\) Law 2002](#) offences that have been determined in a Jersey Court in each of the last ten years detailing

- (a) under which articles offences have been determined;
- (b) how many offences determined resulted in a fine;
- (c) how many offences determined resulted in imprisonment;
- (d) the total value of fines levied; and
- (e) whether any fines levied had regard to the financial benefit of the action such as under Article 7(3)?”

Answer

Year	a) Offence	b) Number resulting in fine	c) Number resulting in imprisonment	d) Total value	e) Regard to financial benefit
2014	Article 33(1)	16	0	£4,000 (reduced on appeal to absolute discharge)	Yes
2015	Article 33(1)	1	0	£4,000	Not known
2016	Article 44(1) Article 54(2)	2	0	£50,000	n/a
2017	None				
2018	None				
2019	Article 33(1)	1	0	£2,500	Not known
2020	None				
2021	None				
2022	None				
2023	Article 44(3)	1	0	£7,000	Yes
2024	None				

2. Urgent Oral Question

The Bailiff:

The first Oral Question is ... it is the Urgent Oral Question, I apologise. The following Urgent Oral Question has been approved by me that Deputy Stephenson will ask of the Minister for Health and Social Services. I will allow the nominal time available for each other question, which is 9 minutes.

2.1 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter of the Minister for Health and Social Services regarding the report by the Royal College of radiologists on the breast screening service.

Will the Minister advise what actions, if any, his department is taking to rectify issues identified by the Royal College of Radiologists in their report on Jersey's breast cancer screening service and the timescales for any such actions to ensure that Islanders are receiving appropriate and effective care?

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

In April of this year I met with the Deputy Medical Director who gave me a full update on the situation and provided me with a thorough explanation of the breast radiology action plan. The plan included a well-considered range of recommendations, many of which have since been implemented or are in the process of being implemented. Some actions were easily addressed, but some will require further investment and support over a period of time. All the actions have been R.A.G. (red, amber, green) rated to ensure that those were the highest priority in relation to patient safety have been and continue to be addressed first. A sustained programme of support has been put in place and will be monitored on an ongoing basis. Full details of the recommendations will be made available at the next public board meeting in July. Members will be aware that there are numerous problems to be overcome at the Health Department and there is no doubt that other issues will emerge before things settle down. But at this point in time, what I can assure Members is that I have been extremely impressed with the speed and efficiency of the work that has been undertaken since the report was received.

2.1.1 Deputy L.K.F. Stephenson:

I understand again from media coverage yesterday that the radiologist referred to in the *J.E.P.'s* (*Jersey Evening Post*) coverage of the contents of that report and subsequent fallout from it is still employed by his department. Can the Minister confirm on what terms that individual is working, in what role and what steps have been taken to ensure they are up to the job and not putting further patients at risk?

Deputy T. Binet:

I cannot provide a precise detail of what that radiologist is doing at the moment, but I can assure the Assembly that nobody else is being at risk. If we look at the actual facts behind this, the level of false negatives that were detected is within the tolerances that are generally accepted in most western countries.

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

I asked the Minister 2 weeks ago - in the last States sitting in fact - what are the clinical areas in the H.C.S. (Health and Community Services) that the Minister is most concerned about at the moment? His response was: "I have to say there is nothing of massive concern at this point in time." Is the Minister still content with his answer?

Deputy T. Binet:

Yes, I am. This latest affair is historical. It happened a good while ago. It was first initially dealt with a year ago. I think there are Members present who were aware of the situation. It is my job to ensure that patients are not put in a state of panic. I think this has been handled sensitively and we will carry on handling further issues of the sort in the same manner.

2.1.3 Deputy H.L. Jeune:

Could the Minister advise when he knew about the concerns outlined in the Royal Court Radiologists' Report and, when he did so, did he prioritise them as something that was an important part of his oversight?

Deputy T. Binet:

The Deputy referred to the Radiology Report. Sorry, could the Deputy repeat the question? Sorry.

Deputy H.L. Jeune:

Sorry, maybe I have the name of the report wrong, but could the Minister advise when he knew of the concerns outlined in the report that I think the *J.E.P.* said was published in in January, but when did the Minister know of these concerns and did he prioritise any of them from January and, if not, why not?

Deputy T. Binet:

Yes, I was informed of the situation shortly after taking office, which is end of January, early February, I believe. I have been updated ever since and, as I said earlier, I have been extremely impressed by the way this has been handled. It has been under the control of the Deputy Medical Director, and I have to say I have had full confidence in the actions that he has taken. It was very, very clear that he prioritised everything and made very good arrangements to deal with things in a timely and sensitive manner. I did not have to prioritise anything, I could see that matters were being well-prioritised by the team.

[09:45]

2.1.4 Deputy J. Renouf of St. Brelade:

The Minister says he knew in January. He says he met with the Medical Director in April. The Ministerial Code, point 28, says: “Executive Members should adopt a no-surprises approach regarding announcements, ensuring that Ministerial colleagues and then the States Members are notified in advance of the media.” Why did the Minister not follow this?

Deputy T. Binet:

Simply because I deemed it in the best interests of patients not to do so. I think in all of these matters ... I know that we all feel that we are entitled to information here, and that is absolutely as it should be, but in Health I am afraid the patients come first and I took the view that it was in the best interest of the patients that every one of those patients that was concerned should have been contacted in the first instance. That is the way that we chose to deal with it.

2.1.5 Deputy J. Renouf:

We are dealing with this issue now because of the report in the newspaper. Can the Minister say when all those people had been contacted, given that this was first brought to his attention in January, and why it has taken so long to make those contacts?

Deputy T. Binet:

I do not know if I heard the question correctly. Did I hear correctly that we have dealt with this because of a report in the newspaper?

The Bailiff:

Well, the specific question is when did the people affected by this receive notification? That is the point to it.

Deputy T. Binet:

As soon as we had sufficient information to know what we were contacting them about. It has been a complex process. I am happy to reveal what that process is. It is not something that I could stand here and repeat in full detail, but there has been a very complicated, well-organised process that has been implemented, and I am very happy to share that with the Deputy should he so wish.

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

In the best interests of patients, how is the accountability for this being managed?

Deputy T. Binet:

Once again, I cannot lay that out in precise detail, but I can assure the Constable that they are being managed appropriately. I have no reason to suspect why they would not be handled in accordance with all of the protocols that are in place.

2.1.7 The Connétable of St. Lawrence:

Has the Minister not asked that question of his officers because he should be able to answer it?

Deputy T. Binet:

To be honest with you, I cannot recall having had that discussion. I may well have done. I have dozens and dozens of conversations with a lot of people on a lot of issues. But I am very comfortable with the people that are dealing with this and I am absolutely certain it has been dealt with properly. I can certainly report back to the Constable at some point after the Assembly.

2.1.8 Deputy M. Tadier of St. Brelade:

In one of his supplementary answers the Minister talked about not wanting to, I think, induce panic or something to that effect. Could he clarify what he meant by that?

Deputy T. Binet:

Well, it would have been easy enough for the former Minister for Health and Social Services or the former Chief Minister to report to this last year, because this was all known about at an earlier stage. Why would anybody want to put something out in public where people are going to be uncertain as to what their status is? We wanted to make sure that all of those things have been dealt with in an orderly manner before the public knew. I think it is the patient's right to be dealt with before the public get notice.

2.1.9 Deputy M. Tadier:

I am just wondering if this is an example of opinion management from a Ministerial department. Surely the correct way to proceed is just to present the facts at the correct time and then let people decide whether they want to panic or whether they want to be quite relaxed about the news that is going on. Would the Minister agree that is the usual way forward?

Deputy T. Binet:

No, I would not. I think it is quite preposterous, to be honest with you.

2.1.10 Deputy I. Gardiner of St. Helier North:

The Minister has mentioned that there are outstanding actions required to be implemented. Would he inform the Assembly what the outstanding actions are from that report?

Deputy T. Binet:

There is a whole series of ongoing actions that relate to this, too many and varied for me to actually commit to memory. As I say, those parties that are interested in the further details, I am quite happy to share them with Members at a later stage.

2.1.11 Deputy I. Gardiner:

I understand there are too many actions but would the Minister be able to provide at least 3 actions that he considers are important and urgent to implement?

Deputy T. Binet:

Off the top of my head, under this sort of pressure, no, but I am very happy there is a comprehensive programme of works that is being undertaken.

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

Has the Minister reflected that the patient groups mostly impacted by the 2 major issues identified recently are groups that may be particularly vulnerable in medical settings, namely older people and women? In making these reflections, what actions can the Minister take to make sure that these groups are receiving appropriate medical care?

Deputy T. Binet:

Given that I take these 2 groups particularly seriously, I think it is safe to say that I have done all that I can up to this point in time.

2.1.13 Deputy L.M.C. Doublet:

I have reflected on the Minister's answers to the previous question, where he declined to give any action points off the top of his head. Did the Minister not prepare for this Question Time with his officers and does he not have that action plan in front of him today? **[Approbation]**

Deputy T. Binet:

Yes, I did spend a considerable amount of time preparing for this but I have also got a considerable amount of other work. We have a Health Service that is not in disarray but requires a great deal of attention. I also spend some of my time looking at redesigning the entire Health Service, a major body of work where I am going to come back to the Assembly for a large sum of money to do ill-health prevention. These are major things that are going to give rise, with the Assembly's approval, to a lot of these things not happening anymore. So I spent a little bit of time dealing with the symptoms of what is going wrong and I spend an awful lot of time dealing with the causes. I am very comfortable about that.

Deputy L.M.C. Doublet:

Sir, if I may, I think the second part of my question was not heard because of the foot stamping. I asked the Minister if he had the action plan in front of him today.

Deputy T. Binet:

No, I do not have the action plan in front of me today here, because I do not see what purpose that would serve. There is a team of very competent people dealing with this issue and I am very comfortable about that. I do not think having that report here would serve any purpose particularly.

2.1.14 Deputy L.K.F. Stephenson:

Can the Minister confirm if the R.C.R. (Royal College of Radiologists) report - which I believe there are 2 reports and this is the initial one, which focused on radiology - raises any further questions about any other aspects of radiology care which warrant further investigation or action beyond those which relate to the breast cancer screening service? Or is he satisfied that all other aspects of radiology are working appropriately and effectively and delivering the best possible care for Islanders?

Deputy T. Binet:

There are other issues of radiology under scrutiny at the moment and we will be making those findings clear probably towards the end of next month.

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

Sir, there was not an opportunity to ask a further question to put the record straight, but I do think that the Minister for Health and Social Services inaccurately suggested that the former Chief Minister was aware of this report. She was not.

Deputy T. Binet:

Sir, I have to say, if I may, that I checked that yesterday and I was informed that that was the case.

The Bailiff:

Well, I think this is a matter that certainly cannot be resolved. There is no mechanism for resolving any kind of dispute on this before the Assembly. I certainly cannot resolve it and so I think we have to leave it as it is there.

3. Oral Questions

The Bailiff:

We come now to questions with notice in the ordinary course of events.

3.1 Deputy K.M. Wilson of St. Clement of the Minister for Health and Social Services regarding the work of the P.F.A.S. Scientific Advisory Panel (OQ.118/2024)

Will the Minister provide an update on the work of the P.F.A.S. (Per- and polyfluoroalkyl substances) Scientific Advisory Panel, with specific regard to the presence of P.F.A.S., concerns raised by Islanders about P.F.A.S., and any findings or recommendations that have been made by the panel to date?

Deputy T. Binet:

It is quite a comprehensive question so I am going to ask whether you can provide a small extension to the usual response time?

The Bailiff:

Well, usual response time is one minute and 30 seconds. It is often honoured in the breach rather than the observance so we do not go on to 3 minutes or 2 minutes.

Deputy T. Binet:

I will answer it as quickly as I can, Sir.

The Bailiff:

Then let us try and get through it.

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

The P.F.A.S. Scientific Advisory Panel has been in place for about a year and they are currently preparing a series of reports in order to make recommendations for the Government. The first report has been finalised and that recommends implementation of a therapeutic phlebotomy service. That service is now in development. Report 2 focuses on the health effects of P.F.A.S. and that is currently in preparation with recommendations due to be discussed by the panel in public towards the end of June. Islanders will be consulted on the report's findings in September with a publication plan for the fourth quarter of this year following the incorporation of the consultation feedback. The report takes into consideration Islanders' concerns regarding health conditions they believe to be related to P.F.A.S. exposure and seeks to provide evidence for each disease area. Report 3 will review potential interventions to reduce P.F.A.S. levels and advise on the testing and retesting of Islanders. Work on this report started in June with the launch event and a call for Islanders to provide evidence. The finished report is due to be shared with Islanders just towards the end of the year and published early

in 2025. Now, the panel has not started work on report 4 yet, but when it does it will look into the impacts of P.F.A.S. on the environment. At recent consultation meetings, concerns have been raised in relation to the presence of P.F.A.S. in substances such as soil and mains water, and it is intended these matters will be investigated during the preparation of report 4 in order to address these concerns. No environmental recommendations have been made by the panel at this stage and that is because a series of robust evaluation methods will need to be determined and followed in order to establish the facts that will give rise to them.

The Bailiff:

That was well within the time, Minister.

3.1.1 Deputy K.M. Wilson:

Can the Minister outline what he believes the impacts are on the individuals who are affected by this contamination, with particular regard to their health needs?

Deputy T. Binet:

I am not aware that anybody has been particularly badly affected. As I say, I am not a clinician, I am not qualified to answer that question. That is why we have this report; these series of reports being compiled.

3.1.2 Deputy M. Tadier:

This has been an issue which has been raised over many years, not least by constituents in the west of the Island, St. Peter, St. Brelade being 2 significant Parishes where there has been concern raised by members of the public. I had contact from somebody who was very concerned that her breast cancer may be linked to P.F.A.S. She does not know that for sure, but she is looking for answers, as are many members of the public. The lack of answers may well give rise to what the Minister spoke about earlier, panic among the public when this matter does not seem to have been resolved. Can he give an assurance that at some point very soon that there will be answers to those many people in the Island for whom this is a current issue?

Deputy T. Binet:

I must admit to being at a bit of a loss in this regard. There seems to be a number of people that think that when things come to the public's attention or come to the attention of people that have to deal with it that things can be resolved overnight. Unless I am wrong, I have just given a fairly comprehensive outline of 4 reports that are currently being undertaken. I certainly cannot pre-judge what they are going to say. I think the team are working on this as quickly as they can and the outcomes of those reports will be made available as soon as possible.

3.1.3 Deputy H.L. Jeune:

Could the Minister advise if he will be putting forward funding in the Government Plan for 2025 in relation to supporting any recommendations that come out of this scientific advisory panel, both for environmental but also for health issues?

Deputy T. Binet:

Another opportunity for me to say that I do not know what is in the Government Plan for this. At this point in time, I do not know what is in the Government Plan for P.F.A.S., but I shall certainly find out and let the Deputy know. I have to say I am not a walking encyclopaedia.

3.1.4 Deputy H.L. Jeune:

Will the Minister confirm if he will be prioritising putting funding into the Government Plan 2025?

Deputy T. Binet:

I will be taking a balanced approach to how we deal with all of the funding in these areas.

3.1.5 Deputy K.M. Wilson:

Given the Minister's comments about he does not know what impact this has had on individuals' health, would he undertake to meet with those affected to gain a better understanding of their concerns?

Deputy T. Binet:

Among the many other things that I do, I seek to meet just about everybody that asks for a meeting with me. Nobody has been in touch with me about this to date. But like I do with virtually every other request, I am very happy to meet people who have concerns. As I say, unless I have missed something, it is the intention of these 4 reports to actually ascertain what the problems are.

3.2 Deputy G.P. Southern of St. Helier Central of the Minister for International Development regarding improving international poverty levels (OQ.128/2024)

Further to publication of the *Best Things First* book by Professor Bjorn Lomborg and the conclusions arising from that publication, what is the Minister's assessment of the effectiveness of her department in improving international poverty levels?

[10:00]

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

Lomborg is good and we have taken much of his work into account alongside others of the effective philanthropy movement, such as Open Philanthropy, and resources like GiveWell. While I have not yet read this particular publication, which only came out last year, I am familiar with the fact that Lomborg, among other things, maintains that targeted efforts can make a significant difference. Which is exactly what we have done by structuring Jersey Overseas Aid in the way we have, focusing on 3 thematic areas and where we can also add value and expertise.

3.2.1 Deputy G.P. Southern:

Could the Minister suggest what progress has been made away from the physical building of community centres in Africa or wherever and on to the adoption of its skills-based advice and assistance in Africa? What progress has been made?

Deputy C.F. Labey:

I think the Deputy is referring to community work projects when he talks about building community centres. That is one very small aspect of our work and we still send volunteers out there. We are now looking at sending skilled volunteers who can offer their skills such as teaching, such as medics and possibly in the future we will look to veterinarians.

3.2.2 Deputy H.L. Jeune:

There is also another school of thought that specific development aid only changes a small part of life and actually looking more at systemic causes of poverty in developing countries is the way forward. Could the Minister advise if any part of her role is to encourage policy coherence across government policies and initiatives to prevent unintended negative consequences on poverty reduction and the impact of climate change in developing countries?

Deputy C.F. Labey:

Well, as the Deputy will know very well, we focus on conservation livelihoods. I would say that all aspects of a project are taken into account, including the negative aspects that there may be. So it is

a case of looking at a project in the round, the benefits versus the negatives. I have to say that the projects that we support, the benefits always outweigh any negatives.

3.2.3 Deputy H.L. Jeune:

Sorry, the Minister maybe misunderstood my question. I was asking if, as part of her role, she is looking at Government in Jersey and any policies or initiatives outside her remit that potentially could have an unintended consequence on poverty reduction in developing countries, if she encourages and influences that policy coherence, to ensure that there is wider benefits to the work she specifically does.

The Bailiff:

Well, I think it is whether you have a view across Government for the purposes of identifying any policies not within your Ministerial remit that might nonetheless touch upon the interests of your Ministerial remit. Is that a fair assessment?

Deputy C.F. Labey:

I am not sure that relates to a book from the original question, but it is an aspect I would have to think about.

The Bailiff:

That was the first question. Do you want to have a supplemental question, Deputy Jeune? It is not compulsory.

Deputy H.L. Jeune:

No, it is okay, I have more later.

3.2.4 Deputy G.P. Southern:

The Minister mentioned the use of teachers or getting teachers involved in Africa, could she inform Members how many teachers have been involved in recent initiatives and for what periods?

Deputy C.F. Labey:

I think we touched on this in the good Deputy's Scrutiny Panel hearing on Thursday. So this year is the first year we sent teachers out and we sent a cohort in the Easter holiday for 2 weeks. We are sending another group of teachers in August. They go for 2 weeks and they teach English in schools.

3.3 Deputy D.J. Warr of St. Helier South of the Minister for Infrastructure regarding the Lido at Havre des Pas (OQ.122/2024)

Will the Minister advise what progress, if any, has been made regarding the delivery of a project to refurbish the Lido at Havre des Pas, as included in the Government Plan 2024-2027?

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

I thank the Deputy for his question. Work has been carried out on the electrical safety and following the recent fire risk assessment conducted by fire safety consultants and as recommended in their report, the following works will be undertaken over the next 3 weeks. Upgrade of the fire detection and warning system, clear and up-to-date fire safety signage, additional emergency lighting, kitchen fire suppression system and fire extinguisher replacement. As mentioned at the last States sitting, our focus is on statutory requirements in the first place, that work continues and the cost of these works will be £51,000. A feasibility study on the delivery of the Lido external is scheduled to be completed next week and this will assess the best approach for remedial works on the cracking northern staircase tower and a full Lido external redecoration with an estimated cost of £350,000.

3.3.1 Deputy D.J. Warr:

When it comes to refurbishing - and I thank the Minister for his answer - the Lido complex, how does the Minister measure the wider social and economic benefit to the Island of this investment? Does he think that the wider return justifies what he recently described as a cost to his department?

The Connétable of St. John:

The Lido is just one of the Island's assets. The balance that we have in maintaining those assets is clearly a difficult one. We have to maintain our assets and we have to do that in a timely manner when we have the funds available. We will continue to make sure that our statute requirements on all of our properties are met first and foremost.

Deputy D.J. Warr:

I am not sure I got the question answered about how does he measure the wider social and economic benefit to the Island.

The Bailiff:

I am not sure I heard an answer to that part of the question. Are you able to deal with that, Minister?

The Connétable of St. John:

As I said, we have many assets across the Island and our focus is on the statutory requirements in the first place. Thank you.

The Bailiff:

That is the answer then.

3.3.2 Deputy I. Gardiner:

Apologies, I missed the list of the things that will be done to the Lido and Havre des Pas area, would the Minister advise if the maintenance, cleaning and refurbishment of the children's pool is on that list?

The Connétable of St. John:

The cleaning works, I think I mentioned in the last States sitting that we were scrubbing more frequently to try and prevent trips and falls.

3.3.3 Deputy I. Gardiner:

Does the Minister consider that the children's pool requires more than cleaning, it requires refurbishing to ensure safety of swimming for children?

The Bailiff:

I will take that as a supplemental question. It is not a general exchange but a supplemental question to that end.

The Connétable of St. John:

At the moment, our focus is on the building. Firstly, the safety within the building, then making sure that the building is as good as it can be. I will ask officers for an update at our Ministerial on Thursday in reference to the pool.

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

I appreciate the Minister saying that he is taking the statutory parts of the responsibility for Lido seriously. With that, will the Minister confirm that the tenant will be issued notice when all works are being taken, in writing and in advance?

The Connétable of St. John:

I believe that we are obliged to do that with all of our tenants, to advise them of when we are doing planned works, and the only time we would not do that is in an emergency.

3.3.5 Deputy T.A. Coles:

The tenant of the Lido has said to his constituency representatives that he has known representatives from Property Holdings attending their licensed premises without notice. Will the Minister please ensure that the notice is provided within the required timeframe?

The Connétable of St. John:

I am not sure of the details, but I will certainly look at that and make sure that happens.

The Bailiff:

Finally supplementary, Deputy Warr?

Deputy D.J. Warr:

No, thank you.

3.4 Deputy J. Renouf of the Minister for Health and Social Services regarding the Mortality Learning Review (OQ.121/2024)

Will the Minister provide an update on the results of the Mortality Learning Review being conducted following the death of patients treated by the Rheumatology Department in the last 3 years, and will he also provide details on any other patient safety reviews taking place in the Health Department?

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

The Mortality Learning Review is actually an ongoing process that will take some time to complete. There is no conclusive or meaningful information available at this time, but an interim report will be compiled over the next month for presentation at the Health Advisory Board at the end of July. What I can say about this issue is that 5 cases to date have been referred to the Viscount. It is well known that all areas of the hospital will be reviewed over the course of time and it is inevitable that more problems will be found in certain areas. There are no new reviews underway at present but we have identified the next area for review, and that process will begin in the next few weeks. Given, as I have already stated this morning, that the first rule of good health, certainly in my view, is to put the patient first, I do not feel that it would be appropriate to broadcast what particular area this will be. In the event that little of substance is found to be wrong, all we would have achieved is to cause a great deal of unnecessary stress and anxiety to recent and current users of that service. I do not think that would be a very helpful approach.

3.4.1 Deputy J. Renouf:

The Deputy Medical Director told Scrutiny on 6th June that 90 patients had been reviewed to see if their deaths were linked to treatment. Can the Minister say how many of these the expert panel thought should be referred to the Viscount?

Deputy T. Binet:

They are going through that process to refine how many get sent. As I have already mentioned, 5 have already been sent to the Viscount. It is quite possible that more will be sent as well.

3.4.2 Deputy H.L. Jeune:

The Minister committed earlier this year to an action plan to deal with the Royal College of Physicians report by the end of June. Is he on track to deliver that action plan?

Deputy T. Binet:

That is probably going to be slightly delayed.

3.4.3 Deputy H.L. Jeune:

There are 23 recommendations in the Royal College of Physicians report. Can he confirm, first, if he has read the report and if he accepts all those recommendations? Will he be actioning them according to the timetable set out in the report? If not, which recommendations does he not agree with?

Deputy T. Binet:

That is a whole series of questions. The full radiology report, I have to confess I have not read, I have read the summary. Sorry, could I ask for the second part of that question?

Deputy H.L. Jeune:

If he is accepting the recommendations and will he be actioning them according to the timetable that is set out in the report? If not, why not?

Deputy T. Binet:

Certainly it is beyond my pay grade to argue with recommendations from people at the Royal College, so the answer to that is yes. As far as whether we are going to get everything done in accordance with that timetable, I would have to go and ask that question. I will happily let the Deputy know how that is progressing against the stated timetable.

3.4.4 Deputy I. Gardiner:

When does the Minister expect the Mortality Learning Review to be completed?

Deputy T. Binet:

Sorry, which review would that be?

Deputy I. Gardiner:

Mortality.

Deputy T. Binet:

There will be an update on that given in July. That is not going to be ready for some time. As I say, it is an ongoing process that is quite complicated and it is expected to run for some time. I will repeat that there will be an update on that at the next board meeting at the end of July.

3.4.5 Deputy I. Gardiner:

Would the Minister present to the Assembly the findings and action plan, and would the Minister be ready to answer the Assembly questions on the facts as required?

Deputy T. Binet:

I think that is an obligation on me, so the answer to that would be yes.

3.4.6 Deputy L.K.F. Stephenson:

Can the Minister set out his understanding of the role of a Minister in relation to leading a department when such a review is ongoing and when other patient safety reviews may be ongoing?

Deputy T. Binet:

I do not think that is an appropriate question. It is not something I could answer properly in this sort of setting. I could provide a written answer to that. That is something I would need to give some thought to.

The Bailiff:

The answer is you are not in a position to answer that question at the current time, is what you are saying.

Deputy T. Binet:

I think that is safe to say, yes.

3.4.7 Deputy L.K.F. Stephenson:

So, just for clarity, our Minister for Health and Social Services cannot explain what his understanding of his role is in relation to leading a department when we have a Mortality Learning Review going on.

Deputy T. Binet:

If I may say, I do not think that is a very sensible question to be asking in this setting.

The Bailiff:

Well, I have to say, Minister, you are responsible for your Ministerial office and it is not unreasonable to ask what your understanding is of the areas that you should cover and be across, and the things that you should do. I do not think that is outside the ambit of that or the question in connection to the Mortality Learning Review.

[10:15]

Deputy T. Binet:

I will attempt to answer on the balls of my feet. These are very complicated. As a layperson, one comes to this job with a view to playing a political role. The first thing that I tend to do is to assess the people that I am working around, whether I trust them or not. At this particular point in time, I trust the team that are doing the work and I play, what I consider to be, an appropriate political role in working with those people to make sure that the best outcomes for the patients are achieved.

3.4.8 Deputy J. Renouf:

This is a Government committed to openness and transparency according to their Common Strategic Policy. I raised with the Minister the point that the next board meeting is, I believe, after the Assembly has finished sitting. Therefore, will he commit to bring those recommendations or the reports rather of the Mortality Learning Review for discussion to the Assembly, as the Ministerial Code of Conduct suggests it should do in terms of being brought before the Assembly before it goes to the public, so that the Minister can answer questions about it in this place?

Deputy T. Binet:

Certainly that will depend entirely on whether it is ready and prepared in time.

3.5 Deputy H.M. Miles of St. Brelade of the Chief Minister regarding the embargo of press releases (OQ.124/2024)

Will the Chief Minister provide details of any change in policy or process relating to the embargo of press releases?

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

There has been no change in policy. Embargoes enable us to share information with the media in advance so it can be communicated to Islanders at the right time and to avoid delays in informing the public of important issues. The reasons to use an embargo can vary from the official publication time of report to the need to inform individuals or groups particularly affected by Government

announcements in the first instance. The policy remains that news releases are shared with States Members at least an hour before publication or an hour before the embargo is lifted.

3.5.1 Deputy H.M. Miles:

I thank the Chief Minister for that response. I am a member of the Women's Health Political Group and we were told last Wednesday at our meeting by a senior official, after some pressure, that Health had provided an embargoed press release to the *J.E.P.* about an emerging story that related to women's health. Members of that group were very surprised to hear this and none were aware, including both Assistant Ministers for Health and the Minister for Social Security. In the light of the Ministerial Code about no surprises, does the Chief Minister think that it is acceptable that a political group responsible for woman's health were not trusted with this information?

Deputy L.J. Farnham:

Well, the original question I was asked about was the policy for embargo press releases. The policy relates to communication with States Members. I think outside of that, communication with interested bodies is a matter for the relevant Minister to decide, depending on the circumstances.

3.5.2 Deputy H.L. Jeune:

Can the Chief Minister advise what actions he and his Council of Ministers are taking to be more transparent with the full States Assembly on key issues that arise? Especially given this seem to be a strong part of the report, the vote of no confidence and indeed part of the own Chief Minister's speech when he became Chief Minister, and also in the C.S.P. (Common Strategic Policy)? How does he intend to improve this transparency?

Deputy L.J. Farnham:

Well, I hope we are being transparent. It is our policy to be transparent. We regularly discuss the importance of sharing information, especially with States Members and the public. If Members do not feel we are being transparent in any particular issue, I would like to hear about it so we can deal with it accordingly.

3.5.3 Deputy H.L. Jeune:

I therefore refer the Chief Minister back to the second question of Deputy Miles, where there was a group of politicians, including those within his Council of Ministers, who did not know about a very specific issue, a public matter, and the politicians involved felt they were not trusted with this kind of information ahead of the report on Monday being published in the *J.E.P.* but journalists were.

Deputy L.J. Farnham:

Yes, I will certainly look into that. The policy is that before any department issues a media release, Ministers and State Members are informed. If that has not happened, we will try to find out why.

The Bailiff:

Final supplementary, Deputy Miles. The Connétable of St. Martin, you put your light on slightly after I called the final supplementary.

3.5.4 Deputy H.M. Miles:

The Chief Minister often tells us that he prides himself on respect, courtesy and professionalism. Can he assure us that withholding information is not going to become a feature of his Government?

Deputy L.J. Farnham:

Yes, and I will make sure I use every ounce of influence I have to ensure that we remain transparent and we do not withhold information unnecessarily. I would urge Members that if they hear of any such instances to bring it to me, I will certainly look at it and treat it with utmost seriousness.

3.6 Deputy M. Tadier of the Minister for Sustainable Economic Development regarding funding to Jersey Heritage OQ.129/2024)

Further to his response to Written Question 230/2024, will the Minister advise why the 2023 Government funding to Jersey Heritage was frozen at 2022 levels?

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

As the Deputy is aware, grant funding to Jersey Heritage almost doubled following the introduction of the 1 per cent for Arts, Culture and Heritage. Due to the fact that we have launched the Arts Strategy and the Heritage Strategy in 2022, both of which contained ambitious plans in order to deliver on these, including new initiatives, it was necessary between 2022 and 2023 to keep core grant funding to Jersey Heritage at the same level. That, though, has been superseded in 2024 with a £360,000 increase in funding for Jersey Heritage, which equates to 6.5 per cent. So the grant today stands at £5.8 million. Back in 2021, I believe it was, it was £2.8 million. So between those years there has been clearly a very significant increase in funding for Jersey Heritage Trust.

3.6.1 Deputy M. Tadier:

I do not think it is reasonable to compare to pre-1 per cent levels. I think the Minister did not really address why the funding had been frozen. I do not want to compare with other A.L.O.s (arm's length organisations) because I think it could be seen as divisive, so I will not quote exact figures. But it is the only A.L.O. that did not receive an increase from its 2022 figures. The 6.5 per cent that the Minister talks about only equates to a fraction of the 25 per cent inflationary costs that the organisation has seen over a 2 or 3-year period. Can the Minister again try and explain why they had to accommodate a freeze, which of course meant that they did not have enough to pay their staff a cost-of-living adjustment, when other organisations were not given that freeze?

Deputy K.F. Morel:

If I remember rightly I did explain in the first part of my answer, that there are many claims on the public purse and certainly that is no different in the Arts, Culture and Heritage sector. So I was faced with requests for funding from many different areas, not just A.L.O.s but also small and individual organisations, and in order to satisfy those requests, while also implementing the arts and heritage strategies, I chose to keep the 2023 grant for Jersey Heritage at the same level as 2022. That, as I said, was a vast increase on 2021 and as such I believe that Jersey Heritage were able to understand their budget. Jersey Heritage Trust also have, unlike other A.L.O.s, the ability to get subscriptions from members and also entrance and other means of raising funding, operating essentially as a business. I felt at the time that they have the opportunity to raise extra funding in other ways, and so that was the appropriate thing to do for that year.

3.6.2 Deputy H.L. Jeune:

I am new into this area and just read the Art Strategy following this question. Could the Minister give an update on the new arts investment framework for Jersey as described in the Arts Strategy of 2022, and how it has leveraged additional resources for the arts?

Deputy K.F. Morel:

Again, with the greatest respect, I am not sure that follows from a question about funding for Jersey Heritage Trust.

The Bailiff:

I am afraid it does not. Obviously supplemental questions have to be supplemental to the answers and supplemental to the ambit of the question. I think that question is outside the ambit of the original question. Did you have another question you wish to ask at this point, Deputy Jeune?

Deputy H.L. Jeune:

Yes. Does the new arts investment framework include the Jersey Heritage and how has that helped to leverage additional resources for the arts and for Jersey Heritage?

Deputy K.F. Morel:

Work is ongoing in the arts investment framework so I would have to check with officers whether it includes Jersey Heritage. At this present time I am not able to answer that question clearly.

3.6.3 Deputy H.L. Jeune:

It would also be good to hear from the Minister what the maximum uplift of the 1 per cent the Minister believes has been achieved with this framework is and if this then could go towards Jersey Heritage in the future.

Deputy K.F. Morel:

I am afraid I did not understand that question.

Deputy H.L. Jeune:

As part of the strategy, the new arts investment framework talks about maximising that 1 per cent uplift so additionally I was wondering if the Minister, when asking his officers for further information, can also find out about that specific uplift beyond the 1 per cent and if that will also be feeding into support for Jersey Heritage.

Deputy K.F. Morel:

Of course, I can do so.

3.6.4 Deputy J. Renouf:

Jersey Heritage suffered a cut effectively, with inflation, of around 25 per cent in its Government grant funding as a result of that freeze. Was the aim of the 1 per cent not to ensure that Jersey Heritage had the ability to meet the terms of the strategic partnership agreement that has been signed between the Government and Jersey Heritage? Does he not accept that the cut would have meant that that was very difficult to achieve?

Deputy K.J. Morel:

I dispute the idea of a cut when previous to the 2022-2023 year, I disagree with Deputy Tadier when he says the 2021 year previous to the 1 per cent is irrelevant; I do not believe that is irrelevant. This is an organisation that had £2.8 million worth of funding; a year later it had £5.5 million worth of funding. I believe that in itself, that growth there, means that Jersey Heritage was able to meet its obligations going forward. That is also to be put in the context that Jersey Heritage also receive funding for Elizabeth Castle, which is a major revenue project, and this year they have received an increase of funding of over 6 per cent. I believe that when we budget for A.L.O.s it is important that they work within their budget. Given the almost doubling of Jersey Heritage's budget from 2021-2022 back in 2022, I chose at that time not to increase their funding purely because there were many other calls. As I am very aware, in a sense Jersey Heritage could take all of the £11 million and still be asking for more from the 1 per cent. I believe in order to make sure there is a thriving arts eco-system, the 1 per cent is not just money for Jersey Heritage, it is 1 per cent for the entire arts and culture eco-system, as well as the entire heritage eco-system, that means that difficult choices need to be made as to where funding is placed.

3.6.5 Deputy J. Renouf:

My understanding is that when the 1 per cent was brought in, one of the fundamental aims of it was to ensure that Jersey Heritage had a sufficient level of funding. Is he now claiming that the initial

allocation of £5.5 million was over what they needed because he seems to be arguing that it was relatively simple for them to accept a 25 per cent cut in real terms after that increase?

Deputy K.F. Morel:

No, that is not what I am claiming.

3.6.6 Deputy M. Tadier:

The whole point of the 1 per cent was because there had been a decade of atrophy for the grants going to organisations, including Jersey Heritage. Now we are seeing a period of further atrophy under this Minister where in a period of 25 per cent interest in inflation rates this organisation, which does sterling work for Jersey in terms of its cultural heritage, or *patrimoine* as the French might say, have got simply 6 per cent while other organisations have got 23 per cent, 32 per cent, 29 per cent and the budget for festivals went up by 53 per cent, all of which are great because they do also good work.

[10:30]

Does the Minister think that there is a risk if we push Jersey Heritage too far and cut their budgets relative to inflation too much they may simply turn around and say: “The States can take back this castle, we do not any longer have the staff or resources to deal with it”? What kind of position does the Minister think that would put the Government and the people of Jersey in when it cannot maintain its own cultural assets?

Deputy K.F. Morel:

No, I significantly and severely disagree with that suggestion, the idea that atrophy has happened under this Minister. Let me remind the Assembly, £2.8 million was paid to Jersey Heritage in 2021; in 2024 £5.8 million has been paid to Jersey Heritage; that is in its core grant funding. It is also receiving, I believe it is over £7 million, for the Elizabeth Castle project. It is £6.453 million for the Elizabeth Project and that remains ongoing. The organisation receives over £11 million in funding at the moment from the Government of Jersey; that is not atrophy, this is an organisation that received £2.8 million just 3 years ago. I understand that the Deputy is trying to portray it in a certain way but that is not the way that either the account of Jersey Heritage or the reality can be seen.

3.7 Deputy M.B. Andrews of St. Helier North of the Minister for the Environment regarding a public funding strategy to achieve net zero carbon emissions (OQ.117/2024)

Will the Minister advise what consideration, if any, has been given to a public funding strategy to achieve net zero carbon emissions, and if no consideration has been given, why not?

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

The development of a net zero financing strategy is an active workstream being taken on by officers at this time. At its heart the strategy will identify how Government will look at the costs of electrifying Jersey’s vehicles and heating systems, alongside the work to minimise or remove all other forms of carbon emissions and, most importantly, how that will be paid for. This work represents strategic policy 3 of the Carbon Neutral Roadmap. The strategy will be informed by the principles agreed by this Assembly in the 2024-2027 Government Plan. These principles include ensuring the just transition, the adoption of polluter-pays measures and minimising the burden to future generations. The strategy will need to secure the revenue required to deliver the Carbon Neutral Roadmap and our transition to net zero. This is a major task and one which will need to be approached in phases. Officers are now developing policy proposals for the period 2026-2030 so these can be costed, and also looking at the associated emissions reductions and having them modelled. Profiling the level and timing of expenditure is vital if we are to raise the right amount of money at the right time. In specific answer to the Deputy’s question, officers are actively working on the strategy at this time.

3.7.1 Deputy M.B. Andrews:

The Minister mentioned about having a phased approach which is something that I happen to agree with. Is the Minister in support of having say a 3 or 4-year programme that is to be delivered and then it will be reappraised with a new programme until 2015?

Deputy S.G. Luce:

The first phase of any net zero financing strategy is going to be presented to the States in 2026, that will be the new States Assembly, together with the proposals for the roadmap delivery plan for the period 2027-2030. This timing will ensure that the findings and recommendations of the independent Climate Council regarding the first 4 years of the Carbon Neutral Roadmap can be properly taken into account. The Climate Council are due to report during 2026 just before the general election, and the roadmap commits each new Assembly to approve the Carbon Neutral Roadmap Delivery Plan for its term of Government. Members will note of course that the current plan is due to end in 2025 but I have decided that it can be extended for a year as a continuation year to ensure that our 4-year delivery periods are aligned with both the Assembly and the Climate Council.

3.7.2 Deputy J. Renouf:

I think the new announcement there was that this Government will not be bringing forward any new funding proposals in terms of the Carbon Neutral Roadmap. Is the Minister concerned that we will lose momentum in terms of the journey to net zero given that new commitment?

Deputy S.G. Luce:

I am extremely keen to make sure that we do not lose momentum. As the Deputy and Assembly will know, the Climate Emergency Fund is currently receiving 9 pence a litre in fuel duty and a proportion of vehicle emissions duty. Retaining and increasing these sources of revenue will be critical if we are going to have a realistic chance of meeting our emissions reductions targets, first of which falls in 2030. Before the Deputy asks the question, the target, of course he will know, is that by 2030 we are hoping to reduce by 68 per cent. I have to say at the end of 2022 the Island had only got 47 per cent of the way into that target, which leaves us a real challenge but one that I very much am up for and hope to get towards.

3.7.3 Deputy J. Renouf:

I thank the Minister for that reply. Will the Minister state whether he has any plans to find any extra sources of funding perhaps by increasing the fuel levy or other measures, registration fees and so on, to enhance the Climate Emergency Fund during his term of office?

Deputy S.G. Luce:

The Deputy is alluding to something which is absolutely correct, which of course is the fuel duty, and V.E.D. (vehicle emissions duty) receipts are going to decline over time as we successfully and hopefully transition towards electric vehicles. The most recent statistics I have is something over 40 per cent of Jersey vehicles being registered in the last few months have been electric. That is good but we will need to supplement the Climate Emergency Fund with additional revenue in the next few years, and we are going to have to look at polluter-pays taxes or charges and potentially capital from our own finance industry. Work has already commenced on a fuel duty replacement policy in line with current Government Plan commitment and we are also continuing to look at the tax charge levy on private jets at the airport.

3.8 Deputy B.B. de S.DV.M. Porée of St. Helier South of the Minister for Infrastructure regarding the scheduling of roadworks (OQ.131/2024)

Further to the current roadworks to resurface Val Plaisant, and resultant traffic delays in the area, will the Minister advise why the resurfacing was scheduled for this particular time of the year and whether other dates were considered in relation of this work?

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

I thank the Deputy for her question. The department recognises that roadworks cause disruption and delay to people's daily lives and it goes to great lengths to co-ordinate between all the organisations such as utility companies and developers that wish to work on the roads, as well as organisations that wish to close roads for events. When planning resurfacing works these constraints have to be balanced among many other constraints against the length of time it takes to do projects, as well as the availability of the specialist contractor, as well as stakeholders that may be directly affected. The department does seek to maximise the available school holiday periods; however, the contractors can only be at one place at one time. The resurfacing works planned and completed for the majority of school holiday periods in 2024 was already done before Val Plaisant came into line. Mont Millais, for example, has to be done during school holidays and was done over the 2-week period at Easter. The urgent works at Val Plaisant required a 3-week programme and it was considered not to be suitable for a summer school holiday project due to the impact on the town traffic during the high summer tourist period. Members and the public can get information on resurfacing plans for the next 4 years on roadworks.gov.je.

3.8.1 Deputy B.B. de S.DV.M. Porée:

I thank the Minister for his thorough answer; much appreciated. With that in mind, has the Minister been able to address some of the issues that directly impact on the heavy traffic congestions and, if not, why not?

The Connétable of St. John:

The team do their very best to give prior notice, not only by publishing things on the website to 4 years in advance but by publishing information in the media and also roadside signs. Inevitably when we do major works we do get problems. This summer holidays we are doing work on the Grande Route des Sablons so as not to impact on the school at Grouville with diversions; lots of things have to be taken into account. Traffic numbers dip slightly after the half-term because of exams and that is why that time was chosen.

3.8.2 Connétable M.K. Jackson of St. Brelade:

I thank the Minister for his comprehensive answer and have had similar experiences in a previous life of having to deal with roadworks, which are never popular. In St. Brelade we have had the experience over the last week or 2 of roadworks which were duly completed and satisfactorily, but the traffic lights controlling the works remained for 2 days after the work was finished. Could the Minister please give Members the confidence that these jobs will be managed efficiently and minimise the disruption to the general public to the best of his ability?

The Connétable of St. John:

I apologise to my fellow Connétable if that was the case; I certainly was not aware of that. Every endeavour is made to finish works on time and clearly when works are finished it is important that the traffic signs are removed. I will look into that case and report directly back to the Constable.

3.9 Deputy H.M. Miles of the Chief Minister regarding the contract of the Government Chief Executive (OQ.125/2024)

Will the Chief Minister explain why he has accepted a 6-month review of the contract of the Government chief executive, when he has publicly stated that he would like to see Dr. McLaughlin stay at least until the end of the current Government?

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

I fully expect the chief executive to remain in post until after the next election. The 6-month review period that has been included by mutual agreement is to provide flexibility and an opportunity to ensure the arrangements continue to be right for the Government and the public sector and, of course, Dr. McLaughlin. It is a rolling contract and the hope and expectation of both parties is that Dr. McLaughlin will remain in post until at least the next election and beyond.

3.9.1 Deputy H.M. Miles:

I thank the Chief Minister for that answer. If the current incumbent for whatever reason, rolling contract or otherwise, did not wish to commit permanently, why did the Chief Minister not instruct his officials to restart a recruitment process for a permanent head of the public service that would not be on a rolling contract?

Deputy L.J. Farnham:

I think the Island, the public sector and the civil service need some stability right now. Dr. McLaughlin had made a very good start in his role as interim chief executive officer and it quickly became apparent when the new Government took office that we could all work very well together. Dr. McLaughlin was also open and upfront on the fact that he had a previous commitment that he felt he had in relation to a non-executive position, so we went through that process. The reason why essentially we did not go back and start an open process again was to maintain that stability. He was doing a very good job and we hope he will stay with us for as long as possible to continue doing that.

3.9.2 Deputy I. Gardiner:

Would the Chief Minister clarify if the contract is a fixed-term contract for 2 years or is this contract for 6 months with an option to extend further? What type of contract currently does the Chief Executive have in place?

Deputy L.J. Farnham:

It is a contract for 6 months with an option to extend for a further 2 years should both parties agree. We felt that was sensible at this stage rather than into a permanent contract. Members will know that when permanent contracts are entered to senior staff on high salaries they are very expensive to get out of. I would like to see, and I believe the opinions of at least the majority of States Employment Board members agree, that at that level we should perhaps look to more fixed-term contracts than permanent contracts, and that is a discussion we will have in due course. In this instance, I think the arrangements are a very good fit for the circumstances and both Dr. McLaughlin, myself, the States Employment Board, and I believe the Government, hope he stays until at least the next election and beyond.

[10:45]

3.9.3 Deputy I. Gardiner:

When the options for the chief executive to continue his contract were raised, the reason for this was stability, we need to have stability in the public service. Would a 6-month contract provide this stability and what concerns, if any, does the Chief Minister have about stability and long-term vision for the 6-month contract for the chief executive?

Deputy L.J. Farnham:

I am just trying to remember, we have had 4 or 5 chief executive officers in as many years. The public sector do need some stability, some continuity, some stable leadership and, as I have just explained in the initial answer, it was deemed sensible to have a 6-month review period by mutual agreement to ensure that the arrangement continues to be right for Government and the public sector and all parties moving forward. I stick to that answer, that is why we have done it, and both Dr. McLaughlin and myself have full confidence that that 6-month period will prove successful and will continue at least until the next Government and beyond.

3.9.4 Deputy L.K.F. Stephenson:

Does the C.E.O.'s (chief executive officer) new contract include any increase in salary or wider benefits package when compared to his previous interim contract with the Government of Jersey and, if so, what has changed?

Deputy L.J. Farnham:

No, it is the same terms and conditions.

3.9.5 Deputy L.K.F. Stephenson:

Will there be a salary review after the 6 months?

Deputy L.J. Farnham:

I would expect that would be reasonable. I understand the chief executive's salary has been fixed at £250,000 per annum for a number of years, and I think it is due for review. As I understand it, there are no plans to do that but I think in the interests of fairness it would not be unwise to look at that at the appropriate time.

3.9.6 Deputy H.L. Jeune:

Could the Chief Minister confirm if the chief executive has delivered on his key objectives under his first contract and, if not, why not?

Deputy L.J. Farnham:

I believe he has. He has also presented his key objectives as proposed during the remainder of an interim period and when he returns we will agree his next set of key objectives.

3.9.7 Deputy H.L. Jeune:

Just to confirm, when he returns then that will only be the time that the Chief Minister will go through any key performance indicators with the chief executive or has that already been agreed in advance of signing the contract? Could the Chief Minister explain what is the performance management process and appraisal process that will be put in place for the chief executive?

Deputy L.J. Farnham:

The chief executive, before his interim contract expired and prior to his new contract starting on 1st July, did provide me with key objectives. We ran through them and I will pick that up again with him upon his return and make sure we put in place the appropriate procedures to monitor how those are achieved. We have not agreed that as yet but it is high on our list of things to do when he returns.

3.9.8 Deputy J. Renouf:

I am finding there is a bit of a contradiction here in the Chief Minister's answers. He talks a lot about wanting stability which would imply a longer contract but he is also arguing that a 6-month review is important in order for there to be a chance for everybody to review. What will happen if the chief executive decides to leave in 6 months?

Deputy L.J. Farnham:

We will start a process for a new chief executive.

3.9.9 Deputy J. Renouf:

This highlights indeed this point about contradiction. That would surely be a highly unstable situation; we would have a situation where there would be a 6-month recruitment process. Which is the Chief Minister's priority here? Was his priority to gain stability and have a long-term contract with the chief executive, which the chief executive declined, or was his priority to have a 6-month review?

Deputy L.J. Farnham:

The priority of this Government remains to reintroduce some stability to the way the Island is managed and not least through the public sector. If the Deputy was listening, he would have heard me say earlier that this contract was agreed mutually, so that means Dr. McLaughlin was content with the 6-month review period and so was the Government because we think it is sensible to ensure that the arrangement continues to work. I went on to say it is a hope and expectation of both parties - and for the avoidance of doubt that is the Government and Dr. McLaughlin - that he will remain in post until the next election and beyond. I am not sure that by bringing up the issues about Dr. McLaughlin's employment or any public employee's employment in this Assembly, in this public forum, is the right way to go about it. I would ask Members who have questions about the employment or the details of employment of senior members in the first instance, come and talk to myself or the States Employment Board and we will gladly share all of the details and the rationale. I think it is a deterrent for senior employees to come and work for the States if they are going to be put on the spot in public forums time after time. I think we have a very good arrangement, I think we have a first-class candidate, and I look forward to working with him for the benefit of the Island in the years ahead.

3.9.10 Connétable D. Johnson of St. Mary:

The Chief Minister has referred to the chief executive having a non-executive appointment to which he was committed. Just for clarification, is the Chief Minister aware as to whether that commitment to such a position will still be in play at the time of the review?

Deputy L.J. Farnham:

I believe it will but there is no time commitment to that commitment to a non-executive role and it will continue as long as it works for Dr. McLaughlin and the other party involved.

3.9.11 Deputy H.M. Miles:

In the interests of transparency, will the Chief Minister agree to publish the 6-month fixed-term contract?

Deputy L.J. Farnham:

I will discuss that with the States Employment Board.

3.10 Deputy K.M. Wilson of the Minister for Health and Social Services regarding the proposed changes to the Termination of Pregnancy (Jersey) Law 1997 (OQ.127/2024)

Further to the Health and Social Services Panel's Quarterly Public Hearing held on 6th June 2024, will the Minister explain why the proposed changes to the Termination of Pregnancy (Jersey) Law 1997 in relation to women in Jersey who are on work permits have been prioritised above other changes?

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

The answer to this is very simple. A short while ago I was advised that the Women's Health Political Advisory Group had identified this matter as a high priority, and it is something that I and Deputy Howell also thought to be very important. Accordingly, I took the opportunity to make an announcement to the effect that I would be addressing the matter as soon as possible. As it happens, shortly after that I received an email from Deputy Feltham who very kindly attached a copy of the minutes of the Women's Health Political Advisory Group's meeting of 16th June which at item 2(a) in relation to this matter expressed the desire to seek a one-off law amendment to remove the current residency requirement by the end of 2025 pre-purdah. The minutes go on to state the following: "The removal of the current legal residency requirement before the next Government term was felt to be of higher priority to enable the provision of a service for women on short-term visas who are not ordinary residents and have not been here for 90 days." It was very pleasing to see that the Women's Health Political Advisory Group were indeed keen on this matter being prioritised.

3.10.1 Deputy K.M. Wilson:

One of the concerns I think that the Minister has not addressed is how he is prioritising the development of this law when we have a constant flip-flapping about what is important. When is he going to produce a piece of legislation that supports women to manage their own fertility in a way that is acceptable and when will we expect to see that legislation coming forward?

Deputy T. Binet:

I am not entirely sure that that relates directly to the question and I certainly do not know where the evidence is of any flip-flapping. I have said quite categorically that I have been advised in the first instance by the women's health group, and I continue to take that approach, as I am sure is Deputy Howell who looks after these matters more closely. I do not see that there is much more that we can do than be guided by these good people.

3.10.2 Deputy J. Renouf:

I think for evidence of flip-flapping we might say that in his hustings the Minister said in response to a question from Deputy Jeune about continuing the termination of pregnancy review: "On the face of it that sounds very sensible, I would assume that the answer would have to be yes." At the Health and Social Security Panel, which Deputy Wilson has already referred to, Deputy Howell said that the termination of pregnancy work had been stopped for lack of resources, then at the weekend the Minister said he was trying to get it back on track. Can he confirm exactly what is happening with the termination of pregnancy review?

Deputy T. Binet:

Once again I am not sure that that relates to the question but I am very, very happy to answer it. We have limited resources. I have made it plain that I am very keen to see all of these issues being prioritised. We did lose somebody from the Policy Department recently, I am using my best endeavours to get that person replaced, and I am putting in a request for an additional person in order to take these matters forward. I have been clear about that all along and I do not see there is any ambiguity about anything that I have said.

3.10.3 Deputy L.K.F. Stephenson:

Just to follow on from that question, when does the Minister expect to have clarity on that position, when he will know whether those attempts to find additional resources have been approved and therefore we know for definite that the work can go ahead?

Deputy T. Binet:

Once again, I do not think that is totally related to the question and I will not know until I know. As I say, I am using my best endeavours; I can do no more than that.

3.11 Deputy M.B. Andrews of the Minister for External Relations regarding the publication of local credit lenders interest rates and terms (OQ.119/2024)

Will the Minister advise what consideration, if any, he has given to publishing local credit lenders interest rates and terms, to help Islanders make informed decisions when considering loans and mortgages, and if this has not been considered, will he contemplate this in the future?

Deputy I.J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for External Relations):

Government publishing the rates and terms of lenders would not be appropriate. The J.F.S.C. (Jersey Financial Services Commission) has engaged with banks to ensure appropriate information is available to the public and that banks are ensuring through their pricing that customers are treated fairly.

3.11.1 Deputy M.B. Andrews:

In the U.K. (United Kingdom) mortgage lenders will have their information often accessible so people can look at the best rates that are made available. Does the Minister for External Relations believe that there is potentially a facility for that to happen but it might not involve the Minister directly?

Deputy I.J. Gorst:

Yes, the Deputy makes a very good point. It is important that rates and terms are available clearly to the public; that is the issue that the J.F.S.C. has raised with banks directly so that they do. I do think that there is an argument, as we see elsewhere across the globe, for consumer bodies to do price comparisons, not just in this area, but right across the Jersey economy. It is my intention, in light of their recently-published review about mortgage rates, to have a conversation with them.

3.12 Deputy J. Renouf of the Chief Minister regarding conflicts of interest among the Council of Ministers (OQ.126/2024)

Will the Chief Minister advise the Assembly on his approach to dealing with conflicts of interest among the Council of Ministers; and further provide detail on what advice, if any, Ministers have received about how to deal with conflicts of interest?

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

My approach to conflicts of interest largely reflects to that of the previous Council of Ministers which the then Chief Minister outlined in her response to Written Question 54 in 2023 from Deputy Feltham, for example, declaring conflicts of interest at the beginning of meetings of the Council of Ministers or withdrawing from a discussion. Members will know that an updated version of the Ministerial Code was published on 27th February, and that is R.31/2024, and those aspects relating to conflicts of interests I believe were clarified and strengthened in that report. Additionally, the supplementary guidance to the Ministerial Code of conflicts of interest published by the last Government is still in place and can be found at gov.je. I would note that Ministers and Assistant Ministers will have been offered the same induction training and advice provided by the States Greffe as relates to the Members' Code and that is set out in schedule 3 to Standing Orders, which applies to Ministers and Assistant Ministers as well.

[11:00]

3.12.1 Deputy J. Renouf:

The Ministerial Code to which the Chief Minister referred, R.31, at point 6 says: “Executive Members must identify and actively manage any conflict of interest between their Ministerial responsibilities and their private interests, not limited to financial interests, which includes their personal affiliations, charitable and family interests.” Does the Chief Minister accept that this means that Ministers should declare to officers when they are dealing with matters regarding people they know or with who they have business relationships?

Deputy L.J. Farnham:

I think it depends on the circumstances; it is not always possible in Jersey. We all tend to know everybody else and I think it would be impractical if we had to declare every time we knew somebody. Ministers have made declarations at Council of Ministers where they consider an actual perceived conflict of interest may exist, and I do believe that continues to be the case. The treatment of that declaration of course depends on its nature with the course of action either being for the Minister to remove themselves from the meeting or, having made the declaration, to decide to remain. Ultimately it is a decision for the Chief Minister and the declaring Minister in each instance to determine how they wish to proceed. To date it is my belief that process has been operating well and I am not aware of failures to date.

3.13 Deputy D.J. Warr of the Minister for Treasury and Resources regarding the increase in small parcel postal rates (OQ.123/2024)

Will the Minister, in her capacity as shareholder representative for Jersey Post, advise whether the same 30 per cent to 50 per cent increase in small parcel postal rates have been applied to both international online retailers who use Jersey Post and local businesses and, if not, will she explain why?

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

I thank the Deputy for his question. The increases applied to international retailers and local businesses are different; however, it is important to note that the range of local price increases have been less than 30 per cent, depending on service and destination. Export prices reflect continued increase in transport and delivery costs that Jersey Post itself has charged. Our prices for customers sending mail to Jersey are affected by the threat of losing critical volume to competitors. For goods travelling from Jersey, Jersey Post is buying services and are dependent on the amount by which its suppliers increase rates, particularly Royal Mail, who is the only regulated operator able to deliver across the U.K. for a single price, but also Condor who increased its rates by more than 18 per cent this year. For goods delivered to Jersey, Jersey Post acts as a supplier whose ability to increase prices is limited by the need to compete with other potential delivery operators. The economic reality of the market is that Jersey Post is financially dependent on delivering volume for the likes of Royal Mail and Amazon while Jersey’s volume to the U.K. and elsewhere is relatively insignificant in comparison.

Deputy D.J. Warr:

I thank the Minister for her answer. I would just quickly say that ...

The Bailiff:

If you could just pause for a moment. We are now inquorate, I believe ... Deputy Curtis is online, we are not inquorate. Thank you very much. Please do continue, Deputy.

3.13.1 Deputy D.J. Warr:

I thank the Minister for her answer. I would just quickly clarify, I have got 2 examples here where prices have increased between 2021 and 2024 by up to 45 per cent. To come back to my follow-up question, there is a private company which has successfully offered next-day services to the U.K. at lower rates than those charged by Jersey Post for 2 and 3-day services. Why has Jersey Post not considered adopting similar methods to better serve the residents and businesses of Jersey as originally intended by its incorporation?

Deputy E. Millar:

I think there is quite a lot in that question. Firstly, the increases, I think the Deputy said that the increases were over a period of 2021 to 2024. That is a 3 or 4-year period and we have seen inflation rise dramatically in that period. As I say, Jersey Post's own costs from its own suppliers have been increasing dramatically over that period. I cannot speak for why. As I have said, Jersey Post has to set its rates based on what they can afford. They cannot risk losing critical volume to big suppliers, and I am sure they aim to provide services to local businesses and local suppliers as economically as they can within the context of the market.

3.14 Deputy M. Tadier of the Minister for External Relations regarding a Double Taxation Agreement with Portugal (OQ.130/2024)

Will the Minister advise whether any work is currently being undertaken to create a Double Taxation Agreement with Portugal, and if no such work is being undertaken, please explain why?

Deputy I.J. Gorst (The Minister for External Relations):

The European relations team in my department hold regular discussions with Portuguese counterparts and have highlighted Jersey's interest in having a Double Taxation Agreement though we are realistic that this process can take some time. In the meantime, it should be noted that Jersey and Portugal already have in place a Tax Information Exchange Agreement in force since 2011 which enables closer collaboration between our respective competent authorities for the purposes of tax administration.

3.14.1 Deputy M. Tadier:

I was directed to put this to the Minister for External Relations but this is also a question which I think impacts on the Tax Department and also perhaps on the Minister for International Development with her culture and responsibility for Jersey diaspora. I ask this question in the context of former Jersey residents who are now living in Portugal to make sure that they are not being double taxed and to make sure that they know what steps are being taken and what resources are available for them in terms of their tax management, especially if they are on low tax. Will the Minister undertake to also speak to fellow Ministers, the 2 that I mentioned, to have a co-ordinated approach in this regard?

Deputy I.J. Gorst:

It is a desire of Jersey's Government, and it has been for many years, to have a Double Taxation Agreement with Portugal and with some other member states of the European Union but, as the Deputy knows and appreciates, that is not straightforward. We, unlike some other jurisdictions, do not have very many Double Taxation Agreements; it does not mean to say we do not mention them with all of our engagements with those member states for the reasons that he has said. It is a co-ordinated approach between the External Relations Department, the Treasury Department, particularly Revenue Jersey's International Division, and of course my Assistant Minister who has responsibility for engagement with those groups in Jersey and the problems that they may face. Of course, where there are no Double Taxation Agreements in place between Jersey and another jurisdiction, tax can potentially be charged in both places; that is the negative. Jersey's Income Tax Law does, however, allow for some release to be given for taxes paid overseas when calculating the

amount of Jersey tax due and other countries have similar rules. The question I suppose is, are those individuals who are moving between jurisdictions aware of those and engage with Revenue Jersey, and that would be my first piece of advice to them.

3.14.2 Deputy J. Renouf:

The Minister says that we need to be realistic about the timetables, does he have any idea how long it would take to put a Double Taxation Agreement in place?

Deputy I.J. Gorst:

That really depends on the interlocutor. We follow the O.E.C.D. (Organisation for Economic Co-operation and Development) model Double Taxation Agreement, which can mean in some cases it can be done relatively quickly, but relatively quickly in the world of international agreements is 2, 3, 4 years. Where you do not have a willing partner as such, and you constantly have to make the case for why it is not only of benefit to Jersey, this is about free movement of people. Between those jurisdictions a case has to be made of benefit to the then host country; it can take decades.

3.14.3 Deputy J. Renouf:

Can I put it another way slightly then which is to say, where does Portugal sit in the list of priorities for Double Taxation Agreements that the Island is seeking?

Deputy I.J. Gorst:

That is a good question which is difficult to answer because there are a number of European member states that, from a Jersey perspective, would be a high priority for Double Taxation Agreements. When this question first was submitted it occurred to me that I have been talking to Portuguese interlocutors, as have previous occupiers of this office ever since it was created, around having a Double Taxation Agreement. It remains high on our agenda but I think we have to be realistic that it does not remain high on the agenda of other member states.

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

The Minister has said he is also seeking to have agreements then with other European Union member states and also that other states are on a high priority list for the department. Can the Minister mention which are those states?

Deputy I.J. Gorst:

Well, let us be clear, they should be obvious to us. They are countries which are either geographically close to us, so our nearest neighbour to the east, but also countries where we enjoy the benefit of large diaspora from member states.

3.14.5 Deputy M. Tadier:

Can I thank the Minister initially for his answer. Given the fact that we do have large and established immigrant populations here who are now residents of Jersey, would the Minister give an undertaking to liaise, not only with those Ministers I mentioned earlier but also with the consuls, for example, that represent Portugal, Romania, Poland and maybe other countries in Jersey, to raise these issues, both locally for discussion and also when the Minister and the consuls are meeting with ambassadors in international cultural diplomacy?

Deputy I.J. Gorst:

As I indicated, my Assistant Minister has responsibility for engagement with diaspora and consuls here. I know it is an issue which he takes very seriously and either has or will be raising in an ongoing nature the point about raising it when there are meetings between honorary consuls, and inbound or external visits of ambassadors is a good one and has been raised in the past and will continue to be raised. We also have to be unfortunately honest with ourselves that post-Brexit engagement with

E.U. (European Union) member states, particularly in regard to these international treaties, even though we are entrusted to enter into them, have become much more challenging and they were difficult prior to Brexit.

3.15 Deputy B.B. de S.DV.M. Porée of the Minister for Sustainable Economic Development regarding retention and recruitment issues (OQ.132/2024)

Further to the *Barriers to Business* report, will the Minister advise how he plans to tackle the retention and recruitment issues detailed therein?

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

I thank the Deputy for her question. Last month I published the response to the *Barriers to Business* report, it was entitled *Enabling Business*, and it provided an update against the 38 recommendations made by Jersey Business. Specifically with regards the barrier of the availability of skills and people, which is a genuine and severe barrier in Jersey, work is underway to launch a Skills Development Scheme in 2024, which will include the ability to attract more people with “entitled to work” status into careers in Jersey while also offering new training and apprenticeship pathways. Work is also underway to provide support for employers and employees as we transition into a living wage, including support and work permits. We are also reviewing housing controls within the Control of Housing and Work Law. This work is already underway and planning guidance on minimum residential space standards was updated last year. As the Assembly realises, I read through that list, much of this work is under the auspices of other Ministers and so the work I undertake there is to engage with those Ministers and their teams to help them work through these programmes to ensure that we have an Island that is attractive to people for work and attractive to people to stay here in the long term.

3.15.1 Deputy B.B. de S.DV.M. Porée:

Following on the theme of support for small businesses, has any consideration been given to support small businesses during the proposed up-and-coming bank holiday to commemorate the King’s visit to the Island?

Deputy K.F. Morel:

An interesting supplemental point.

The Bailiff:

I am afraid I do not think reference to the upcoming King’s visit falls within the ambit of the original question, Deputy. Are you able to reframe the question in some way? No further supplementary? Very well. In which case that brings ...

[11:15]

Deputy M. Tadier:

Is the time up or ... I had my light on.

The Bailiff:

I beg your pardon, Deputy Tadier. No, the time is not up and I should have called upon you.

3.15.2 Deputy M. Tadier:

I do not know the latest figures but a recent estimate suggested that there might have been up to 4,000 people living in Jersey of working age who do not yet have their 5 years qualifications but they are living here already, they are working here already in some jobs, they just cannot work in all jobs. Does the Minister think that that is an untapped resource where some of those skills which they maybe cannot use fully could be applied into the local economy for the Island’s benefit without

necessarily needing to look for yet more workers to come in to do jobs which these people might be able to do?

Deputy K.F. Morel:

The question effectively asks for my opinion on this. I personally would like to see a more flexible system where people can move across jobs but I also appreciate that when it comes to immigration into the Island we are also under the auspices of the United Kingdom, and there are controls and regulations which work together and sometimes work against each other. I could not say hand on heart whether I think it is achievable that we could have a more flexible system or not but it is one that I personally prefer to see.

3.15.3 Deputy M. Tadier:

Does the Minister agree that the 5-year rule ... in fact, if we talk about immigration these people are already here, so it is not an immigration mechanism; it has not stopped people coming to the Island, it simply says which type of jobs they are allowed to work in, that this is a form of red tape, it is a barrier to business, it is also a barrier to those workers. Does the Minister not agree that that is a barrier which could easily be removed within our powers and within Jersey's ambits to do that and therefore to take down some obvious barriers that do already exist?

Deputy K.F. Morel:

I am not sure I do agree that it is easy to do that but I will certainly engage with the Minister for Justice and Home Affairs to understand how easy or not that is.

The Bailiff:

Very well, that brings that section of questions with notice to an end.

4. Questions to Ministers without notice - The Minister for Infrastructure

The Bailiff:

We now move on to questions without notice. The first period is for the Minister for Infrastructure.

4.1 Deputy M.B. Andrews:

Can I ask the Minister whether he is considering removing the bus stop 3983 in Grands Vaux?

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

I thank the Deputy for his question. The bus stop that he refers to is currently with the St. Helier Roads Committee as it is a Parish road.

4.2 Deputy J. Renouf:

Can the Minister state what offers, if any, have been made to any organisation regarding future uses of Les Creux?

The Connétable of St. John:

There have been no formal offers made to anybody about the future use of Les Creux. We continue to look at our options for Les Creux. I sincerely hope that sport continues to be played there.

4.2.1 Deputy J. Renouf:

Can the Minister offer any guidance to all about what kind of discussions are being had with what kind of organisations?

The Connétable of St. John:

We have a number of organisations who are existing tenants of the States of Jersey, so Government of Jersey, and we continue to discuss with those the potential to move.

4.3 Deputy D.J. Warr:

I am sure the Minister is aware that water polo is being played at Havre des Pas for over 100 years; in fact, the gov.je. website says: “The pool offers Jersey’s only deepwater pitch for water polo.” A major challenge for the club is the storage of equipment at the complex. There is a very simple solution to this issue, yet every suggestion put forward by the club has to date been rejected. Will the Minister please direct his department to work constructively with the club to ensure the future success of water polo on this Island?

The Connétable of St. John:

I did not understand the full history of water polo, and I can confirm that nobody has approached myself with either of my infrastructure or my sports hats on. If they want to approach me with my water polo hat on [Laughter] I would be happy to talk to them.

4.3.1 Deputy D.J. Warr:

I thank the Minister for his answer; I look forward to seeing the water polo hat. The Water Polo Club has been asked to sign an event licence to use the public space at Havre des Pas despite being unable to cordon off the area. Is the Minister aware if the same conditions have been applied to the Jersey Swimming Club as part of their annual Christmas Day swim or any other pool user groups?

The Connétable of St. John:

That is a serious question. I am not aware of the requirements of either of those organisations in particular but if people want to use our facilities the general consensus is they have to sign a user agreement. That covers us as a property holder but also them as an organisation. I do not know the specific details but I am happy to get back to the Deputy.

4.4 Deputy I. Gardiner:

Would the Minister update about the state of the First Tower School playing field?

The Connétable of St. John:

Yes, I would be happy to confirm to the Deputy that the pre-planning application went in on 4th June and we expect to hear an answer in around 4 weeks’ time, which is 2nd July. Until last Friday we had had no reply and the team lead in charge is off this week so I will have an update on Monday.

4.5 Deputy H.L. Jeune:

Could the Minister give further details regarding the Public Realm Strategy that, according to the Chief Minister at his Chamber of Commerce speech last week to an answer to a question, is coming soon, and what role the Minister has in developing this strategy, given that the Chief Minister mentioned that Deputy Binet is the Minister in charge of delivery?

The Connétable of St. John:

I thank the Deputy for her question. We are working on a number of areas within the public realm. We have got a taskforce for implementation that we are looking to set up that will include a number of Ministers, including myself, including the Constable of St. Helier, Housing, Sustainable Economic Development. The plan is for us to report to the R.S.G. (Regeneration Steering Group) before the end of July with the terms of reference for that group.

4.5.1 Deputy H.L. Jeune:

Just to confirm that the Minister for Health and Social Services does not have a role in this Public Realm Strategy which goes against what the answer was from the Chief Minister at the commerce lunch last week.

The Connétable of St. John:

The Deputy Chief Minister will be involved in those discussions and will be part of that team.

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

In the previous Assembly the Minister in response to an Oral Question on Havre des Pas said: “In the last 2 years we have had no revenue, we have had no money for utilities and no rental income.” If the current tenant has not paid any rent, why is he still allowed to remain on the premises?

The Connétable of St. John:

I thank the Deputy for his question. We continue to be in dialogue with the current tenant and we hope to be in a position to sign a lease in the very near future. .

4.6.1 Deputy S.M. Ahier:

Does the Minister think it would be appropriate to put the lease out to tender instead?

The Connétable of St. John:

My personal preference would obviously be to put the lease out to tender but this Assembly made a commitment to try and enter into a lease, and we are trying to honour those commitments.

4.7 Deputy L.K.F. Stephenson:

Last June this Assembly approved for the FB Fields enabling law to allow a more flexible approach to any future use of the site. Can the Minister provide an update to the Assembly on the FB Fields project and confirm whether or not he plans for any funding to feature in the Government Plan, either at a feasibility level or a wider level?

The Connétable of St. John:

I thank the Deputy for her question. I recently met with officers following the first few months of my tenure within sports, and part of that was around looking at the jigsaw that we have got in terms of moving parks to create space at the FB so that we can create some better sporting facilities and leisure facilities at the FB. The reason that we have put a bid in for the Island Games in 2035 is to allow us time to get the infrastructure that is required to host such an event and that would include the FB Fields for athletics.

4.8 Deputy K.M. Wilson:

Can the Minister explain what is happening with the plans for the dumping of waste at La Collette?

The Connétable of St. John:

I thank the Deputy for her question. We are currently out in a tender process so I cannot say too much about the tender process, but I will be attending the Planning Committee - I believe it is on 11th July - where we have plans for La Collette.

4.8.1 Deputy K.M. Wilson:

Do any of those plans include transporting the waste off-Island?

The Connétable of St. John:

The tender process is underway and it would be wrong for me to talk about any particular details. I believe at this time that is the advice I have been given. I would be more than happy to brief Members as soon as that tender process has finished.

4.9 Deputy R.S. Kovacs:

The R. and O.25/2024 Road Traffic (Speed Limits) (Jersey) Amendment Order 2024 from the Order Paper for the last sitting shows that speed limits have been amended on 4 streets in St. Brelade, one

in St. Lawrence and 21 areas in St. John where the Minister is Connétable. Can the Minister please advise how these decisions were made, what was the shortest and longest length of time for the changes to come in place from the request from residents to enactment for the streets in his Parish, what were the process steps and if any consultation was needed for any of these changes and with whom?

The Connétable of St. John:

I believe that St. John's specifically has been some 20 years in the making. Certainly my predecessor, my immediate predecessor, had been working on getting road speeds reduced and I have been trying tirelessly in the 3 years that I have been in office to get those speed limits changed. One of the things that I have done since I have become Minister is to look at how we do things and the time it takes, the length of time we spend in consultation before we enact things, the amount of use we have of consultants who are based in the U.K. who do not know our local roads. I am really trying hard with the team to shorten the time it takes to introduce new speed limits where they are very much needed. We have got the Island policy which says built-up areas should be X and bays should be Y, so we just need to crack on and do that. I am trying to work my hardest with the team to shorten the time into months, not years.

4.9.1 Deputy R.S. Kovacs:

Can the Minister please explain the process steps and, in line with this process, can he please update on the progress of speed limit changes or replacing speed bumps, as our request, in St. Saviour that myself and quite a few asked for both in writing and in person, together with the related monetary evidence in the past few years. By when should we expect to have a decision implemented?

The Connétable of St. John:

There are many roads in many Parishes where we have had requests to reduce speed. As I have just explained, currently it is a very lengthy process and that does not include funding, which also has to be taken into account. I hope to make those decisions in months rather than the current phase, which is years, and when I say "years", it means multiple years. The Constable of Grouville is nodding in agreement. Grouville asked for green lanes when the Constable was first elected and they still have not got them. I think it takes far too long and I am working hard with officers to shorten that time.

4.10 Deputy K.L. Moore:

Could the Minister tell the Assembly how many times he has met with taxi drivers and whether he has any plans to amend the regulations under which they operate?

The Connétable of St. John:

I thank the Deputy for her question. I have met with the taxi drivers on 2 occasions. The last was last Wednesday at St. John Parish Hall. I was delighted to host them. I think that taxi regulation needs to be simplified. I am also keen to introduce mystery shoppers. When I visit other islands the taxi drivers are ambassadors and we have got a number of ambassadors driving taxis in Jersey but, sadly, we have got many who are not ambassadors. I hope that we can increase not only the experience for those people riding but also for the taxi drivers themselves.

The Bailiff:

A supplemental question?

Deputy K.L. Moore:

I have another question, Sir, if I may.

The Bailiff:

It should be a supplemental question. Can you make it a supplemental question or shall I call you on the second question?

Deputy K.L. Moore:

You can call me later.

The Bailiff:

There may not be an opportunity but, very well.

4.11 Deputy T.A. Coles:

Given the 2 incidents with electric scooters over the last 4 days, can the Minister please provide an update on what is happening with the Road Traffic Law around e-scooters?

The Connétable of St. John:

I thank the Deputy for that question. These 2 incidents involve individuals and we wish both a full and speedy recovery. **[Approbation]** I was asked a very similar question - I think it was at the last sitting - by Deputy Ahier. Currently the use of e-scooters remains illegal on public roads, pavements and in other open public spaces. The only exception is their use on private land with the landowner's permission.

[11:30]

Clearly there has been a lot of interest. We have all received correspondence from interested parties. Some of those people want us to regulate for them, some want to place a ban on them. I have spoken to a number of Ministers and we are going to place this on a near future Council of Ministers agenda where we can have a full discussion.

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

Will the Minister provide an update and further details on the proposed lease of carparking spaces in the Lempriere Street carpark and the requirement for those?

The Connétable of St. John:

I took a long time in signing the lease for the Lempriere Car Park. The lease is for pool cars for the Government of Jersey employees who will be based at the new headquarters and who will need to move around the Island estate to see people. The reason that I would not sign the lease was because there was no policy on the use of those pool cars and I would only sign the lease once that policy was in place. I am pleased to tell Members that policy is now in place.

4.12.1 Deputy A.F. Curtis:

Will the Minister advise how long the lease is for and where the cars are currently stored and used from?

The Connétable of St. John:

I will have to get back to Members about the length of the lease. I think it is in the report, so I apologise for that. We currently have pool cars at places like Highlands College for Education, La Collette for Property Holdings and a number of other areas around the Island, Maritime House. These cars will be coming into one place and hopefully will be more efficient using a smaller pool.

4.13 The Connétable of St. Lawrence:

Sir, may I say I did put my light on immediately you called for questions earlier. I thought you had seen me so I turned it off. To the Minister, the former Minister for Infrastructure committed in this Assembly to maintaining and improving the weed areas on the central reservation on Victoria

Avenue. I have not seen any improvement since that commitment. Will the Minister commit to doing that within his tenure, please?

The Connétable of St. John:

I am happy to commit to doing that. Outsourcing works well in some areas and does not work well in others, and I have been asking about how those contracts are managed and also what is planted in each area. I can assure Members that the area in question will be sorted out within the next 2 weeks.

The Bailiff:

That brings the question period for this Minister to an end. In response to the Connétable of St. Lawrence, I ask Members if they have their lights on, wait until I make direct eye contact with the Member and nod and then it is safe to turn the light off. Otherwise there is a possibility that I simply will not have done so.

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

The Bailiff:

The next question period is for the Minister for International Development. Are there any questions for this Minister?

5.1 Deputy H.L. Jeune:

Having watched the Minister's Scrutiny hearing last week, the Minister stated that the Jersey Overseas Aid Commission is independent from Government. Could the Minister advise what makes J.O.A.C. (Jersey Overseas Aid Commission) independent from Government while the Minister, who is also the Assistant Minister for External Relations, is chairing it?

Deputy C.F. Labey (The Minister for International Development):

Thank you for the question. I am Minister for International Development and I also chair Jersey Overseas Aid, which is made up of 3 independent commissioners and 2 other States Members. All the decisions that we make on our programmes are taken within the commission. It is in the law an independent body. That is how it is described. I think it is the only one that the States have like this, so we are quite unique. I am a Minister and there was a Minister over Jersey Overseas Aid from 2018. This has been hugely beneficial to have input into strategies and to secure budgets and to have an input around the Council of Ministers table with our important work. I am Assistant Minister for External Relations with specific duties to carry out and progress on the Island diversity initiatives. All the portfolios are outward facing.

5.1.1 Deputy H.L. Jeune:

Under the Public Finance (Jersey) Law 2019, J.O.A.C. is classified as a specified organisation listed with Andium, Jersey Post, JT Group, Ports of Jersey and S.o.J.D.C. (States of Jersey Development Company). Could the Minister explain why there seems to be a difference between J.O.A.C. and these other specified organisations in terms of governance and accountability? Can the Minister confirm she is the lead Minister under the Public Finance (Jersey) Law for J.O.A.C.?

Deputy C.F. Labey:

I believe that she is referring to the accountable officers, not the description of the organisation in the law. For that you would have to go back to 2005 when Jersey Overseas Aid, instead of being a committee, became a commission when we went into Ministerial Government. We are answerable to the Chief Minister and the States Assembly.

5.2 Deputy R.S. Kovacs:

Can the Minister explain how often in her efforts of promoting the Island identity and finding the second agenda for the Ministerial work is she meeting with the consul representatives from the other workers on the Island?

Deputy C.F. Labey:

Yes, I have made contact with the consuls on the Island and I have a meeting coming up in July with one of them. We plan to have a collective meeting - I have met with others - to share ideas and see how we can support and facilitate, what information they want and what kind of support they would like to see. We are there to facilitate them, because obviously they are appointed by their own countries.

5.3 Deputy J. Renouf:

Further to Deputy Jeune's comment, the Minister said that the Jersey Overseas Aid Commission is independent but it seems that it is independent just because it says it is independent. Can she explain how having the Minister as Chair, when the Chair role is not fulfilled in any other relevant similar organisation by a Minister, guarantees it is independent?

Deputy C.F. Labey:

All the decisions that we make have to be made in the Commission by Commissioners. I cannot make a decision like other Ministers can without any reference to them for our programmes. However, when we connect with Government around the Council of Ministers table I can make decisions as a Minister, for example for our budget, and have input to the Strategic Plan. It is our development programmes that are completely independent.

5.3.1 Deputy J. Renouf:

It does seem odd that, for example, the Minister for Housing does not chair the board of Andium and no other Minister chairs one of these boards. Would the Minister be prepared to look at this and consider ways in which we might strengthen the independence of the Overseas Aid Commission?

Deputy C.F. Labey:

I have no need. I think it works perfectly well as it is. If the Deputy wants to pursue that line, he can. He can come and speak to us, but we feel that our strength is the Commissioners. It means that we are arm's length to Government, therefore we are not politicised with our decisions. We are very, very happy with the arrangement as is.

5.4 Deputy I. Gardiner:

As Jersey Overseas Aid provides a lot for African countries, would the Minister advise what engagement she has with Friends of Africa in Jersey?

Deputy C.F. Labey:

Other than I know they have cultural events over here, my role is Overseas Aid and that is my engagement with those particular countries. I have in the past had communications with some of the community who wanted to set up a charity and that sort of thing, but I would not necessarily engage with that particular group any more than any other group on the Island.

5.4.1 Deputy I. Gardiner:

I thank the Minister. I am not sure if the Minister is aware that Friends of Africa is a registered charity and they have raised funds to provide support to the communities within Africa. They do not have consuls but they are representative of the African community. Would the Minister consider that Friends of Africa is an important stakeholder that needs to be engaged with going forward as the Minister engages with consuls?

Deputy C.F. Labey:

We are always more than happy to receive people, to have them in our office to explain what we do. If they feel that they want to fundraise and do international development projects in Africa, we can look at ways whereby we could match funds and things like that. We are more than happy to receive them if that is what they want.

5.5 Deputy G.P. Southern:

Could the Minister inform Members what attention she has paid to the Copenhagen Consensus which talks about the most efficient ways of getting help to countries in particular in Africa? How do her actions on behalf of Overseas Aid contribute to that?

Deputy C.F. Labey:

I am not familiar with that particular work but, as I said in my earlier question when I was answering about the Lomborg book, we have structured Jersey Overseas Aid to target our aid to be as cost effective as possible. We have smart investments, which means that we have interventions that can yield the greatest benefits and we have an evidence-based approach.

The Bailiff:

Are there any other questions for this Minister? I close this period of questions. The remaining questions are for the Chief Minister.

6. Questions for Ministers without notice - The Chief Minister

6.1 Deputy D.J. Warr:

The Chief Minister is well aware that we are currently in a cost-of-living crisis. Does he consider it reasonable, therefore, that Jersey Property Holdings are looking to increase the rent charged to the incumbent tenant of the Havre des Pas Lido by 300 per cent from their initial offer on 3rd April this year to their latest offer on 13th June this year? I am sure his colleague, the Minister for Housing, would consider this type of activity by a landlord as a revenge eviction. Will the Chief Minister intervene in these negotiations so that the future of the Lido and of the incumbent tenant is secured for the benefit of all those who use this jewel in our national heritage?

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

I agree with one aspect of the Deputy's question. The Lido is an important asset to the Island and we want to see it being used properly and enjoyed by as many Islanders as possible. I believe the Minister articulated carefully in an answer to a recent question that they were upholding the wishes of the Assembly and have worked long and hard to hopefully come to the signing of a new lease that is acceptable to all parties. I cannot comment on rent increases because I do not know the detail. A 300 per cent increase of a rent sounds a lot but if it is a 300 per cent increase on something that was very, very low and that brings it into something that is more realistic and sustainable, I think it would be appropriate, but let us leave it to the Minister and the lessee to hopefully come to a deal so we can get on and utilise that asset properly.

[11:45]

6.2 The Connétable of St. Lawrence:

I am aware that often members of the public find it difficult to get direct access to speak to Ministers and we are there to deal with that and to speak on behalf of the public. I have been trying to hear back from a senior planning officer since 3rd June and I have been trying to arrange a meeting with a senior officer within the Health Department since the middle of April. What is the protocol on the response to Members from members of the civil service at whatever level but particularly at senior level?

Deputy L.J. Farnham:

I believe the protocol is for members of the public service to respond as quickly as is practicable at all times, and I know that is encouraged by all Ministers. I am sorry to hear that the Connétable has had a problem with communications and I know that the Minister and the Assistant Minister are discerning and would not have been pleased to hear that, so I am sure if she talks to them they will look to find a solution to that and to ensure it does not happen again. I am disappointed to hear that and I apologise on behalf of that department that it has happened.

6.2.1 The Connétable of St. Lawrence:

I thank the Chief Minister for his apology. I have spoken to the Ministers to ask that I am contacted. I am not sure that all Ministers are in the Chamber at the moment. I have not done a headcount of them. What I would like to ask the Chief Minister is to put this as an agenda item on the Council of Ministers agenda so that he can express his dissatisfaction to all Ministers and ask that all civil servants, particularly at senior level, are reminded of this protocol and that they should respond to States Members in the earliest instance. We should not have to wait for months to hear from them.

Deputy L.J. Farnham:

Yes, I am happy to place it as an item on the Council of Ministers agenda. It is not just communications by civil servants. It is also we want to make sure as Ministers and States Members we are on top of it. I would caveat that to say that we do have some very good examples of communication, which we can use to demonstrate how it should be done.

6.3 Deputy K.M. Wilson:

Does the Chief Minister agree that the Minister for Health and Social Services just has too much on his plate?

Deputy L.J. Farnham:

No, I do not agree with that.

6.3.1 Deputy K.M. Wilson:

Thank you to the Chief Minister for that. Given that we have heard by his own admission this morning that the Minister for Health and Social Services does not have time to read critical reports into the health service, can he assure us that he has the time to read reports into the health service and other areas of his responsibility to avoid any perception of solipsism?

Deputy L.J. Farnham:

I think it is impossible for Ministers and States Members to read everything. However, it is essential that we read what is high priority, what is essential and what is urgent. I believe Deputy Binet and his Assistant Ministers and his team do that. Deputy Binet is incredibly honest, and we see that honesty coming out sometimes in answers to questions. It is an honesty that some of us might shy away from but Deputy Binet has always been like that. That is his *modus operandi*. Some Members might see it as a weakness; I see it as a strength. I think it is important that when dealing with an issue such as the health service, no matter how hard it is, no matter how difficult it is to deal with some of the issues that are being unearthed in the health service, I believe honesty is at the forefront. I hope that answers the question. I have confidence in the Ministerial Health team.

6.4 Deputy J. Renouf:

The Chief Minister today repeated his commitment to openness and transparency. However, the Radiology Report is apparently not going to be released until after the States has finished sitting. The mammography information was made public because of enquiries by the *J.E.P.* The Government have declined to answer an F.O.I. (Freedom of Information) relating to the report because it is going

to be released in 12 weeks. Information about the rheumatology and Mortality Review has been drip-fed in answer to questions. Why are the Government not taking a much more proactive approach to public communication in line with commitments to openness and transparency?

Deputy L.J. Farnham:

I think it is difficult in relation to medical reports where patients, members of the public are impacted upon. Deputy Binet alluded to it in relation to the other issue that has arisen. I understand that, to the credit of the media, that did not publish until they were aware that all Islanders who had been affected had been informed. I do not know the exact detail as to why there is a timeline leading up to the publication of that report but I am sure Deputy Binet is comfortable with that. I would urge, however, Ministers to be as transparent as possible and to get publications out into the public domain as soon as practicable and as soon as appropriate, given or depending upon the sensitive nature of the content.

6.4.1 Deputy J. Renouf:

What I am trying to get at is will the Chief Minister not seize hold of this agenda in line with those commitments instead of this feeling of grudgingness whenever people are asking questions that relate to it? I feel like this commitment to openness and transparency is a bit like an ice cube. It is just melting in the heat of pressure of events.

Deputy L.J. Farnham:

The Deputy has a wonderful way with words. I must remember some of his phrases. I am sorry he feels like that. We are, I believe, being as open and transparent as we can. That is the way we want to operate. The Minister for Health and Social Services is keeping me fully abreast of the situation as it develops and I will continue to work with him, but of course I will have the conversation about that just once more to make sure that there is no problem. He is indicating to me across the floor, so there is no problem with that. I will discuss and if it can be released sooner then it will be.

6.5 Deputy H.L. Jeune:

During the Chamber of Commerce lunch, the Chief Minister answered a question of who would be entitled to a living wage in Jersey. I may have misunderstood this, so could the Chief Minister confirm and explain why he answered that the living wage would not be linked to those working in Jersey on a 6 to 9-month contract?

Deputy L.J. Farnham:

I do not recall saying that. Mind you, having said that, I cannot remember what I had for breakfast so I might just be mistaken.

6.5.1 Deputy H.L. Jeune:

Can I confirm that the living wage would be for everybody who is working in Jersey on whatever contract or work permit that they are?

Deputy L.J. Farnham:

Yes, that is my understanding of it.

6.6 Deputy L.K.F. Stephenson:

Is there currently any kind of recruitment freeze in place across Government and, if so, what are the details of that freeze and are any services excluded from it, for example health and education?

Deputy L.J. Farnham:

As I understand it, the only restrictions we have in place are on vacancies older than 6 months. If 6 months has gone by and a vacancy has not been filled, then it has to be reapplied for.

6.6.1 Deputy L.K.F. Stephenson:

Again, on areas being protected, how many redundancies are the Government targeting? Is it correct to say that staff have been warned to expect around 150 and are Health and Education being protected from that number?

Deputy L.J. Farnham:

As I said before, it is inappropriate to comment on exact details of that nature while it is still policy under development and before staff are notified if there are to be changes in the structure of the public sector. As I have said previously, we will be examining middle and senior management roles to ensure we are not top heavy, to ensure that the public sector is appropriately balanced, but we will be protecting and hopefully enhancing front-line services, that includes health, that includes education, to make sure we are properly resourced on the areas where arguably it matters most to Islanders.

6.7 Deputy S.M. Ahier:

The Minister for Housing stated in the last Assembly that he had, as a matter of conscience, not voted to support any application for high-net-worth individuals to come to Jersey. Does the Chief Minister believe that these comments may dissuade people from applying for 2(1)(e) status?

Deputy L.J. Farnham:

No, I do not, in short. There is no evidence that has happened and applications remain steady.

6.7.1 Deputy S.M. Ahier:

Has the Chief Minister considered moving the responsibility for authorising high-net-worth individuals away from the Housing and Work Advisory Group to himself or the Minister for Treasury and Resources?

Deputy L.J. Farnham:

I have a feeling that is managed by a previous States decision but I will check. I am comfortable with the situation as it stands. I think the process is good and seems to be working well.

6.8 Deputy H.M. Miles:

Given recent news about the significant challenges faced by one of our local cannabis producers, could the Chief Minister give his views, please, on the status of the cannabis industry in Jersey?

Deputy L.J. Farnham:

I think that is more a question for the Minister for Sustainable Economic Development but it is something that I was involved in when I was doing that job. The industry is still young and on a global scale it is a very dynamic situation. There are a lot of developments in different countries. I hope the industry can continue to build foundations, and I very much hope there is a successful new industry sector with some longevity here. I think if it does work, notwithstanding the challenges it faces, I believe it can bring significant economic benefits to the Island.

6.8.1 Deputy H.M. Miles:

Given his hopes for the future, what support, if any, is being given to the industry by Government?

Deputy L.J. Farnham:

I do not believe any financial support has been given. In fact, in the early stages of setting up or preparing for an industry it was made clear that there would be no support based on the potential for it being a very lucrative business. Tax structures were put in place that would benefit the Island financially. I am not aware of any financial support being lined up for the industry in line as other agriculturalists would receive, but I do know there is an agricultural loan scheme and I presume that industry would apply to that, so that could be one avenue open.

6.9 Deputy I. Gardiner:

The Chief Minister mentioned the important work of the Council of Ministers for higher education opportunities and to invest in opportunities for students to return back to the Island, which is really welcome. Would the Chief Minister share his views on vocational training and apprenticeships?

Deputy L.J. Farnham:

I would need to have a conversation with the Minister for Education and Lifelong Learning so I can properly articulate my views on that. To be honest, it is something I have not given a great deal of thought to of late due to other commitments but I know it is something the Minister for Education and Lifelong Learning is attuned to. I am sure at a forthcoming debate we can develop our position on that.

Deputy I. Gardiner:

Sir, I asked the Chief Minister's position on support for vocational education and apprenticeships, not the Minister for Education and Lifelong Learning.

The Bailiff:

I thought the Chief Minister answered that he would wish to confer with that Minister before he would answer that question. If he is able to answer in any more detail ...

Deputy L.J. Farnham:

No, Sir, that is correct. Out of respect for the Minister for Education and Lifelong Learning's position on this, I would like to have discussions with him in order that we can present a shared view on it.

6.9.1 Deputy I. Gardiner:

Would the Chief Minister consider investment in vocational education and training important for the Island's economy?

Deputy L.J. Farnham:

I do insofar as it is one of our key priorities, especially as we have identified that the biggest challenge this Island is facing is the working age population, the reducing fertility rate, reduction in births and the fact that due to the high cost of living, the cost of buying a home, young people are not only leaving to go to university, they are not coming back. One of the ways we can help to address that is by making sure we supply the right further education and vocational training to retain young people and make it more attractive for them to come back to their Island.

6.10 Deputy A.F. Curtis:

Will the Chief Minister advise what delays, if any, there are in the move of the public service to the new office accommodation.? If so, what has been the cause of these?

Deputy L.J. Farnham:

I am not aware of any delays to date and I expect the handover to be in September, with the move to be complete by the end of the year with the new offices opening in early January.

[12:00]

6.11 Deputy B.B. de S.DV.M. Porée:

Would the Chief Minister, in his capacity as Chair of the States Employment Board, advise whether the value of the public services are applicable to all employees?

Deputy L.J. Farnham:

Of course and I know I speak for my colleagues, we value the contribution of all employees right across the public sector and civil service.

6.11.1 Deputy B.B. de S.DV.M. Porée:

Could he advise whether there is a requirement for all public-facing staff to wear an identification badge that is visible to the public and whether a member of the public can request to see such an identification, such as the name of the employee?

Deputy L.J. Farnham:

I am sorry, I do not know but I will find out and get back to the Deputy.

6.12 Deputy L.M.C. Doublet:

Given the serious nature of the reports in the Health Department recently, has the Chief Minister met with the Minister for Health and Social Services to discuss any of these findings and how services can be improved for all Islanders?

Deputy L.J. Farnham:

Yes, we have had discussions on this and I have asked to be kept informed of developments. It was truly disappointing and I join the department in adding my apologies to those impacted by the latest circumstances. I would also like to provide some reassurance to Members and Islanders that it is taken with the utmost seriousness and we now have a fully functioning Health Board, we have an improved management structure. We have a policy, not only a policy but I, as Chief Minister, and other Ministers actively encourage members of staff and the public and patients to come forward with any concerns that they have because that is one of the key ways we are going to uncover any other shortcomings. I know the Minister for Health and Social Services and his team are committed to doing that and, quite honestly, the department and the Minister have said we could find more problems. Once again I encourage people to come forward and share those with us.

6.12.1 Deputy L.M.C. Doublet:

I thank the Chief Minister for taking this seriously. Is he able to give us any details of what was on the action plan? Furthermore, is he able to give any details of any emergency Board meetings that may have been held recently?

Deputy L.J. Farnham:

Not at this stage because I still have to be fully briefed on certain aspects of what has happened, but I am happy to take questions in the future or even meet with Members and the Minister for Health and Social Services if there are any concerns they want to go into in more detail.

The Bailiff:

There is about half a minute left. Deputy Renouf, can you be that fast?

6.13 Deputy J. Renouf:

Who is in charge of the Public Realm Strategy?

Deputy L.J. Farnham:

The Regeneration Steering Group take responsibility for that in the first instance and they are putting together, shall we call it, a committee or a subcommittee or panel to focus on a new approach to some areas of that.

The Bailiff:

That brings the question time for the Chief Minister to an end and the end of Question Time generally. There is nothing under J and K.

PUBLIC BUSINESS

The Bailiff:

Before we start Public Business proper, there are 2 matters to be addressed by the Assembly. The first is, Chief Minister, in relation to P.42, the Draft Public Holidays and Bank Holidays (Royal Visit) (Jersey) Amendment Act, I understand you would wish to ask this item to be taken as the first item of Public Business. Is that correct?

Deputy L.J. Farnham:

It is not, Sir. I am sorry if you have been misinformed. We did think about that last week but then I remembered that we would give way to Deputy Le Hegarat's request. The rationale behind that was we want to give as much notice as possible but I am quite happy to leave it in the current order on the Order Paper.

7. Reduction of Lodging Period

The Bailiff:

Very well, that is not going to be proceeded with. The Minister for Justice and Home Affairs, P.40, Draft Mental Health (Young Offenders) Law, you wish to make a proposition under Standing Order 26(7) for the lodging period be reduced to allow the matter to be debated at this sitting?

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

Yes, Sir, I would. These Regulations amend an Article in the Mental Health (Jersey) Law where there is a gap. The Article enables the Royal Court to make a Transfer Order where a person is a prisoner or young people serving a sentence of youth detention requires urgent mental health care or treatment and needs to be transferred to a hospital or mental health facility to receive that care. Currently this is not possible if a young person is serving a sentence of youth detention and is held in secure accommodation. Secure accommodation is currently the most widely used setting in which young people serve their detention. I am seeking a reduced lodging period so that these regulations can be debated today and, if approved, they would come into force within 7 days, otherwise the regulations would need to wait until September to be debated. This is an agreed pragmatic solution in response to concerns that exist regarding the situation today, hence why I am seeking a reduced lodging period. This amendment is necessary to correct a known oversight in the law. It will enable some of our most vulnerable young people to access timely mental health care in a hospital or mental health facility. These are urgent interim Regulations that are required in the short term before primary law amendments will be brought to the Assembly as part of the tranche 2 amendments to the Mental Health (Jersey) Law as part of the ongoing review of the Mental Health (Jersey) Law and the capacity and self-determination. I have emailed Members and I have also asked if they would consider allowing me, under Standing Order 31, to take this as the first part of the business as I have a commitment in the latter part of the week that has been in my diary for 5 years and I wanted to ensure that this matter was dealt with.

The Bailiff:

Thank you very much. The proposition is to enable this piece of draft legislation to be dealt with at the current sitting. Is that proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition. If no Member wishes to speak, then I close the debate. Those in favour of adopting the proposition kindly show. Those against? I am assuming that is that we can take the proposition within this sitting and as the first item of business. Very well.

8. Draft Mental Health (Young Offenders) Law (Jersey) Amendment Regulations 202-(P.40/2024)

The Bailiff:

The first item of business is the Draft Mental Health (Young Offenders) Law (Jersey) Amendment and I ask the Greffier to read the citation. The main responder is the Chair of the Children, Education and Home Affairs Scrutiny Panel.

The Greffier of the States:

Draft Mental Health (Young Offenders) Law (Jersey) Amendment Regulations 202-. The States makes these Regulations under Article 32(1) of the Criminal Justice (Young Offenders) (Jersey) Law 2014.

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

I thank the Assembly for allowing me to take this at this time. Article 69 of the Mental Health (Jersey) Law 2016 currently permits the movement of a prisoner to an approved establishment, which is a facility approved by the Minister for Health and Social Services to provide mental health care and treatment. In late 2023, during the process to acquire a transfer order for a young person, a gap in the provision was exposed for the first time. As drafted, Article 69 does not apply to young people serving a sentence of youth detention who are held in secure accommodation. The Article does, however, apply if the same young person were to serve a sentence of youth detention in a young offenders institution. These regulations have been developed at speed in order to fill that gap. These regulations are necessary and are a pragmatic solution to amend the law quickly so that for the first time a young person held in secure accommodation can be transferred by order of the Royal Court at speed where it is necessary for them to receive specialist care and treatment. It is agreed by all stakeholders that these regulations significantly improve the current legislative position and fulfil the original policy intention behind this part of the Mental Health Law. It has been decided to make these changes under consequential regulation-making power in the Criminal Justice (Young Offenders) (Jersey) Law 2014 to implement these changes quickly. To make this change by primary law would take far, far longer, especially now in the U.K. general election period that will impact on the timescale for Privy Council approval. The Children's Commissioner was consulted as part of the process of bringing these regulations before the Assembly. During that constructive consultation the commissioner was concerned that these should represent an interim position only. The Government have undertaken to both the commissioner and the Children, Education and Home Affairs Scrutiny Panel that these will indeed be interim, short-term measures only. It is regrettable that this was not stated for clarity in the report accompanying the draft regulations. For the avoidance of doubt, I would like to place on record to the States Assembly that the Minister for Health and Social Services and I share the concerns raised by the commissioner. Therefore, it was agreed during the consultation with the commissioner that these regulations would proceed on the basis that further work to address children's rights concerns would be included as part of the tranche 2 legislative amendment being developed to amend the Mental Health Law. Those primary law amendments will have the vires to amend Article 69 to address the concerns raised by the commissioner whereas these regulations do not. It is also agreed that the code of practice that sits under the Mental Health Law should be amended alongside the primary law amendments as a result of these regulations. The Children, Education and Home Affairs Scrutiny Panel were briefed prior to the regulations being lodged and were made aware of the commissioner's concerns and of our agreement that the regulations would provide an interim position, albeit one that is much better than the current position. The panel was also made aware that further amendments to Article 69 of the Mental Health Law would follow as part of the ongoing amendments to the Mental Health Law. This was followed up with a sharing of the correspondence with the panel that detailed the Commissioner's concerns in full and the agreed way forward. I would like to place on record that the panel worked at speed to enable this legislation

to be scrutinised. These changes are necessary to ensure some of our most vulnerable children can receive mental health care and treatment in a hospital if it is necessary. They also enable them to be transferred to an approved establishment in the U.K. if that is what is required to provide the most appropriate type of care. This transfer is not possible currently.

The Bailiff:

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? If no Member wishes to speak, I close the debate and all Members in favour of adopting the principles kindly show. Those against? The principles are adopted. Does the chair of the Children, Education and Home Affairs Scrutiny Panel wish to scrutinise this matter?

Deputy C.D. Curtis of St. Helier Central (Chair, Children, Education and Home Affairs Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Thank you very much indeed. How do you wish to deal with the matters in Second Reading, Minister?

8.2 Deputy M.R. Le Hegarat:

Sir, I would like to take them *en bloc* if I can, please.

The Bailiff:

You propose them *en bloc*. Are they seconded? **[Seconded]** Does any Member wish to speak on the Articles or any of them? Those in favour of adopting in Second Reading kindly show. Those against? The Articles are adopted in Second Reading. Do you propose them in Third Reading?

Deputy M.R. Le Hegarat:

Yes, please, Sir, and I would like the *appel*, please.

The Bailiff:

Very well. Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate. The *appel* is called for. I invite Members to return to their seats. The vote is on the adoption of the draft regulations in Third Reading and I ask the Greffier to open the voting. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The regulations have been adopted in Third Reading.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. Peter				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Grouville				
Connétable of St. Ouen				
Connétable of St. Mary				

Connétable of St. Saviour				
Deputy G.P. Southern				
Deputy C.F. Labey				
Deputy M. Tadier				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy L.J. Farnham				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
Deputy 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 H.L. Jeune				
Deputy M.E. Millar				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

9. Draft Public Holidays and Bank Holidays (Royal Visit) (Jersey) Amendment Act 202-(P.42/2024)

The Bailiff:

The next item of Public Business is the Draft Public Holidays and Bank Holidays (Royal Visit) (Jersey) Amendment Act 202- (P.42/2024). The main responder will be the chair of the Corporate Services Scrutiny Panel and I ask the Greffier to read that proposition.

[12:15]

The Greffier of the States:

Draft Public Holidays and Bank Holidays (Royal Visit) (Jersey) Amendment Act 202-. The States make this Act under Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951.

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

Like so many Islanders and Members of the Assembly, I was delighted to learn Their Majesties, King Charles III and Queen Camilla, plan to visit the Island next month. Jersey is a Crown Dependency and our centuries-old relationship is not with the U.K. Parliament but with the Crown and we have a long tradition of warmly welcoming monarchs to our Island. Queen Victoria and Prince Albert visited in 1846, King George V in 1921, King George VI and Queen Elizabeth the Queen Mother in 1945 following the Occupation, and the late Queen Elizabeth II and Prince Philip visited 6 times across her long reign. Each of those visits coincided with significant public celebration. The last time that a King Charles was in Jersey was in 1649 when the Island sheltered King Charles II before his return to England to reclaim the throne. I might point out that we recognised him as king when England and a certain other Island nearby were supporting Parliament. He never forgot his time in Jersey and for our loyalty and hospitality he granted that mace to your predecessor. Not your immediate predecessor, Sir, I may add **[Laughter]** but I think the one in 1663 when it was presented as a symbol of our special relationship. King Charles III also spent time in the Island as a young student. In 1968 he was part of the team that undertook the archaeological dig at La Cotte in St. Brelade. I believe it is absolutely right that we give Islanders the opportunity to celebrate this royal visit with the same vigour and the same freedom as we have done in the past. While I do completely understand there is an economic impact and a cost, which has been set out in the report attached to the proposition, and I do know that it is difficult to give much more notice in these circumstances because royal visits of this nature are normally announced at relatively short notice for obvious reasons, but I do believe that notwithstanding that, the benefits to our Island will shine forth on that particular day. Having a holiday on Monday the 15th will allow Islanders who would not have otherwise been able to celebrate to take part in the festivities with their families, and this includes many retail and office workers and schoolchildren. Some schoolchildren will be starting their summer holidays at this period and for a great many children it will be their first chance to see and enjoy the royal visit of Their Majesties. I am also, ever the optimist, hopeful that even rarer than monarchs visiting the Island, is England winning a major sporting football competition, but it just so happens that the final of the European Championship will be on the Sunday night, so you never know. With that in mind, I hope Members will support the proposition and allow our community to celebrate the visit of Their Majesties next month.

The Bailiff:

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

9.1.1 Deputy D.J. Warr:

I have just been advised I may have to declare an interest here because I am obviously a business owner of a hospitality business, so obviously if Members bear that in mind. I appreciate that what I am about to say will cut little ice when it comes to the outcome of this debate. However, I feel it is really important that the voice of business, and in particular small local businesses, is heard within this Assembly. In fact, it is one of the reasons I stood for election. Too many Members in this Assembly cannot even begin to relate to the economic challenges small businesses face in today's

climate. So many things we do in this Assembly for the most vulnerable in our community are paid for by business through their economic activity. Government simply allocates the revenue it receives. Thus when we ask businesses to close down for a day over and above those already allocated as bank holidays with virtually no ability to plan, we immediately place a significant additional, unbudgeted cost burden on our local businesses. I have been approached by many local businesses who feel that this Assembly is simply not listening to them. There is lots of talk about supporting our local economy but when push comes to shove we do not walk the talk. While the cost to my business will be in the thousands, the cost to the economy in lost productivity and economic activity could be as much as £15 million. Some businesses will benefit but the net effect on our economy is negative. So who is expected to pick up the tab? Small businesses: small local businesses who have already seen 5 bank holidays in the last couple of months, small local businesses who had to shut down because of Storm Ciarán, small local businesses who are still recovering from the shadow of COVID. There will be no social security holiday, the landlord will not stop charging rent for the day, I.T.I.S. (Income Tax Instalment System) will still be due. Surely rather than declare a public holiday, we should be saying to businesses that they give priority to those members of staff who would like to take a day's holiday from their annual allocation. That then enables those who wish to attend the visit of His Majesty and Queen Camilla to attend while the detrimental impact on small local businesses is minimised. While I am a huge supporter of the royal family, I am also a supporter of small local businesses and I am sure as a business owner himself His Majesty would understand the stance I am taking. I will be voting against the proposition for the reasons I have expressed in my speech.

9.1.2 Deputy A.F. Curtis:

I will also declare that I am a business owner who has an employee on payroll. I want to start by saying I completely agree with the Chief Minister's speech about the excitement and recognition of the relationships this Island has. I think Members who saw the seating outside the States Assembly and Royal Court only yesterday as they practised will already be excited to see people gather together on such a day, and we heard how many seats will be there and how many people will be there sharing in that moment. There is never a good time to discuss the scheduling of extraordinary public holidays because they are often either very emotive or close touch subjects, but I think sometimes we do have to talk about them or at least we have to start the conversation somewhere, so I am going to start it slightly today. Each time we do have this debate - and we have had this as an Assembly since 2022 multiple times - members of the public do raise questions. They raise questions about the impact on childcare, health services. They raise impacts about the value of it, the relevance of it. So I am undecided how I will vote so far but I would like it if the Chief Minister in his summing up could provide as many answers to some questions that I will go through now to help us make an informed debate. If we do not start now collecting more data about the purposes and the value of a public holiday we schedule, we risk devaluing the ones we do schedule. For that reason, the questions that come to my mind are: what are the impacts on zero-hours workers? Do we expect they will be compensated for these days or has the consultation with the business community taken place to work out whether they will simply not be granted for days that appear on a public holiday such as the one proposed? What proportion of workers will be expected to work nonetheless and offered a day in lieu or otherwise? In essence, they will not get to take part regardless of that because they may be in hospitality, retail, agriculture.

Deputy L.J. Farnham:

I might just ask the Deputy to speak a little bit slower so I can write down his questions.

Deputy A.F. Curtis:

Of course, yes, I will go slower. I thought we were going for a quick debate. That one was about the proportion of people who can take part in the day or even take the scheduled day off. What

proportion of the working population will be given that day off or will claim it as a day in lieu or extra payment? I mentioned the retail, hospitality and agricultural sectors as those most likely to have to work it nonetheless. What proportion of those who do not attend school or work that day, those who benefit from the day, will meet or engage in the activities associated with the holiday, in this case the exciting experience of seeing the royals in the Square or down at Liberation Square or the Weighbridge? What should be considered appropriate notice of time for a public holiday? What data collection and evidence gathering will go on during the day to inform the next debate we have so we do not have to rehearse the same arguments each time? With that, I do remain undecided. I would like Members to speak on this topic. I am looking forward to the day. I am hoping we will have some wonderful weather and it will be a jubilant day, but so far the report does not contain enough to tell Members they are making evidenced and informed decisions. I hope the Chief Minister can address that in his summing up.

9.1.3 Deputy M. Tadier:

I admire Deputy Warr for standing up and making the speech that he did, even if he is going to be an outlier in the way he votes perhaps in this particular debate. The first thing to say is I do have an interest to declare because I love a good bank holiday [Laughter] and I do not care how much they cost. I say that slightly tongue in cheek because there are wider benefits to having a bank holiday and I will get on to why I think that this, on balance, is not just a good idea but a very good idea for Jersey and why we should all support it. But he is right to point out the fact that depending on what kind of bank holiday it is, you do get a mixed response. If you were to propose something that on the surface looked like it might have a whiff of a socialist bank holiday because it commemorated a small revolution but a significant one that took place in Jersey's history, you would get comments issued saying the following: "It is difficult to reach a definitive figure for overall impact potentially incurred across the community of a bank holiday. While an extra holiday might shift the timing of some sale and expenditure, in some sectors a missed day cannot be made up for again. A café that relies on lunchtime trade from employees in the office complex next door will lose a day's trade that cannot be recouped. The Jersey Chamber of Commerce is particularly concerned about the effects on small businesses and those experiencing difficulties. It is estimated that each extra day could cost the economy up to £10 million in lost wages and productivity based on the average G.V.A. (gross value added) per working day minus property rental. It is also estimated by government economists that in the worst-case scenario a bank holiday could cost £18 million, which would equate to a day's economic activity being lost." But the difference there is that is to do with the Corn Riots. We have a very different type of bank holiday coming up. It is a royal bank holiday, and of course we know that economics behaves differently when it is a royal visit rather than when it is just an ordinary bank holiday, albeit one with lots of notice periods, when I proposed it, which did succeed incidentally. It was a one-off bank holiday, as is being proposed here. I am often reminded that sometimes we tell ourselves simplified stories - and it will be relevant, I think, at the end of my speech as to why I am alluding to this - because sometimes historical stories are much easier to tell when they are simplified, but you also lose a lot of colour in that and a lot of nuance. I am reminded when I speak to tourists, as I do sometimes, that the date that we are given, for example, as being very significant is 1204, when King John *sans Terre* or Lackland lost the territories in France and therefore Jersey had to make a choice, and it chose to be loyal to the English Crown. Therefore Jersey became a possession of the English Crown, although not a possession of England. It is the story that we like to reinforce by retelling that. I am reminded every time I go to Charing Cross in St. Helier, which I walk past often - I am sure other Members do - and we see that beautiful toad, our Jersey toad, Le Crapaud, which stands on the plinth, which also reminds us of the Code Le Geyt, where the laws were codified by one of your predecessors, Le Geyt in 1693, I think it was, who decided that it is really important that we have these laws. That if you can get some quite gruesome consequences for your actions, you should at least know what they are before you potentially commit those offences. It is a beautiful memorial which will celebrate its 20th anniversary this year in 2024. But we actually look into

history and we realise that it is much more nuanced because what local noble families did, and it was by no means all of the population who had to make this choice of whether they remained loyal to one side or the other, is that they would often look at where they had the most territory. If you had a small plot of land in Jersey but you actually had a big lucrative estate somewhere in Normandy, you might say: “My loyalty is with the Duke of Normandy still. What I am going to do is give that piece of land to one of my sons and give the other piece of land to my local son.” So you did have divided loyalties. Something interesting that happened is that the King sent over the monk Eustace to Jersey to kidnap certain noble families and take them over. Where did he take them? To Sark of all places, to make sure that they ultimately remained loyal to the King of England, not to the Duke of Normandy, which of course, Jersey was no longer part of Normandy after that point.

[12:30]

It is a much more colourful story where some of the locals had to be coerced into finally, perhaps, paying loyalty to the monarchy in England and gradually forget their loyalty to the Dukes. But they of course did have the best of both worlds. Jersey and Norman culture was allowed to prevail for many centuries. We still know that we have got the best of both worlds in many ways when it comes to our Norman and to our British connection. I say that, and again it will become relevant why I mentioned Sark, because Sark and Guernsey have all had different histories in this. What I would say is that I am not necessarily the most immediately well-known for my pro-monarchy stanza. I tend to keep those matters private. But what I would say is that we know that the monarchy throughout the centuries, and certainly today, works very hard and they are cherished by so many in our local community as well. I see this in many ways as a practical solution to this event that is coming up on 15th July. It is not just going to be important for us now, it is going to be the stuff of history being made. We know that when the first visits of a ruling monarch came with Queen Victoria in the mid-1800s, which was linked to the opening of our harbours or new parts of our harbours, that was welcomed by so many Islanders. It is in the history books again when we had the visits of George V and Queen Mary in the early part of the 1900s. That is when a lot of our Parish symbols were created for the first time. They did not necessarily exist before, and so there is a great tradition that happens when we remember that. I think new traditions will also be formed with this visit. There is a risk that if we did not have a bank holiday, it just becomes another elitist jamboree, if I can call it that, where we can go to it, that is fine. The Royal Court can go to it. If you are lucky enough to work for yourself and take a day off, or if you are well positioned and you have got an invite, you can come along to it. But what do you do if you are an “ordinary worker”. There is no obligation to attend this, of course, but it does mean that school children, teachers, anybody who lives and works in Jersey, ordinarily can come and be part of this very historic event and see history being made. Also, I think what is a good bit of soft patriotism for Jersey to show what it does very best, which is welcome people and welcome them very well. I would suggest that it would also be great exposure for Jersey because there will be immediate coverage of this in the national media and people might think: “Actually we went to Jersey once in the 1970s when we got married. Why do we not go back there? They have just had a royal visit.” I suspect some people will also have heard of this and be planning their trips to Jersey specifically to coincide with the royal visit. They may not be able to buy their coffee in a particular shop anywhere in Jersey or have their lunch in a shop which is shut or go to a specific shop which is shut, but the day before and the day after they can, because they are probably not going to be staying for just one day. That is before we get into what the longer-term impact on Jersey might be. I would also say that it is a bank holiday for everybody. If you do not want to go and welcome the King and Queen visiting Jersey, if you check the Manche Iles Express website, there does happen to be a trip to Sark on that day. I think it leaves at 9:00 and comes back at 5:00 p.m. I am not suggesting that anyone does that, of course, because there is a risk that you might actually be kidnapped and remain there if you are not an outright loyalist to the monarch. I would say that if you do risk going to Sark on Monday, 15th July, just make sure that you can come back.

The Bailiff:

Thank you, Deputy. [Laughter]

9.1.4 Deputy L.M.C. Doublet:

I put my light on to speak following Deputy Warr's speech because I was a little bit alarmed that the debate might go against the public holiday, but my sense is that the mood is perhaps the other way, following Deputy Tadier's speech. I wanted just to briefly echo actually some of the things that Deputy Tadier said about the morale of the Island. I think we cannot forget that times have been really very hard recently for Islanders and having a bank holiday will go a long way towards, possibly only briefly, boosting some of that community spirit. Celebrating is something in terms of our humanity. It is something that is really, really important to do together as a community. I hope that Islanders will take that opportunity to come together if we do approve this bank holiday. I did look quickly at some of the research on the impacts on the economy. We must not assume that the impacts are negative because there is research that states that productivity actually increases immediately following a bank holiday. This brought to mind the trials that have been happening in many jurisdictions around the 4-day work week because, of course, when we have a Monday bank holiday, that is essentially a 4-day work week. I think that companies could take this opportunity to reflect on whether that is something that they could perhaps trial further beyond a bank holiday with their companies, because it is something I very much think would improve productivity and morale across the Island.

9.1.5 Deputy K.F. Morel:

I would like to thank everyone so far who has commented. It has been really interesting and I do not think, listening to Deputy Doublet, in my mind it was ever in doubt which way the vote on this is going to go, despite Deputy Warr's intervention. But I rise really to acknowledge Deputy Warr's speech. I think it was an excellent speech and he touched on many of the matters that came to my mind when this was being proposed around the Council of Minister's table. While I agree also with Deputy Tadier, in that this is an important historical event. I do think we should have a public holiday for this. I do think it is important. What I do also believe though is that it is not the case when public holidays are being proposed before the Assembly that there is any element of economic analysis provided. I believe the reason such a long economically-focused comment had been provided for Deputy Tadier's proposition for the Corn Riots public holding was probably because there was a lot of time in which to do it. Whereas in this case we have got the matter of days between the lodging and the proposition being debated. You do not have time for comments and such things. Had there been time, it was my intention to speak to the Greffe to see if there was some way of, in future Public Holiday Acts, of requiring the inclusion of an economic analysis, because I think it is important. The sums that we have heard, we do not know if they are right or wrong. They are approximations. I have heard £80 million lost to the economy, £50 million lost to the economy. These are significant sums. On top of that, public holidays, although I appreciate in the case of this one because it is the last day of the school term, this is probably being mitigated naturally. But they do cause childcare issues as well. When members of the public - parents - were expecting their children to be at school, suddenly their children are not at school but maybe they still have to work. It does cause also those childcare problems. That said, there is no question in my mind, I think, this may be one of the only visits to the Island, possibly the only visit to the Island, that the King chooses to make. I think therefore giving as many people as possible the opportunity to celebrate that and to enjoy that in whichever way, whether that enjoyment means a picnic on the beach or whether it means coming to the Royal Square, I think it is entirely up to Islanders to decide how they wish to commemorate it. I think that Deputy Doublet can rest assured that I think the Assembly is going to go in one direction, regardless of Deputy Warr's choice of voting. But the points that Deputy Warr made were really important points, ones that I encourage the Assembly to think of when we have future public holiday propositions.

9.1.6 The Connétable of St. Brelade:

I first of all declare an interest as a small business owner. Deputy Warr's comments are pertinent. There is no question about that. There will be significant cost to businesses throughout the Island, a point made by others. As a result of a meeting held of the Comité des Connétables last Monday, it was agreed among us that we would support the concept of the bank holiday but with the full knowledge that the agricultural industry will be significantly affected. They are in a position where they cannot stop what they are doing. Things continue to grow, shipping continues to take place and there will be accommodation being needed to be made for those particular areas. I would also just expand on the costs, shall we say, which are probably fairly easily identifiable in terms of ... to a certain extent, as the Minister just said, because we know how much the cost of staffing is going to be for a particular day. Always difficult to quantify what a loss of business might be versus, on the other hand, the cost benefits. That is something which is really difficult to establish. It is pretty clear that there will be cost benefits. Will those outweigh the costs? Difficult to say. I do not think anybody, despite any exercise that might be taken, as the Minister said, before any future debate is really going to be terribly accurate. We could identify from various businesses what they think. It might be a bit subjective, but we might get some information coming from that. I think the risk some Members, particularly Deputy Warr, may be taking on, shall we say, a Cromwellian approach and there will always be a difference in opinion. But as a royalist Island, I feel I have to back the proposition.

9.1.7 Deputy M.R. Scott of St. Brelade:

I only wish to add to what has already been said, that contrary to what might be suggested among the public, that the Council of Ministers have considered very hard not just the economic costs and the cost of business, but we should acknowledge that there can be a human cost to this; that there will be cancelled operations. We have been mindful of this. We also have been mindful of many other considerations, which include the optics of actually not having this bank holiday. I will be supporting this proposition, but it has been in some ways a difficult one in terms of considering some of the people who are going to have to bear the cost of this as well as Government.

9.1.8 Deputy R.J. Ward of St. Helier Central:

I just wanted to say a couple things. We mentioned about schools being off. I know schools do have the day off and children do have the day off. I know a number of schools where actually teachers are arranging trips for children during their time off so that they can ensure that a number of their students have access to the day to go and line the route and so on. They do not have to do that, but it is another example of our teaching profession going above and beyond the cause. I think that needs to be pointed out, just like so many who will not be able to. So I did assume a little too much regards this visit, because I have recently been invited to the Monarch's garden I thought he might come and visit mine. I was a little worried, because I would have to cut the grass, but I do not think that is happening now. So, I would support this. I would support it for all the reasons that are given. I think we do need to remember that some people will be working on that day, healthcare workers. But before we make blanket assumptions about members of staff, I think so many of our workforce go above and beyond in ways that we do not see in our public services and I think we need to recognise that. It is a shame that all the coffee shops will not be open. Although, with my Party membership, I am not entirely sure I get service in some of them. But there we go.

The Bailiff:

Thank you, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak, I close the debate and call upon the Chief Minister to respond.

9.1.9 Deputy L.J. Farnham:

It was becoming a long morning, but we are going to finish right on time and can I thank everybody for speaking in that, and echo the views. No matter how unpopular one might conceive one seems to be, it is important that we can speak in this Assembly without fear of retribution even when we are discussing a royal matter. Deputy Curtis asked me to answer a couple of questions. I will try, in the interest of expediting this, and group the question about the impact on people's zero-hours contracts and the proportion of people impacted and pay protection, for example. It is worth mentioning that if members of the public do not work on a bank holiday, they are pay protected and people that do work or have to work or are asked to work receive enhanced pay rate. The employment laws there are to provide a cover. So hopefully we will not see anybody losing out financially. Notwithstanding that, I recognise that it is going to be different for some of the businesses. But of course, when discussing with the economic adviser, it is very difficult to put a cost on it. It depends on the time of year, the occasion, the weather. You do not know what the day is going to be like, what it is for. Obviously, if you are in the height of the summer there is potentially more impact than something in the middle of winter. But the biggest change is on productivity - it has been mentioned by a couple of Members - but usually in circumstances the Island will still generate the same output over the period of the year, but it will just be moved around.

[12:45]

I know a number of people, including many friends and family, who will say: "Well, I have been looking forward to the day off work, but we are going to have to catch up when we get back." So the overall impact on the Island over a period of time is limited. I particularly enjoyed the contribution from a number of this ... we are a royalist Island and I was just hoping that the comment Deputy Tadier read out was not one of mine from the previous life. But I do not think it was. It might have been. Can I just thank everybody for speaking and say well done to those who were brave enough to speak out and exercise their views? Can I just take a moment to welcome and recognise the perseverance of Deputy Millar's mother, who has been in the Assembly and the spectators' gallery all morning without flinching? On a final note, there is one perhaps absolutely unavoidable reason why we need to have a bank holiday and that is because Guernsey has already declared theirs. Thank you very much.

The Bailiff:

Generally, that is not ...

Deputy L.J. Farnham:

I call for the *appel*, please.

The Bailiff:

Yes. Generally, that is not the best debating point, but there we are. The *appel* is called for. I invite Members to return to their seats. The vote is on whether or not we have a bank holiday on the day of the royal visit. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The proposition has been adopted.

POUR: 36		CONTRE: 3		ABSTAIN: 0
Connétable of St. Lawrence		Deputy K.L. Moore		
Connétable of St. Brelade		Deputy D.J. Warr		
Connétable of St. Peter		Deputy M.B. Andrews		
Connétable of St. John				

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

The Greffier of the States:

Those voting contre: Deputies Moore, Warr and Andrews.

Deputy M. Tadier:

Can I suggest we take them to the castle? **[Laughter]**

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. The Assembly stands adjourned until 2.15 p.m.

[12:47]

LUNCHEON ADJOURNMENT

[14:15]

10. Jersey Employment and Discrimination Tribunal - Appointment of members (P.30/2024)

The Bailiff:

The next item of Public Business is the Jersey Employment and Discrimination Tribunal Appointment of Members, lodged by the Minister for Social Security and the main respondent is the chair of the Health and Social Security Scrutiny Panel. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion - to appoint, in accordance with the Employment and Discrimination Tribunal (Jersey) Regulations 2014, the following persons as members of the Jersey Employment and Discrimination Tribunal for a period of 5 years: Melanie Grandfield (Employer Panel Member), Kiley Henley (Employer Panel Member), Mark Richardson (Employer Panel Member), Christopher Stephenson (Discrimination Panel Member), Richard Renouf (Discrimination Panel Member), Alison Brown (Discrimination Panel Member) and Allana Binnie (Discrimination Panel Member).

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

I am pleased to propose the appointment of 7 new members to the Jersey Employment and Discrimination Tribunal, subject, of course, to the approval of the States Assembly. Assembly Members will find summaries of the appointees' backgrounds in my written report, as well as more detail about the functions of the Tribunal itself. If this proposition is agreed to, the appointments will take effect once the new members have taken the oath of office before the Royal Court. I am satisfied that the recruitment process, details of which are set out in my written report, was carried out in a fair and transparent way and I am grateful to the deputy chair of the Jersey Appointments Commission for confirming that fact. I make the proposition.

The Bailiff:

Thank you. Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? If no Member wishes to speak, then I close the debate. Those in favour of adopting the proposition, kindly show. The appel is called for. I invite Members to return to their seats. The vote is on the appointment of tribunal members to the Employment Discrimination Tribunal and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting.

POUR: 38		CONTRE: 0		ABSTAIN: 0
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. Peter				
Connétable of St. John				
Connétable of Grouville				

Connétable of St. Ouen				
Connétable of St. Mary				
Connétable of St. Saviour				
Deputy C.F. Labey				
Deputy L.M.C. Doublet				
Deputy K.F. Morel				
Deputy M.R. Le Hegarat				
Deputy S.M. Ahier				
Deputy R.J. Ward				
Deputy C.S. Alves				
Deputy I. Gardiner				
Deputy I.J. Gorst				
Deputy K.L. Moore				
Deputy S.Y. Mézec				
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 H.L. Jeune				
Deputy M.E. Millar				
Deputy A. Howell				
Deputy M.R. Ferey				
Deputy R.S. Kovacs				
Deputy A.F. Curtis				
Deputy B. Ward				
Deputy K.M. Wilson				
Deputy L.K.F. Stephenson				
Deputy M.B. Andrews				

11. Cannabis: Decriminalisation of Personal Possession and Recreational Use (P.31/2024) - as amended (P.31/2024 Amd.(2)), (P.31/2024 Amd.(3))

The Bailiff:

The next item is Cannabis: Decriminalisation of Personal Possession and Recreational Use, P.31, lodged by Deputy Coles. The main responder is the Minister for Health and Social Services. Deputy, there are a number of amendments, do you accept any of them?

Deputy T.A. Coles:

Yes, Sir, I am accepting my own amendment, which I believe is amendment 3 and the Council of Ministers' amendment, which I believe is amendment 2.

The Bailiff:

You are not accepting the other 2 amendments.

Deputy T.A. Coles:

No, Sir.

The Bailiff:

Very well. Do you wish to have the proposition read as amended by those amendments you accepted?

Deputy T.A. Coles:

Yes, please.

The Bailiff:

Do Members agree to have it read as amended? Then I ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion - (a) that the personal possession and recreational use of cannabis should be decriminalised; (b) to request the Council of Ministers to bring forward proposals for consideration by the Assembly with the legislation to include (but not be limited to) potential approaches to the decriminalisation, legalisation and regulation of cannabis, use in the presence of minors, personal cultivation and preparation, social supply, restriction on the sale to minors, approaches to minors or vulnerable people coerced into cannabis-related activities, total acceptable gram allowance, restrictions on areas of consumption, restrictions on driving under the influence of cannabis and relevant roadside capacity tests.

11.1 Deputy T.A. Coles:

If I may, Sir, I would like to start with a question for the Solicitor General. The Advisory Council on the Misuse of Drugs sent a letter to the Minister for Health and Social Services which was circulated to all Members. In that letter there was a term used of "simple possession". I would just like the Solicitor General to confirm if this is a legal reference and how it would apply in law and is it different from normal possession and possession with intent to supply?

Mr. M. Jowitt., H.M. Solicitor General:

It is not a term that appears in the Misuse of Drugs Law, it is a term that is widely used by criminal lawyers and courts. It denotes possession for no other purpose than consumption by the possessor. It is different from possession with intent to supply, which is an intention to give it to others. Simple possession simply means my own drugs for my own use.

Deputy T.A. Coles:

Thank you to the Solicitor General for that answer. I would also like to thank the Solicitor General, as we did have a meeting at the end of the last sitting around this proposal, as well as my engagement with the Minister for Justice and Home Affairs early on, the Chief Minister, as well as my fellow

Backbenchers who brought their amendments, as well as the Children's Commissioner. The Children's Commissioner and the Solicitor General obviously pointed out the issue that I had inadvertently created and why that I have had to bring my own amendment to remove the over-18s part of this proposition. It is very difficult in trying to balance the rights and the wrongs without sending out the wrong message out into the public, especially when it comes to young people. But my question still remains, and it is at the end of this proposition, is do we still believe that criminalising people for their personal use of cannabis is the right thing to do? Why did I bring this proposition in the first place? It was the intention of the previous Government with the previous Minister for Home Affairs to have an in-committee debate around cannabis because the world's view on the subject is changing and we should be considering changing with it. Unfortunately, with the change of Government and the new Minister for Justice and Home Affairs this in-committee debate was no longer going to take place, as it was not one of her priorities. I thought I could have brought an in-committee debate myself and we could have all discussed it but there would have been no votes at the end to give a direction to Government for what we want to see change and how we want things to change with us. There is a satirical quote that goes around and it is either around the definition of stupidity or the definition of insanity. Either way it is about doing the same thing over and over again and expecting different results. Jersey criminalised cannabis in the 1960s, so here we are 60 years later still criminalising people but nothing has changed. People still use cannabis daily. But what has changed is the way the Government deals with substance use and substances being used within our society. We have changed to a harm-reduction strategy, which means that we have to accept that people will use substances and to offer them support when they need it is the best way to get them off substances, rather than criminalising them. This is work that has been based on a very eminent psychologist, the likes of Gabor Maté, a Canadian-Hungarian who has done a lot of work around addiction. I found it quite difficult with the Advisory Council on the Misuse of Drugs letter because what that letter stated was going very much against the strategy that Government brought forward last year. To me, it seems there are still elements that are at odds with strategies and enforcement. How big is the problem of cannabis convictions and interactions with the police? I think it is fair to say at the moment that there is nobody who is in prison and has been charged for the personal possession of cannabis alone. These crimes and convictions are normally associated with more serious offences which ends up with someone in prison. However, the people who are not being cautioned, forced to go to a Parish Hall Inquiry, are still being exposed to our law enforcements and our judicial system. Rightly or wrongly, these people could end up at a Parish Hall Inquiry and receiving a £200 fine for possession of 15 grams of cannabis. This is still considered a form of decriminalisation but the £200 fine and the appearance at a Parish Hall Inquiry makes it a decriminalised act with civil sanctions. This is still a type of conviction and it would still appear on an enhanced D.B.S. (Disclosure and Barring Service) check. Anybody who does this in their youth over the age of 18 but then may wish to go into teacher training would be barred from teaching at school because they would have a conviction for drugs. What this proposition seeks is to take this form of decriminalisation to the next step and by removing the involvement of the police for a limited amount of personal possession. Policing of cannabis now has become very, very difficult because we have legalised the use of medicinal cannabis, which means that somebody who has a prescription is allowed to carry their full prescription around with them at all times and would be able to use their prescription in a time that they wish to use it. The problem for the police is now they are not allowed to ask an individual if they have a prescription until the point that they believe an offence has occurred and a caution has been written. At that point the person should then declare whether or not they have a prescription. If they cannot prove that they have a prescription at that point, the police have to seize their cannabis, tag it for the person who it has been removed from, hold it and then return it if a prescription is presented. If a prescription is not presented it then has to be analysed to confirm that it is cannabis and then after that fact they would then have to decide whether charges should be brought. Another interesting problem that the police will face is if somebody is smoking cannabis in a public space with a prescription, the police have to know before they charge the person what offence

is being committed. Because if you have a prescription you are not using an illegal substance in a public space; you are misusing a prescription, which is a different offence to what you can be charged for. This makes action for the police very, very difficult. It is also very costly, it leads to a lot of financial with the analysis of the substance, whether it turns out to be cannabis or not. But mostly it is about time. We have very limited police resources and for many people this is a very small action and small crime, so why are we wasting so much time on it? Some might say that the answer is, well, why do we not toughen up how prescribed cannabis is used? The problem with that is we do not impose other restrictions on other medications. If somebody is taking A.D.H.D. (Attention Deficit Hyperactivity Disorder) medication or if somebody has to inject a medication at varying intervals, we would not tell them when and where they can use their prescriptions. Having conversations with some front line police officers, they said some of the biggest problems they have are at outdoor events, where someone might take a large quantity of prescription but of course if they have their prescription with them, as in the note from the doctor that says they are allowed to have prescribed cannabis, this cannot be removed from them, even though they know they are there probably for the wrong reasons. However, if we were to make an acceptable allowance for what people are allowed to carry on their person, this would clear this action up, especially for the police. But if somebody is carrying far too much on them at one time, then the police know they can either just ignore it, let that person move on their way, although if that person is under the age of 18 or cannot prove that they are over the age of 18 they would still be allowed to remove the cannabis from them, as they would not legally have a prescription. It seems that cannabis is becoming more of an administrative burden and a drain on our police resources than the impact it will have on society. For a little bit of context, I remember the 2000 Euro Football Championship where it was jointly shared by the Netherlands and Belgium; Belgium famous for its beer, the Netherlands famous for something else. With the crowd trouble that erupted at that football tournament, the majority of the trouble happened in Belgium. This year we have seen the Euro taking place in Germany, a country which has recently legalised the recreational use and possession of cannabis, not decriminalised, legalised; there is a difference. The German Government and people of the German towns are encouraging travelling supporters to use cannabis, as they are aware it will create less crowd trouble than if people were drinking to excess. The Misuse of Drugs Advisory Council's letter mentioned this U.N. (United Nations) Single Convention on Narcotic Drugs. I feel it is important to mention that the following countries are all signatories to this convention, all have decriminalised cannabis so that there are no sanctions at all. These countries are Belize, Bolivia, Chile, Columbia, Jamaica, Luxembourg, Malta, Mexico, The Netherlands, Peru, Poland, Portugal, South Africa, Spain, Switzerland and Uruguay.

[14:30]

A number of countries have taken different actions to cannabis, which includes decriminalisation but still with civil sanctions. However, there are countries with some form of legalisation; Germany, most notably Canada and 26 states within the United States. The convention allows the sovereignty of its signatory nations. It allows these countries to decide their own rules on punishing people for possession within their own countries. When the letter mentioned about the issues with our nearest neighbours, mainly France, I found an interesting one; we have no land borders with France and we have no freedom of movement when in France. We are only a small market for the illegal trade that already exists. Given that they share a land border with Spain, Germany, Luxembourg, Switzerland, all these countries have free movement of people and, most importantly, free movement of goods. There are no checks on anything that will be travelling around these countries and yet France has not posted an objection to any of these countries. We have an illegal market in Jersey, let us be real about this. We share good intelligence with France and the U.K. and I cannot see any reason why this would not continue. Here comes one of the tricky parts with cannabis, and that is mental health. I would be remiss if I did not acknowledge that there is a connection between mental health and cannabis use because cannabis psychosis is a thing and it is something that I have witnessed first-hand. It does not affect everybody and those people who are affected by cannabis psychosis it can

be very impactful and the effects are very disturbing; I will not sugar-coat this. I know someone that during an episode of psychosis was arrested, found to be in possession. This person was admitted into Orchard House where they were treated, released and on release they received a notice to attend a Parish Hall Inquiry for possession. Did this person benefit from being sent to a Parish Hall Inquiry after what they had been through? Did society benefit from putting this person through a Parish Hall Inquiry because of the possession? Did it stop this person from using cannabis illegally again? Unfortunately, the answer to all these questions is, no, it did not. People do not use cannabis thinking they will be caught, that it will have a bad effect on them. People do not use cannabis because it is illegal or not. Like most people, Members of this Assembly included, we use substances to help ourselves regulate; sometimes we call this a crutch or a vice. How many Members enjoy a glass of wine or a beer at the end of a hard day? How many Members enjoy a cigarette? How many Members enjoy something sugary just to get them through? Alcohol and cigarettes are proven to be worse for our health, alcohol worse for society than cannabis but both are still legal. It is my belief that we should change tactics, as the war on drugs has not worked. The first step is to stop criminalising those who use cannabis. Bring our enforcement in line with our substance use strategy, offer people the support when they need it the most. With that, I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**]

11.2 Cannabis: Decriminalisation of Personal Possession and Recreational Use (P.32/2024) - fourth amendment (P.32/2024 Amd.(4).)

The Bailiff:

There is an amendment lodged by Deputy Alex Curtis and I ask the Greffier to read that amendment.

The Greffier of the States:

Paragraph (a) after the word “possession” insert the words “personal cultivation”. In paragraph (b) after the words “relevant roadside capacity test” insert the following new bullet point “total acceptable cultivation allowance”.

11.2.1 Deputy A.F. Curtis:

As an amendment to Deputy Coles’ main proposition, I intend to keep this brief. Firstly, I want to reiterate that this proposition to which this amendment amends is only an in-principle one. The Assembly would not be changing law or policy today and if part (b) were to be adopted the Government would undertake several elements of policy work to bring back to the Assembly. As amended by the Council of Ministers, this would include bringing forward possible proposals on personal cultivation. Why, Members might ask, have I retained my amendment? For one, discussing with Deputy Coles we both want to see these as debates where people can inform and engage and understand Members’ perspectives. This should not be just a chance to reiterate views; we should be learning. Retaining this as a standalone debate allows us to discuss what cultivation means and what decriminalisation without it would look like. Secondly, I believe it is important that should the Assembly adopt part (a) that the principle of personal cultivation should be allowed within that decision. Perhaps it is best to look at where we stand today, and Deputy Coles has touched on this. Some States Members and members of the public would argue cannabis is somewhat decriminalised already. The Attorney General’s guidance permits the use of written cautions for small amounts of the possession of cannabis. The rise in medicinal prescribing has allowed, I believe, about 6 per cent of the working population to access high T.H.C. (tetrahydrocannabinol) content cannabis legally, so long as they pay their prescription, doctor’s appointment fees and prove their medical requirement. Decriminalising possession and consumption would not be a significant step away from that landscape and it would perhaps allow us to prescribe different amounts and apply better controls over where we may apply criminal penalties should breaches occur. What would remain the case,

however, is that it would be a criminal act in any case to procure or supply cannabis, even when the possession of said cannabis is decriminalised. One argument, one may think, is we should look to legalise and we have heard that some jurisdictions are moving towards that. We could look to licence to supply, tax a product, and while these are relevant conversations to have and likely work that will take part under part (b) following the Council of Ministers' amendment, there are many good reasons that is not the step to take now. One could consider you could decriminalise the act of small dealing and importing but I, for one, have no interest in supporting illegal dealing and importing and the impact that crime activities have on our community. How else then if the Assembly agrees to decriminalise personal possession and consumption do we square the circle? To me and many other jurisdictions that have decriminalised, the answer is personal cultivation. This would enable Islanders to produce their own supply, be assured of the quality and provenance of what they produce and feel safe in the knowledge they are not enabling crime and the impact on society that it has. How does this work in practice? Should the Assembly agree to the principles today, officers will be working on the best solutions for Jersey for Members to debate. However, we can look at other jurisdictions and the policies that they have and the reasons behind them. I hope Members will have noted the specific examples given in my report. If they have they will have seen the common thread that is between these. Firstly, jurisdictions apply a limit on the number of plants that can be grown. This is more practical to work than the gram allowance, as a plant will produce differently under different scenarios. This allowance can be per person or per household and that can be debated by the States later. Jurisdictions often apply a total dried plant matter to be allowed to be kept at home on private premises once harvested. This is no different to the allowed plant matter that one would be permitted to keep under decriminalisation of possession. Thirdly, limits are typically applied on where the plant can be grown; on private property and mostly described as out of public view. Jersey would not need to be limited to these controls and we could find and adopt our own policy that best suits the Island. Members can likely picture a combination of these would enable proportionate policy, both enforceable and manageable. Like we have heard, Members must always consider risks and there are always going to be risks. These may include, when we discuss personal cultivation, the quality of produce and effects. Home growers are likely to be less consistent with their growing techniques than sheer professionals and what we see in medicinal cannabis. This could mean plant spoilage and could mean mould, that if then consumed could have a health impact. But on the other side, imported illegal cannabis is also likely to be of mixed quality. Only the medically-grown cannabis supplied to that 6 per cent of working population is assured to a T.H.C. value and to a quality. I do not think we want to be encouraging the proliferation, if it does indeed occur, of medical grade and, in essence, a prescribed material being used outside of a prescription. We want our clinical standards and reputation to be better than that. On the note of quality, I have been informed that home growers are likely to produce a lower potency cannabis than that grown in optimum growing conditions, which would make it a less strong product, akin to drinking a lower A.B.V. (alcohol by volume) product. Another risk would be smells and nuisances, that neighbours would be impacted by the smell of growing plants. We already have a Statutory Nuisances Law that deals with odour, and by having a plant limit and location restrictions on where a plant can be grown, I see no reason this cannot be handled within the details to avoid any neighbour impact. Indeed, I would suggest that those who illicitly grow it around the world at the moment do their best to hide the proof, that it can even be detected by their neighbours. The last one, maybe the contamination, using materials in airborne seeds to the medicinal cannabis industry but those of us who have been lucky to visit those facilities will know how wonderful those facilities are and how tight a ship they run. Those are the risks; we should consider the opportunities. We should look at both sides of this, and I will start with one which is education. In many areas of our life where we are consumers, we are growing to say we need to be educated consumers. Our food systems are things we need to tackle, to tackle obesity, to tackle our consumption of drink, of alcohol or of tobacco. We need to be better educated on the impacts and effects and, ultimately, the provenance and location of anything we consume. I think those who are tighter connected to anything they consume can only be good for education. The

second one - I do not want to make light of this one - is if in the main debate the States Assembly agree was a principle of decriminalisation of possession and consumption, then we should be thinking for those people about the cost incurred of anything. We debate every year duty rises on alcohol and the impact someone has to enjoy their leisurely pastimes. For somebody to have the opportunity to be afforded the chance to grow their own product is, in essence, enabling access and inclusion. I really do not want to understate that one; we debate this all the time, the cost of living. It is something the Government aims to address. Should we adopt the principles then I think it applies here as well. I want to look at the last one, which is satisfaction and enjoyment. People have hobbies and get a lot of enjoyment out of hobbies which grant them responsibility, interest, skill and profession. The Island has got a great history of horticulturalists. We are not normally horticulturalists in the sense of cannabis but we know how much satisfaction there can be from gardening, from growing, from brewing, from baking. Again, I think that it should be entirely recognised that part of people's lives is taking responsibility over things, and most of us know that horticulture is a great place; you water your plant every day, you look after its condition. Where we have a society perhaps where responsibility and the chances to take self-sovereignty about things you do yourself are becoming more limited. For our mental health people should be offered those rights. Lastly, I want to address what decriminalisation would look like without cultivation. It would be, in short, that Islanders could be sentenced in the Royal Court for growing, for being a producer of cannabis. Despite the fact that once harvested that level of cannabis would be decriminalised to both possess and consume. Really no matter how cannabis arrives at a consumer it must be grown. Should the States support decriminalisation, allow consumers to grow their own.

The Bailiff:

Is it seconded, the amendment? **[Seconded]** Does any Member wish to speak on the amendment?

11.2.2 Deputy M. Tadier:

I almost thought I heard a groan there but that cannot be right, we are only in Tuesday afternoon. In 1204 **[Laughter]** ... I am only joking, although I may reserve the right to refer to *le chenet*(?) at some point, if not in this speech, in a later speech and remind Members of what that means. I am happy to support this amendment, first of all, because it has been raised with me over the years by supporters of those ... I had a constituent at one point, I think he has moved out of St. Brelade now, who has been a long-term campaigner to be able to grow his own cannabis for medicinal or recreational use. I think increasingly you could argue that the line is becoming blurred between the 2; we may be able to touch on that later on. I also think that Deputy Alex Curtis has made a very good case for this because it is in the context of if we are going to decriminalise the use and possession of personal amounts of cannabis, which can come in different forms of course. It would be a folly if we said to people: "Okay, we decriminalise it but there are only really 2 ways that you can obtain cannabis."

[14:45]

One is through a legal route, which is as a medicinal form, and for those people we do not need to decriminalise it because they are possessing it legally, even if they may be using it in a way which might, ultimately, be illegal; for example, smoking it. I still think, just to say at this stage, that the nuance between smoking and vaporising medicinal cannabis is probably one which the previous Government was overzealous about ... a previous Minister for Health and Social Services was overzealous about making that distinction. But we are not really here to talk about that at this juncture. The other way that most people who want to use cannabis, if we decriminalise it, the way that they will be obtaining that is through an illegal supply chain. Cannabis has to come to the Island and no doubt other Members will say in a moment or in the next part of the debate, that will have all sorts of problems attached to it, the fact that it is an illegal supply chain and the fact that the quality of it, especially if it is in resin form, will be subject to all sorts of chemical and cutting processes that the individual who ends up using it does not know what they are really consuming. Whereas

somebody who wishes to take pride in the growing of their products, to know exactly who has done the research to say: “This is the type of cannabis that I wish to produce and consume and it works for my needs”, whether they are recreational or medicinal, will have the autonomy and the ability to do that. I am also minded to think and understand that when it comes to alcohol you can brew your own alcohol at home. If you want to make yourself a nice rhubarb wine or a beer or a cider you can do that and, as long as you are not selling it, that is perfectly legal. I think if we were decriminalising cannabis then it would be strange to say that you cannot grow your own at home. For me, the only reason you might vote against this is if you had no intention of supporting the decriminalisation in the first place. But I think it is still sensible to support this as a safeguard to make sure that if we do decriminalise, then a legal method that people can have to obtain good quality product that they know what is in it and that they had some input into getting it here, that they should be able to use that mechanism rather than relying on a very dark black market or illegal market to be able to procure their drug.

11.2.3 Deputy H.L. Jeune:

I think Deputy Tadier said a lot of what I wanted to say but I think my main point is, I worked in the past with the Fair Trade movement and looking at the supply chains on a number of commodities and how, along that supply chain, there is a number of very vulnerable users and this supply chain is no different. I think it is very important, as Deputy Tadier and Deputy Alex Curtis has alluded to, is that if we decriminalise the consumption we should also look at how we procure what we are consuming. At the moment a lot of cannabis coming into Jersey comes from the Dark Web and is ordered online. Inadvertently at the moment, and if we are not able to be able to cultivate for own use in the future in Jersey if we decriminalise cannabis, we will be inadvertently supporting organised crime groups. The cannabis market, for example, represents 38 per cent of organised crime group drug revenue in the E.U. (European Union) of €11.4 billion annually. In the U.K. this estimates around £3 billion. Of course the social harms are enormous. We may not see that at the acute end here in Jersey, or many of us do not but this does include human trafficking, debt bondage and modern slavery. I would really like to hear from the Minister for Justice and Home Affairs in this regard. I know that she is working on a modern slavery law. Of course this topic and this issue is absolutely key within the supply chain around cannabis. I would hope that she sees that the cultivation in Jersey is an important thing to try to stem Jersey’s own impact on modern slavery along the supply chain. I think it is really important that this proposition of Deputy Alex Curtis is supported and that we can curtail money reaching the black market, organised crime groups and the exploitation of vulnerable people in doing so.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on this amendment? If no other Member wishes to speak on this amendment, I close the debate and call upon Deputy Curtis to respond.

11.2.4 Deputy A.F. Curtis:

That is a somewhat shorter debate than I had anticipated but I presume it is widespread support that is causing that. I note how awkward it is to say Deputy Alex Curtis and I think we need to find a better solution for people with shared surnames. Right, well thank you to those who did speak and highlighted the comparisons to those who can brew their own at home for alcohol limits. I think what Deputy Tadier said is really important. What I really wanted to stress during my opening speech was this is not about, potentially, Members supporting decriminalisation, it is about Members appreciating that should part (a) go through we want to address those safeguards and Deputy Jeune reiterated that. I think there are a huge number of things that we have to deal with with regards to supply chain and all the challenges that were so well listed. But I really think this is a fairly simple one for me. If we are going to allow the decriminalisation - that is “if” - then I see no reason why we

should not at least agree to the personal cultivation. Just to once again address why I want us to take the vote on this, and I hope Members will vote in favour, is while the Council of Ministers have put in part (b) to do the work on personal cultivation, part (a) is what provides a level of in-principle decision-making and I think it has to go hand in hand in part (a), hence I did not let this fall away when the Council of Ministers' amendment was accepted. With that and with the lively debate we have had, 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 fourth amendment brought by Deputy Alex Curtis, and I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The amendment has been adopted.

POUR: 21		CONTRE: 19		ABSTAIN: 1
Connétable of St. John		Connétable of St. Helier		Connétable of St. Lawrence
Deputy G.P. Southern		Connétable of St. Brelade		
Deputy C.F. Labey		Connétable of St. Peter		
Deputy M. Tadier		Connétable of Grouville		
Deputy L.M.C. Doublet		Connétable of St. Ouen		
Deputy K.F. Morel		Connétable of St. Mary		
Deputy R.J. Ward		Connétable of St. Saviour		
Deputy C.S. Alves		Deputy S.G. Luce		
Deputy I. Gardiner		Deputy M.R. Le Hegarat		
Deputy K.L. Moore		Deputy S.M. Ahier		
Deputy S.Y. Mézec		Deputy I.J. Gorst		
Deputy T.A. Coles		Deputy D.J. Warr		
Deputy B.B.de S.V.M. Porée		Deputy H.M. Miles		
Deputy J. Renouf		Deputy M.R. Scott		
Deputy C.D. Curtis		Deputy A. Howell		
Deputy L.V. Feltham		Deputy B. Ward		
Deputy H.L. Jeune		Deputy K.M. Wilson		
Deputy M.E. Millar		Deputy L.K.F. Stephenson		
Deputy M.R. Ferey		Deputy M.B. Andrews		
Deputy R.S. Kovacs				
Deputy A.F. Curtis				

11.3 Cannabis: Decriminalisation of Personal Possession and Recreational Use (P.31/2024) - amendment (P.31/2024) -as amended (P.31/2024 Amd.Amd.)

The Bailiff:

There is a further amendment lodged by Deputy Gardiner and there is an amendment also lodged to that amendment by the Minister for Health and Social Services. Deputy Gardiner, do you accept the amendment lodged by the Minister?

Deputy I. Gardiner:

Yes, Sir, I do accept the amendment.

The Bailiff:

Can we take your amendment as amended by the Minister?

Deputy I. Gardiner:

Yes, please.

The Bailiff:

Do Members agree? Then I ask the Greffier to read the amendment as amended.

The Greffier of the States:

After paragraph (b) insert the following new paragraph (c) and re-designate the existing paragraphs accordingly - “(c) that the personal possession and recreational use of cannabino1 and cannabino1 derivatives, as defined in the Misuse of Drugs (Jersey) Law 1978, should be decriminalised, with this provision included in the legislation to be brought forward under paragraph (b) and to request the Minister for Health and Social Services to consult the Misuse of Drugs Advisory Council about reclassifying cannabino1 and cannabino1 derivatives, except where contained in cannabis or cannabis resin, from class A controlled drugs to class B controlled drugs, as defined with the same law;”.

11.3.1 Deputy I. Gardiner:

As with Deputy Curtis, I would like to bring the attention of the Assembly to this is a debate in principle and the Council of Ministers and the Minister accepted the Minister’s amendment because I do believe it is important to go into the details and to consult with the Misuse Advisory Council. The details will be brought back to the Assembly. Saying this, it is really the right time to address the anomaly that we have in the law from 1978. From 1978 we have moved a long way and we are in a different place; lots of changes since then. This amendment seeks to address the distinctions that we have in Jersey law, which I think it is unnecessary and overcomplicates our cannabis legislation. It makes a mockery of our Drug Classifications Law and gives a really sentencing appearance. We have more work for the labs when they need to understand what type or not oil. Jersey currently treats herbal cannabis and cannabis resin differently from the liquid cannabino1, which is clearly just the difference of people who smoke and do not smoke. It is the smoke in presentation because cannabis and cannabino1 can be different strengths as well, for being used for the same person for the same purpose but in a different way. Currently smoking dried cannabis flower and cannabis resin is listed as a class B controlled substance. But liquid cannabis extracts containing cannabino1s are classified as class A drugs, which is the same category as heroin and crack cocaine. I suggest there is no reasonable justification for this distinction and that cannabino1 liquid and derivatives should be given equal legal status to cannabis in dry leaf or resin form. Also, I do not think we should be really siding with a smokable option if we are thinking about this. This change will align Jersey laws to those existing in the U.K., as all cannabis products in the U.K. are class B. Then we move away from criminalising people found in possession of personal amounts of herbal cannabis and cannabis resin and the difference in the penalties are very, very, very different and they are important. When I am saying very important we all passed in the Assembly in February and gave the Centeniers powers to issue fines for small amounts of class B and class C drugs at Parish Halls. But its zero-tolerance approach was maintained for class A substances but it does include cannabino1. Saying this, the exemption was made. What exemption was made? The exemption was made for cannabino1 contained in confectionery. Seriously, it is the revised guidelines for 2022 which allows such cases to be considered by the Attorney General on a case-by-case basis. I think it is really important that we will not consider case-by-case basis, it needs to be very clear for everyone where we are standing and this amendment bringing this, I think, clarity and making it less complicated than it is. I believe

that acceptable personal possession limit for cannabinol products could be set. It would allow them to be also dealt at the Parish level rather than result in criminal charges. I accepted an amendment from the Minister, as I believe that we need to get into small details, working with the professionals to clarify necessary elements of exclusion or discretion, which should be considered, given the varied nature of cannabis products. In a quicker term there can be no reasonable justification for treating cannabinol and cannabinol derivatives in the same manner as heroin and crack cocaine, which is what we are doing today. This amendment, if adopted, will bring the handling of cannabis in Jersey in line with the U.K. legislation, with no distinction to make the classification between the herbal and non-herbal way. I am moving my amendment.

[15:00]

The Bailiff:

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

Deputy M.R. Scott:

Sir, it is a point of order. I just noticed that the amendment that is being accepted, that (c) refers to: "Legislation to be brought forward under paragraph (b)" and that the Council of Ministers' second amendment deletes reference to the legislation and talks about approaches. I am wondering, would this, essentially, be rewritten if the Council of Ministers' amendment was accepted?

The Bailiff:

The Council of Ministers' amendment has been accepted by Deputy Gardiner. The amendment must be read as qualified by the Council of Ministers' amendment and that is how it was read by the Greffier.

Deputy M.R. Scott:

This is the Minister for Health and Social Services' amendment.

The Bailiff:

I beg your pardon, the Minister for Health and ...

Deputy M.R. Scott:

I am talking about the Council of Ministers' amendment, which is the second amendment.

The Bailiff:

I beg your pardon, I had misunderstood what you were saying, one moment.

Deputy M.R. Scott:

Thank you, Sir.

Deputy I Gardiner:

Can I clarify something? The difference between the first and second, it has legislation but it can be ordered by the Minister himself. The Minister for Health and Social Services would work with the Members to make this particular change of class A and class B. It is very clear that you are bringing just ... it is different from the Council of Ministers' amendment.

Deputy M.R. Scott:

Yes, I accept that. It is just that your actual change refers to legislation and there is an amendment to be considered that takes away the reference to legislation, so ...

The Bailiff:

Yes, Deputy Scott, I think you are correct in your interjection. The fact is that the proposition as it currently is, the Council of Ministers' amendment has been accepted, therefore, that is the form the proposition takes to the extent that that is amended by this amendment. If the amendment is adopted, then that is what the proposition will then read as. You are right in saying that one will qualify the other.

Deputy M.R. Scott:

Can we just clarify exactly what this will say then or are we waiting on ...

The Bailiff:

The Greffier has read out the proposition as amended by the Council of Ministers because that was accepted by Deputy Coles. This is an amendment which, if it is accepted, will qualify the original proposition in its terms. In other words, whatever it says will become what the proposition has said. I am not sure I can provide any greater clarification, other than asking the Greffier to read the proposition as if it were amended by this proposition, which it has not yet been. It seems to me that that is the case.

Deputy M.R. Scott:

Sir, have I missed something and forgive me if I have? Did the second amendment that was put forward by the Council of Ministers' get accepted right from ...

The Bailiff:

Yes.

Deputy M.R. Scott:

Okay, thank you. That basically qualifies it. Right, okay, thank you.

The Bailiff:

Yes, and so now if this is accepted to the extent it qualifies the new form of the proposition that is what the Assembly will be voting for.

Deputy M.R. Scott:

Thank you.

Deputy L.M.C. Doublet:

Sir, can I make a request that Members are circulated the wording of the now amended proposition as it would be if this amendment is accepted or not, so that we can understand what we are debating ...

The Bailiff:

I am not sure how practical that is for the Greffe to do at the moment, so I will just ask the Greffier. The Greffier indicates to me it can be done electronically in the next 5 minutes or so. Very well. Yes, Deputy Scott, did you have a speech that you wanted to make or was it just that point of order?

Deputy M.R. Scott:

No, thank you, Sir, just that point. Thank you.

11.3.2 Deputy H.L. Jeune:

I will be brief because I wanted to just support Deputy Gardiner in her amendment and reiterate what she has said that this is not anything ... she is not asking for anything massive or additional. It is to be in line with U.K. law that is already there. Already the U.K. have done the work behind that to

understand what that means, in effect. I know it sounds complicated, flowers and oils and things like this, well not all of us are experts in this if we do not utilise the substances. I just wanted to reiterate that this is not going above and beyond something that the U.K. has done a lot of work behind already and this would just be asking for going into line with the U.K. law, and I think this is a very reasonable amendment.

11.3.3 Deputy T.A. Coles:

I rise also to support this amendment and I think it is important to note to Members that Jersey's law in regards to derivatives and oils from cannabis are different, as we have established, from the U.K. and this would bring it in line. We have at the moment and I am trying to remember the exact percentage, it is either 3 per cent or 4 per cent T.H.C. that we are allowed within our C.B.D. (cannabidiol) products that are sold locally. We are talking if a product which, unfortunately, is unregulated at the moment, so then we can exactly quantify the percentage that will be in it. We are talking of someone who buys something in absolute good faith that it is below the legal limit that is allowed in Jersey, that could then be tested, comes back and prove that it is not legal and it is in a complete class A, which is completely beyond their ability to know and understand in that first instance. By including this for this provision to be relooked at and addressed to make all cannabis and cannabis-related products the same under the eyes of the law, this is a very sensible and worthwhile amendment. The reason why I did not accept this amendment is because I believe there is mis-knowledge of these products within our Assembly. By having this opportunity to speak about them and air this in public that it is good for our own education because there are a lot of things in an ever-changing world that we have to try and keep up with. For me as well with these products, the cannabinol-derivative products, as I say, can include what are known as edibles, which have become very popular from the United States, which have found their way over here. The question, again, that I ask Members is: do we think that someone who is using cannabis is something that they should be criminalised for? By bringing this down from a class A, which is the most severe category of a controlled substance that we have, down to a lesser one is the right step forward.

11.3.4 Deputy L.M.C. Doublet:

Just to briefly voice my support for this amendment and to remind Members that in the report there is a lot of research that has gone into this, and I am confident that this is an evidence-based amendment and it should be supported today.

11.3.5 Deputy M. Tadier:

It is just a comment that Ministers seem to be very quiet at this point and I am not sure if that is because this amendment is so obvious that they are all going to vote for it or if it is that they do not know what to make of it or they are going to oppose it. It would be really helpful at this point, I think, for some Members in the Assembly maybe to know whether this is a noddy, so to speak, or whether it is something which is dangerous. Because I know when we hear the words that the U.K. are doing this already, that can be traditionally a red rag to a bull for some traditional Members, maybe not in this Assembly - we might have moved past that - but to other Assemblies it would have been. Simply, just because the U.K. has done it, it does not mean it is a good argument to follow suit. But, nonetheless, we do need to make sure that we are operating to a certain extent, I think, in sync with the wider area that we do come under for certain political purposes. It would be good hear from our Minister for Justice and Home Affairs, for example. I do not want to put her on the spot or even a former Minister for Home Affairs in the Assembly. Because this does sound like it is eminently logical, does it not? Because, if like Deputy Coles said, that you have products out there which their prime purpose is therapeutic, shall we say - you can get lots of body creams, face creams that would be C.B.D.-based which do have an unintentional amount of T.H.C. in there and the purpose of those products is not get a user of those products high, it is to just moisturise their skin, shall we say - it would be very strange if that person inadvertently bought a product with a higher

element of T.H.C. in it and found that they were in possession of a class A drug, when in fact they could just be in possession of a high T.H.C. product which is now being decriminalised if we go down this route, there would be no consequences to that. It does seem to me that what Deputy Gardiner has come up with here is eminently sensible; it would put us in line with jurisdictions around us. In the absence of hearing any arguments to the contrary, I am presuming that we would just all support this.

11.3.6 Deputy R.J. Ward:

Just briefly, I think one of the reasons that Ministers are not speaking, there is a position for Ministers on this; it is a free vote anyway. I stood on a manifesto to say decriminalise cannabis; that is for something later on in the debate. I did want to say - I think this is an important thing to say - I really like the approach that Deputy Coles has taken to this debate because in saying to somebody, especially this topic, in our society, there are some topics in our society where we need to have a debate that is structured that has come with an ending. I have never been a great fan of in-committee debates because there is no vote on them. No matter what is said and written down, nothing has to happen. Today we have to do something. It has been good to see Members from across the Assembly bring amendments so that we can all consider them and all think about them carefully. I think it is a really good approach from the Deputy and I was going to say it later but I will say it now, particularly on this part; I have learnt a lot about this. I do not know a great deal about it and I have read all of these. I have got the idea of what this amendment is doing and it does seem logical to declassify derivatives in the same way as other products. Because there is a huge market of products here, which are ever-increasingly growing. I think the main points I have got are for the main debate when we finish all this and come to the main overall because there are some points I think to be had here. I am looking at this and currently I will be supporting it because it just seems logical to do this thing, as with the last one in terms of the cultivation.

The Bailiff:

Thank you, Deputy. Does any other Member wish to speak on this amendment? If no other Member wishes to speak on the amendment, then I close the debate and call upon Deputy Gardiner to respond.

11.3.7 Deputy I. Gardiner:

I would like to say thank you to all Members who spoke on my amendment. As Deputy Ward said, it is logical to make it easy, streamlined. We have one category and we are not treating some products of the cannabis as a cannabidiol is a really, really big difference. For me, it is to bring us in line with lots of jurisdictions around the world, to classify cannabis as one product with some exemptions. This is why I am looking forward to working with the Minister for Health and Social Services to make sure that exemptions are needed and they will be introduced, the extension date will be brought forward. I am asking for the *appel* and thank you.

The Bailiff:

The *appel* is called for. I invite Members to return to their seats. The vote is on Deputy Gardiner’s amendment to the proposition, as amended by the Minister. I ask the Greffier to open the voting and Members to vote. If Members have had the opportunity of casting their vote, then I ask the Greffier to close the voting. The amendment has been adopted.

POUR: 28		CONTRE: 15		ABSTAIN: 0
Connétable of St. Martin		Connétable of St. Lawrence		
Connétable of St. John		Connétable of St. Brelade		
Connétable of St. Mary		Connétable of Trinity		
Deputy G.P. Southern		Connétable of St. Peter		

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

11.4 Cannabis: Decriminalisation of Personal Possession and Recreational Use (P.31/2024) as amended

The Bailiff:

We now return to the debate on the main proposition as amended.

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

Firstly, I am glad to see that Deputy Coles has amended his own paragraph (a) to ensure that this does not criminalise children while decriminalising adults.

[15:15]

I think this removes one of the areas that we could have spent a lot of time debating unnecessarily. It is, however, important that we consider how this proposition would affect children and young people. There is no question that use of cannabis has potential health benefits, some with positive

effects. But there is also an accepted association between cannabis and psychosis for some users. The factors behind problematic or dependent use are more complex than just substances legal status. They pose significant risks if used by children and young people, particularly during adolescence. Looking at the impact of criminalisation, criminal records impact people's lives and, potentially, restrict their access to work, training, education and even travel. Criminalisation can be a direct barrier to accessing support for treatment for someone who has problematic use issues. There is no quality control or information about the potency of cannabis or its constituent substances and this lack of regulation leaves users at the mercy of illicit markets if they are unable to get medicinal cannabis. Now looking at the impact of decriminalisation, evidence suggests that decriminalisation appears to have no significant effects on the age that people start using drugs. Decriminalisation is perceived by some as a poor alternative to legalisation. I am glad that we will be having that wider debate on both topics so that we can draw out all of the issues. We must, however, also consider the impact on our constitutional issues and compliance with U.N. conventions, as well as Jersey's international reputation. Customs agreements with the U.K. and Europe could also present a challenge, and there is potential to stimulate the illicit market in the U.K. and France if cultivation and supply is not addressed locally. Looking at part (b) as amended, I am glad that we have now got proposals, as opposed to legislation being brought in by November 2025, and the proposals to also consider legalisation and regulations, as opposed to just decriminalisation, because these are important factors. The letter from the head of the probation service circulated to all States Members highlights the many pitfalls of decriminalisation, but I think it is important that we vote for this proposition as amended so that we can conduct more research, consultation and discussion before firm proposals are brought back to this Assembly with a way forward for further debate.

11.4.2 Deputy H.M. Miles:

In my nomination speech for my previous role as Minister, I was asked by Deputy Mézec whether I agree that the decriminalisation of cannabis is inevitable in Jersey. My answer was that as a former customs officer, a former senior leader in the police, a former member of the probation and after-care service and as an active criminologist, I had a bit of a cognitive dissonance around decriminalisation of cannabis. In my role as Minister, following the publication of *A Change of Direction*, Jersey's 10-year substance use strategy, I had envisaged an in-committee debate to take place at the end of January this year in order for the Assembly to be able to express their opinions on this topic. That would have enabled me to explore the many and complex issues and take action in slow time to follow the will of the Assembly in a measured and evidence-based manner. The new Minister chose not to follow that path, which is her right, but I fear that we are now faced with a minestrone of a proposition and various amendments that suggest the direction of travel should be towards decriminalisation in haste. I still have a level of cognitive dissonance, but for different reasons. Some Members will suggest that the current drug policy is inappropriate, ineffective and utterly out of date and, given the growing body of evidence that has continued on criminalisation, is harmful and leads to worse outcomes for those who involve themselves with that sort of thing. They may not choose to support this proposition. Others will have legitimate concerns about the potential increase in mental health issues associated with high levels of cannabis consumption and will choose not to support this proposition. Outside of Jersey, the debate over decriminalising cannabis has elicited a variety of opinions, along with perspectives, across differing party lines and individual stances. While the U.K. Government have been resistant to changing cannabis laws, citing potential health risks, the discussion among politicians and the public is evolving. The direction of travel is more focused towards the decriminalisation of cannabis and there are increasing calls for reform based on health, economic and social justice considerations. I wholeheartedly agree that criminalising individuals for small amounts of cannabis is not desirable. We are fortunate in Jersey to be able to effectively support that view using the Parish Hall Inquiry system and carefully crafted guidelines from the Attorney General, which are both flexible and responsive. Those guidelines began in 1998 when the Attorney General endorsed the issue of a written caution for a first possession offence of

less than 10 grams of cannabis for personal use, providing the person agreed to attend a drug awareness course. This has evolved slowly over the years, following advice from the Misuse of Drugs Advisory Council, to include personal possession of other substances and to increase the quantities. As has been previously mentioned, the latest legislative changes come with the enactment of the Crime (Public Order) (Jersey) Law 202-, which provides for a level 1 fine at Parish Hall for the repeat possession of up to 15 grams of herbal cannabis or resin. If we are to decriminalise, we need a structured approach. This should include limits on possession amounts, controls on where cannabis can be used, consumption limits while driving and so on. Any framework should ensure that decriminalisation does not lead to uncontrolled use, but creates a regulated environment where cannabis is safely and responsibly consumed. There is a salutary tale from Thailand, where in June 2022 cannabis was decriminalised. The Thai Government established guidelines for cultivation, sale and medicinal use. Decriminalisation sparked debates within Thai civic society, with the traditional elements clashing with the modernists. The state developed education campaigns to help inform the public about safe and legal use of cannabis. The change in law, perhaps unsurprisingly, attracted more visitors, particularly those interested in cannabis tourism. Many cannabis cafés and well-being centres were established to serve locals and tourists alike, boosting the economy. There were various legal ambiguities and enforcement challenges, which are not altogether different to what the States of Jersey Police are facing already in Jersey. While cultivation and medical use were encouraged, the specifics of what constituted a legal recreational use were not always clear, leading to confusion and ad hoc enforcement. Earlier this year the Prime Minister of Thailand announced plans to re-criminalise cannabis by the end of this year. The aim is to address concerns about drug addiction and enforce strict controls on cannabis use. This will reclassify cannabis as a drug, restricting its use to medical purposes only. Perhaps understandably, this decision has not gone down well in what has grown - excuse the pun - into quite an industry in Thailand. Thousands of small businesses will be affected. Significant protests and legal challenges are expected as people challenge this policy reversal. I raise this example not because I think we should not go down that route, but because we need to get it right for Jersey and we need to think very carefully about all the consequences, intended and unintended. We need regulation that works for us and the characteristics of our small Island community. It would be wholly unsatisfactory for us to get it wrong and have to reverse decriminalisation decisions, as is happening in Thailand. For me, this is not a conversation about a plant, it is a debate about social and criminal justice, public health and economics. There is a strong social justice argument for decriminalisation. A report by the charity, Release, has highlighted how current drug laws disproportionately affect minority communities and those from socioeconomically deprived backgrounds. They argue that decriminalisation could mitigate these disparities, but they also note that cannabis should be a regulated right. Decriminalising cannabis in Jersey might be a step towards a more just, healthy and economically robust society. It might allow us to address social inequalities, ensure public safety through regulation and harness economic benefits for community reinvestment, but in my view, we need to move forward very carefully and very slowly, making rational decisions based on evidence. We need to acknowledge the complexities of change in this area. The potential changes in our constitutional relationship already highlighted by Deputy Ferey have also been highlighted in the letter from the chair of the Misuse of Drugs Advisory Council, but there are other areas that need to be carefully considered. How will Jersey tackle increased usage and the risk of dependency? How will Jersey address the public health issues? How will Jersey deal with people who drive under the influence of cannabis or look after our children or pilot a boat or a plane or operate on or care for patients? How will Jersey deal with the regulatory challenges; inconsistent quality in an illicit market? How will Jersey address the higher healthcare costs of treating cannabis-related issues? How will Jersey tackle the challenges faced by employers, where employees are cognitively challenged by the use of cannabis and therefore perhaps less productive or become a risk to the health and safety of the workplace? None of these areas are insurmountable. Other countries seem to have achieved an appropriate balance. Switzerland is currently piloting several projects to explore the impact of regulated cannabis sales. The goal is to gather data on the

impacts of legal cannabis markets. Like Jersey, the Swiss approach emphasises harm reduction and, like Jersey, their approach is characterised by a pragmatic and evidence-based strategy that seeks to balance public health concerns with the realities of cannabis in a modern society. We should also note that the Swiss Government supports extensive research on cannabis use and effects in their community. There are no shortcuts to this for Jersey. We need to do our own research to help us develop policies that work for Jersey and not assume that because it works in Switzerland or does not in Thailand that it would be the same here. That will have a cost. If this proposition is successful, I should be interested to see what level of funding is proposed in the Government Plan. I believe we need a rational, compassionate and evidence-based approach to cannabis decriminalisation. I think there are some parallels with this debate and that of assisted dying, where there was an in-principle decision from the Assembly, followed by a very detailed report and proposition to be followed by a draft law. Today it seems to me that we are at the in-principle stage. I hope that the Government will have sufficient time and resource to provide us with a similarly detailed report and proposition, informed and supported by a similar level of public consultation and, dare I say it, a citizens' jury process. For similar reasons that I stated around assisted dying, I will support the amendment and the approach put forward by the Council of Ministers and I look forward to their detailed proposals at the end of next year and very much hope that the questions I have raised here today will be addressed.

11.4.3 Deputy B. Ward of St. Clement:

Following on from Deputy Miles, my original speech had an awful lot of things that you have expressed, so I thank you for that. I have shortened mine. Members, I would like to thank the Chief Minister for providing us with a free vote to be able to speak on this proposition. I am very worried about this proposition and the amendments being brought to the Assembly for several reasons. I feel some have been shared already. I feel it has been brought far too early for debate, albeit it is not just an agreement to introduce, but an agreement in principle to explore. Much more research in terms of health implications for individuals and families, the healthcare costs and the reputational damage and impact this type of drug decriminalisation introduction could have on individuals in the Island itself. During my time as a nurse working in the mental health area, I have seen and cared for many people affected by cannabis recreational usage and at times cannabis being used as a self-medicating behaviour.

[15:30]

This has led the user to further suffer from addiction and long-term mental health problems, whether the cannabis has been obtained off the streets or via the medicinal prescribing route. I am horrified to see that 6 per cent of the population is under medicinal cannabis usage. The percentage of people where it is off the streets, we do not know what that percentage is. I have consulted with other healthcare professionals who are directly involved with caring for people who have been and some severely affected. The impact of subsequent ill health has placed enormous suffering on the patient, their families and the increased pressures on the mental health teams. That is now. If we open up this decriminalisation, how much will we need in the mental health department? These health professionals, like me, are very concerned about this proposition. When we look at the actual prescribing of medicinal cannabis, the subjects are very small. We look at intractable nausea and vomiting, chronic pain, spasticity and severe treatment-resistant epilepsy. Cannabis is not a cure-all for everything, but when you look, it is very, very small what it is being prescribed for. Anyway, I am sure, as an Assembly, all we want is for people to be healthy, safe and harm free. Before we, as an Assembly, ever introduce or agree to items like this proposition, we must ensure and be 100 per cent confident that all the legal and reputational implications, and especially the health-related avenues, have had the proper checks and balances explored before we put anything in place. I cannot support this proposition, as I feel it is wrong at this time. I urge Members to reject this proposition as presented. Thank you, Members, for listening.

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

I am delighted to follow the last 2 speakers, whose opinions I cannot disagree with. I do work with Deputy Coles and we agree to disagree, I think, putting it mildly. I have in my constituency of St. Saviour 3 families whose children's lives have been blighted by the use of cannabis and I am well aware - and there are people with more medical knowledge than myself - that if one has mental health issues that prolonged use of cannabis can push you over the edge. I do not wish to criminalise people. That is the last thing I want to do, but it is to do with messaging, that people will think that if something is no longer illegal, it is by default legal. I think that is the message that goes out there. I find it quite bizarre that not 2 weeks ago we were lining up to criticise the use of vapes in children because it was very unhealthy for them and yet we are discussing decriminalising cannabis. I will be voting against this proposition and I urge Members to do likewise.

11.4.5 The Connétable of St. John:

I would like to speak on section (b) and in particular 2 bullet points, "restrictions on driving under the influence of cannabis" and "relevant roadside capacity tests." Infrastructure is already working with Justice and Home Affairs at both officer and Ministerial level. I have already signed a Ministerial Decision and officers are currently working on the draft law instructions and we expect law drafting to commence in quarter 4 this year. The working group of officers have an agreed approach to update legislation to set drug limits in legislation to support enforcement of driving while unfit through drugs. The expected timeframe is 6 to 9 months, but we will not be able to tie this down confidently until law drafters have had a chance to look at the detail and understand the requirements. Updated legislation will give the police powers to undertake roadside drug testing, much like with breath-testing now. At the moment when charging, the police have to rely on police evidence of seeing unfit driving and while they can have the force medical examiner take blood from a suspect that gives level of drug use, both T.H.C. and other drugs, because there are currently no limits set in Jersey legislation they have to rely on U.K. limits as their threshold for charging. Sadly, driving under the influence of drugs is a growing issue on this Island. The working group have done a lot of research across other jurisdictions who do have limits and testing and legislation, but applied local knowledge to define what the limits should be, especially as in Jersey we know people who run with a baseline level of T.H.C. in their blood because of legitimate prescription of cannabis. I agree with a lot of what Deputy Miles said in what I thought was an excellent speech. We need to explore things fully and we need more information, but I will be supporting the proposition as amended.

Deputy H.L. Jeune:

I had a question for the S.G. (Solicitor General). Of course we are just talking about there seems to be a 2-tier system in Jersey. Obviously you have those who are allowed to use cannabis through a prescription, but what happens if the prescription expires and those people still have a quantity of cannabis? Are they then considered that they are still under their prescription or should they have used it all up before the prescription is ended?

The Solicitor General:

The way it works is that the medicinal cannabis constitutes a carve-out from the criminal law by Ministerial Order. You do not commit an offence of possession of cannabis if you come within the criteria. The criteria for users is that you have a medical prescription. If you do not have a medical prescription or you do not have a valid medical prescription, then my view is that you are engaging the criminal law because you are in possession of cannabis outwith the regulations set by the medical cannabis scheme.

Deputy H.L. Jeune:

Just a final question, because I do not really know. You were saying there is a scheme, but there is not regulation to define what constitutes when that prescription should be given to people or not?

The Solicitor General:

Forgive me. It must be a question of fact. The scheme works in a way that, by regulation, things that would otherwise be criminal are not. For example, if you have a Ministerial licence to import cannabis, you do not commit an offence of importation. If you have a supply of cannabis from a supplier who has a licence, then no offence of supply is committed. If you are in possession of cannabis pursuant to a medical prescription by a doctor, then you do not commit the offence of simple possession. If you do not have a valid prescription, then you do not, it seems to me, come within the carve-out, and it would seem to me on first principles that you commit the offence of simple possession of cannabis.

The Bailiff:

Did you wish to speak? Deputy Jeune, did you wish to make a speech or was that ... very well.

11.4.6 Deputy K.M. Wilson:

While some argue that decriminalisation of cannabis is a step forward towards personal freedom and will bring economic benefit, the potential risks and consequences of such a decision are enormous and it does beg the question as to why we are discussing this in isolation. A proposition like this takes away the importance of considering such a complex issue in the round. If this proposition were to be supported, this Assembly will be responsible for unleashing what I would consider a harmful experiment regarding the mental and physical health of the people of Jersey. Why would we want to do that? Cannabis is being smoked, not vaporised, all over the Island and we have so little data on the consequences of what is already taking place. It accounts for the highest proportion of global drug use harm. Those in favour of decriminalisation argue that current harm reduction approaches are not working and the criminalising of people for small amounts of possession is wrong. However, I would urge Members to look at the meta-analysis, which is an umbrella study of all of the studies and systematic reviews done in the world on the harms and benefits of cannabis, which was published in the British Medical Journal in August 2023. This was undertaken by an international panel of experts which could not have a greater level of international consensus. They concluded that cannabis is a seriously harmful drug and if its use is increased, it can only lead to more terrible consequences. The analysis found that the more liberal the country is when it comes to making to cannabis available, the more people will use it. At a recent European psychiatric congress, delegates heard that the highest consumption is in countries where cannabis has been decriminalised and/or legalised. If the opportunity is there for people to use it more frequently and in higher doses, harm is increased. The quantity of cannabis smoked every time people use it is associated with bad outcomes. We know harms are emerging from the current prescribing which goes on in what is considered to be industrial quantities in medicinal cannabis clinics, way above recommended limits and to all sorts of people who do not need it. Why, given that we are doing that and with no idea of the consequences, would we want to increase it any more by decriminalising possession and cultivation? The gap we have is that Jersey has not commissioned any recent research to understand the impact of cannabis in the Island, but a few pointers from the European countries give us cause for concern. Decriminalisation may lead to a perception that cannabis use is risk-free, potentially increasing its usage among vulnerable populations, such as teenagers and individuals with a history of substance abuse. You have only got to ask any psychiatrist in Jersey on their experience of dealing with this and they will tell you our mental health inpatient wards are stuffed with people who have been smoking cannabis and these are mainly younger adults. Are we seriously considering adopting a proposition that has the potential to create the conditions where dependency or addiction to cannabis will increase in real terms? Decriminalising cannabis for personal use and cultivation will encourage people to take more cannabis. We should consider this in the same way as we consider the harms associated with alcohol use. A lot of people can get away with consuming a small amount, but the more one drinks, the greater the consequences. It is the same for cannabis. We do not encourage people to drink 200 units of alcohol a week, so why would we therefore encourage people to use

more cannabis more frequently by opening it up to a decriminalisation environment? Cannabis use in the Island is now compounded by the ease with which access to medicinal cannabis is developed in the Island, and while some may choose to deny this, we know that a lot of this is being smoked and not vaporised. How do we know this? Because the people who are dealing with this on a day-to-day basis are telling us that what we have done is we have introduced something which is wide open to abuse. People are smoking flower for all sorts of things, which make no sense from a medicinal perspective. When you look at the evidence in meta-analysis, which does show where cannabis is beneficial and where it is not, based on what we know about how people use cannabis in the Island so far, we can see that people are already getting more than they need. A prescribing audit completed recently showed people are being prescribed medicinal cannabis 3 times above the recommended dose of 5 to 7 milligrams a day. Early estimates suggest that on average people in Jersey are being prescribed 17 milligrams a day. When we adopt these limits, then we know that 40 per cent of users smoking at that rate will become addicted. Daily or almost daily use is a most concerning pattern of use. Using cannabis more than 4 times a week is considered high use and there is European consensus on this. Anything above 7 milligrams a day, whether smoking it or taking it medicinally, is dangerous. Anecdotally we also know that people are reselling medicinal cannabis to recoup the cost of a prescription. What is being sold is being smoked and we are collecting absolutely no data and no information on the relationship between medicinal cannabis and how this is being used for recreational purposes. Until we carry out these studies, why would we be taking more steps to decriminalise use now and, worse, encouraging people to grow it?

[15:45]

This drug ruins people's brains. That is the opinion of world experts, libraries of research which shows it damages young people's brains, and yet we want to bring in more easy ways to obtain it without looking at the impact on the Island's youth so far. This, in my view, has no basis for making any rational decisions on decriminalising this harmful substance. Studies have shown that despite increasing acceptance of cannabis use, especially among adolescents and young adults, it does have detrimental effects on brain development. Regular use, as we know, is associated with impairments in memory, attention and cognitive function, which can lead to poor academic performance and lower life satisfaction. Moreover, its use is linked to mental health disorders, as we have seen. We simply cannot afford to be frying the brains of young people and opening them up to an uncontrolled supply of high-potency cannabis. It is suggested in the evidence that 9 per cent of users will become dependent on cannabis. This rate increases to about 17 per cent for those who start using in their teens and between 25 and 50 per cent for daily users. It will lead to increased availability and social acceptance, thereby escalating use and subsequently addiction rates. While the decriminalisation of cannabis might seem like a progressive step towards individual liberty, we must consider the broader implications on public health, societal well-being and the potential for increased addiction and mental health issues. The potential risks and cost to society are simply too significant to ignore. On that basis, I believe we do have more work to do on this to fully understand what impact this drug is having and will have on our Island community. Any further liberalisation can only be considered in the context of a deeper understanding of the issues. We must adopt the principle of having reliable, respected and independently produced data to drive and inform our decisions in this area, information the public can trust and expect States Members to inform this work. It would be my view that the States should fund and complete an independent public health assessment of the impact of cannabis use and prescribing in the Island before any further steps are taken to even consider decriminalising it or bringing proposals forward to do so. I fear this is an irresponsible proposition and one I am afraid I cannot support. The argument that decriminalisation will reduce the burden on the criminal justice system or not have any further detrimental health impact in our community is not entirely accurate. We have to look at the levels at which serious harm occurs in the Island and we will only know this when we start collecting the data and legislating effectively. We have so little research and curiosity about what the situation is in the Island already, both from a positive and a negative

perspective. If this proposition is supported, we are about to unleash even more harms without knowing the scale of the harm we have already created. This is the consequences of it. I would urge Members to reject the proposition until we know more about what we are dealing with, how we will deal with it in the interest of reducing harm, and protecting the brain and the brain health of young people in the Island.

11.4.7 Deputy S.G. Luce:

I am pleased to be able to follow Deputy Wilson; I cannot disagree with one word that she said. For me, this is another step in the direction I do not believe this Island wants to take. It is the thin end of the wedge. I say that, because during my time on the Youth Panel I did 2 sessions, I saw the ruin of young people's brains that the Deputy has just referred to. Even if it is a small percentage of people who smoke cannabis for the first time, it surely is not something we could agree to help people to do, to ruin young people's lives. I think forward to my grandchildren potentially going to homes of their friends where those parents may be growing and smoking cannabis without knowing the effects that it may have on my grandchildren. I certainly could not agree to do that. Like Deputy Miles, I have read the advice that we have had from some people that I have the greatest of respect for. I have considered what an Island that centres of cannabis tourism would mean for us. It is certainly not one that I would want to promote. Would we want people to come here solely for that reason? I thought about the intended, but more importantly the unintended, consequences of what we might be doing here. I say that because of the mess that is the prescribed cannabis situation here on the Island. A well-meaning Back-Bench proposition that came forward and got adopted without enough research, without enough data, and without enough thought has left us in a real mess. As Deputies have already referred to, we know people are being prescribed far more than they should and are getting prescriptions for the weakest of reasons. I would say this to Members, 2 wrongs do not make a right. Please do not be deceived by thinking this proposition will help the prescribed cannabis situation in the Island; it will only make it worse. I ask them to think about young people and the effects it might have on their brains. For that reason alone, I will wholeheartedly be voting against this proposition.

11.4.8 Deputy S.Y. Mézec of St. Helier South:

It is precisely because of my thoughts of the young people of Jersey that I will be voting in support of this proposition and playing what will be my small part in helping to end a policy that is failing them and failing the Island as a whole. I simply cannot understand how after years of failure of this policy, not just in Jersey but other parts of the world, how we can maintain support for a system that is not working. Deputy Miles spoke of her cognitive dissonance in her position on this. I have to say, having listened to her excellent speech and the logical way that she reached her conclusion in it, I did not detect any of that cognitive dissonance. But I have detected a significant amount of it in the 3 speakers that have spoken against this proposition, whose conclusion is that cannabis is bad, therefore we should make the situation for those who are using it even worse by criminalising them. Something which, as of yet, has done nothing to stop them from taking it in the first place. It is not an education-based response. It is not a health-based response. It is to simply say if you are doing this, you will have a criminal conviction thrown at you and all of the consequences that arise from that which do not lead to anything positive. I was amused by Deputy Wilson's suggestion that we were potentially going to make this decision without data and that we ought to be seeking to have more data in order to make a reasoned decision on this. There are 2 problems with that. The first is that there are plenty of countries around the world that are already doing it. I do not see why Jersey ought to reinvent the wheel in that sense. Secondly, and here is the major flaw in her position, we want to gather data on how people who are currently engaging in criminal activity are behaving. I am sure they will all be queuing up to volunteer their experiences, knowing that they will be admitting to committing criminal offences. Of course, you cannot collect that data, because nobody is going to step forward and volunteer it because of the consequences that could otherwise arise from it. Where I think is the worst inconsistency in the response against this proposition, talking about the

negative health effects that cannabis can and does have on people, is how this standard seems not to apply to all of the other substances that are freely available to us that can have a devastating impact on people's lives. Alcohol can be extremely dangerous and have horrendous health effects on those who either consume too much of it or those who are of whatever natural predisposition that it has a significantly bad effect on them. Of course, most people consume alcohol completely responsibly and can enjoy and will not suffer negative health effects as a result of it, because they do so in moderation. However, excessive use of it can be devastating. It can cause all sorts of diseases. It can obviously severely impact your judgment and how you behave when you drink too much of it. Some people, of course, suffer from alcoholism and all of the consequences that leads to as well. Yet, the moment you turn 18 you can go to any shop you like and buy as much of it as you like and can afford and consume it as quickly as you like with very little regulation of that. For that alone you will not be criminalised. That is clearly a gross inconsistency in approach there. Those who say we have the right approach on cannabis do not seek to impose that same approach on alcohol. That to me is cognitive dissonance. Sugar is bad for you. If you consume too much of that you can become obese and you can have all sorts of health effects as a result of that too. However, we would not, of course, criminalise anyone who baked cakes and put sugar in them. To criminalise Jersey Wonders, of course, would be an absurd thing to propose; they obviously have very good effects on people as well. The proposition as it now stands, having been amended, and in particular the amendment by the Council of Ministers that has added a list of other considerations that ought to be put in this as well as saying that proposals will come back to the Assembly, means that the decision we make today is not one which we can say at this moment in time is a flawed decision that will automatically lead to all of these unforeseen circumstances, because if we vote for this proposition, we will not be decriminalising cannabis today. We will be taking the first step on the journey towards decriminalising it by agreeing in principle that the criminalisation of people who simply enjoy a joint from time to time in the same way that many of us enjoy a pint of beer or a glass of wine, is not a sensible approach when it comes to harm reduction or dealing with those who have issues with substance use. It is to agree that basic point of principle and then ask the Government to do the necessary work that it needs to do to come up with some detailed framework that includes all of those other issues like how the substance is dealt with in the presence of children, how it is dealt with if people are trying to consume it before driving, how social supply might work, and all of those other issues, which will come back to the Assembly in a detailed form, allowing us, at that point, to determine whether that framework does resolve those issues to our satisfaction or whether at that point it can be thrown out. This proposition today is merely to take the first step in that journey and agree that the practice of possessing small amounts of cannabis, perhaps growing some of it yourself, and smoking it or using it, should not be a criminal offence, because criminalising it, as we can see from all of the other jurisdictions around the world and in Jersey, is not putting off people using it. It is not convincing people to step forward and engage with the authorities if they get caught up in other negative aspects of the illegal drug trade around that. It simply takes up time and resources and puts people, many of whom will be moderate responsible users of cannabis, in the same way that most people are moderate and responsible consumers of alcohol, through a whole load of extra hassle that does not lead to any benefits to them. My manifesto said that I would support the decriminalisation of cannabis. I wholeheartedly do that. I thank Deputy Coles for bringing forward a proposition that seeks to take us in that direction. I hope Members will see today, having examined what is happening in the world around us, that the move towards decriminalisation is inevitable. If this Assembly says no to it, it will come back in the next one and will probably be accepted at that point. It enables us to take hold of that journey today and do that work to come up with more detailed proposals for how it will work. We will get there eventually anyway, sooner rather than later, because those who are being forced through the criminal justice system for using cannabis are, in my belief, suffering an injustice that they do not deserve and for no public benefit as a result of it.

11.4.9 Deputy A. Howell of St. John, St. Lawrence and Trinity:

While I appreciate that some people see nothing wrong with cannabis: just a joint; nothing wrong; you can chill out with it; become happy, giggly, or chatty. I worry because there is another side. Cannabis can cause cognitive impairment and serious mental health issues. It is the higher the percentage of Delta-9-tetrahydrocannabinol, known as T.H.C., the higher the risk. Cannabis is particularly harmful for the developing brain of up to 25 year-olds, not 18, as was mentioned in the original proposition.

[16:00]

It is harmful to the developing foetus. People with a history of ongoing severe mental illness, schizophrenia, bipolar, severe depression, or any brief psychosis and those with first degree relatives with any of those conditions, may be vulnerable to developing them with cannabis use. There is some evidence that people in certain ethnic minority groups may also be more at risk of harm. Research shows that it can cause damage to people's vascular systems, hearts, and has been linked with cancer. Cannabis can cloud your senses of judgment. Effects can differ depending on things like how potent your cannabis was, how you took it, and how much you have used in the past. It might make your senses stronger, colours might seem brighter, or sounds may seem louder. However, it can twist your sense of time. You do not turn up for work. There is no sense of urgency. Your motor skills may be affected making driving and operating machinery dangerous. It can lower your inhibitions, so you may have unsafe sex or take other chances. Anxiety is the most commonly reported negative effect, with up to 30 per cent of recreational users experiencing intense anxiety and/or panic attacks after smoking cannabis. Some get full-blown paranoia. You can get hooked. About 40 per cent of people who are prescribed cannabis will become addicted. This means you cannot stop, even if it harms your relationships, school, job, health, or finances. When a lovely young friend of mine was at art school, she smoked cannabis. She was one of the unlucky ones. She developed schizophrenia. Her life and the life of her family were wrecked. She could no longer function. It was and is awful. Her schizophrenia did not go away when she stopped using cannabis; it continues to this day. As a Government, we have a duty to protect Islanders and to promote healthy lifestyles. We need regulation of our clinics and prescribing restrictions on false advertising and we need to send the right public health messages. We already have a problem with our mental health services being overstretched. We all received advice from the Misuse of Drugs Advisory Council, a group which includes our law officers, the chief pharmacist, head of Customs, doctors and others, highlighting some of the reasons that we should not be going down this route of decriminalisation of cannabis at this time. I urge you all to listen to their advice and vote against this proposition.

11.4.10 Deputy M.R. Scott:

When I stood for election, I did not do so to make popular decisions but to make responsible decisions. Deputy Miles and Deputy Wilson have stressed the need to make responsible decisions. So far the only part of the raft of propositions, which Deputy Miles has described as minestrone and I was tempted to describe as a dog's dinner, that I have found myself inclined to support is paragraph (b) as amended by the Council of Ministers. Even then I have my reservations, because around the Council of Ministers table we have constant intense discussions about funding priorities. Outside this Chamber, some of the public question whether we are addicted to supporting the funding of nice-to-haves at the expense of services we really need right now, that are making people suffer in most serious ways. I find it almost an insult to find myself being asked to support a proposition that talks about supporting the use of a narcotic for recreational purposes. Can people not find something better to do? I have no doubt, and I really do not, that the manner in which the possession and confiscation of cannabis is regulated needs to be reviewed. However, even now I believe we should be encouraging Islanders to stay away from the stuff, unless they have a good reason to do it: to relieve them from pain. We should not be trivialising the use of a narcotic. Let us be clear, that is what we are discussing here; a narcotic which can become contrasted with alcohol. Alcohol is classed as a

depressant, but this substance induces mental lethargy or stupor. It alters consciousness, is potentially addictive, and, as has already been mentioned, in excessive doses it can cause stupor, coma or psychosis. How does a user know how this narcotic is going to affect that user? Do we just say: "Oh, go and find out"? We already have a level of decriminalisation and a level of support for those who merit prescription of cannabis for medicinal purposes, although I accept that needs to be looked at in order to avoid abuse in many ways. If we were to put cannabis on a par with alcohol, it would be served from licensed premises, perhaps upon assessment of the impacts on the individual user. However, this is not being proposed here. Responsible decisions are informed decisions. States Members were not invited to attend a drug awareness course before debating this proposition. I doubt many cannabis users do before using cannabis. Who should be using cannabis? What should States Members be approving that is likely to minimise harm to both the public and the user in the greatest amounts, of course? Are we just playing to a few individuals? What really is going on here? It is important that States Members understand the effects of T.H.C., which I believe that different Members have already addressed. I do not believe they have mentioned all of them. The higher likelihood of developing bronchitis when the person smokes; a weakened immune system; aggravation of existing lung conditions; impaired judgment, that is great if you are employing people, let us improve the Island's productivity that way; delayed reactions to stimuli, how many drivers on the road; temporary paranoia and hallucinations; interference with brain development. Not just among teenagers, by the way. I have looked at these medical reports, as I tried to inform myself. Under 25 year-olds; they are most likely targets, the likely market. How are we trying to stop people from harming themselves in other ways? Increased or decreased, depending on the user, depression symptoms. I personally have come across cannabis users and some, fine, have become more creative. Others, terrible, realised they become jibbering idiots and really slow at communicating. Ironically, and I come back to the under-25s, one of the ways in which this proposition has been amended is not to criminalise children for being in possession of a narcotic drug. Do we necessarily want under 25 year-olds even to have it? The cart blanche we effectively would be giving to such people to possess a substance for their personal use would mean the community paying the cost with their impeded brain development and possibly aggravated health issues. In the U.K. drivers caught speeding are offered attendance at speed awareness courses as an alternative to criminalisation. What about drug awareness courses for those found in possession of non-prescribed cannabis? That could be a way to decriminalising. How many times are you going to do that? Really, when it comes to this very glib suggestion about decriminalising cannabis, what on earth do we mean by that? That is why I find paragraph (b) preferable. It covers all the bases, more than (a) and (c), which seem to just say: "Yes, it is okay, decriminalise." We also should be considering the working adults whose productivity can be severely impeded by the use of non-prescribed cannabis and the cost to their employers. The Island's roads already have a disproportionately high number of road accidents. The speed of reaction of any road user under the influence of cannabis is affected. Now we can talk about the roadside tests and this sort of thing, but how many joints can an individual smoke in order to make that individual a dangerous driver? How long will the T.H.C. remain in the person's system? Does the individual know? Do States Members know? I believe not, because the answer very much depends on the profile of the individual user, with many variables to consider. That includes how much cannabis they use, how often they exercise, the type of exercise, their eating habits and metabolism, their body fat ratio, and the particular strain of cannabis they use. Maybe I should mention the trend in the United States in cannabis being laced with fentanyl. I believe there is a case for enabling general testing of drugs and possession of individuals, for their protection as well as to require them to give information regarding the supplier. I have a different kind of vision of decriminalisation, if you like, perhaps from some. According to American addiction centres, a person can expect cannabis to remain in their body for the following times: hair, 90 days; urine, 3 days; saliva, 48 hours; blood, 36 hours, but it all depends on that individual. Here we go: "Decriminalise cannabis and we will do the roadside checks." However, really we should be educating ourselves and these people before even going down that route. I do not believe that this States Assembly or

the individuals in it are educated enough in this. I mean that most respectfully. I believe that there is a lot more to be learning before we just simply, glibly say: “Yes, it is like alcohol.” I come back to this point about what we should be using funds for. This it cost money developing this regulation. I know there are some things that have been mentioned, and hopefully other people will too, like the experts and the Drugs Advisory Council, who not only have raised some policing issues but also constitutional issues. We cannot be glib about those. I believe that if we are going to support this in any shape or form, if I am, then I will be looking to support paragraph (b) and paragraph (b) alone. Even now, I am still thinking about it.

11.4.11 Deputy K.F. Morel:

I do not think it is right to impugn somebody’s motives for bringing the proposition. One of the things that has been mentioned is that people are criminalised for the possession of cannabis. There are many people who would agree in this Assembly that that is too much. They have their lives ruined by convictions for possession of cannabis. That is a very good reason to bring such a proposition to the Assembly. To suggest that it is in some way not appropriate to bring this proposition to the Assembly is deeply inappropriate in itself. It is a perfectly reasonable proposition. It is one that the States will opine upon and decide one way or the other. Deputy Coles has the right to bring this proposition, and I back him entirely in doing so. The point that I want to get to is the inequality that users of cannabis have faced all their lives, compared to users of alcohol. That, for me, is at the core of this whole issue. Again, the idea of using terms such as “glib”, not at all. This is a perfectly rational proposition, brought for perfectly rational reasons, asking the States to discuss in a perfectly rational way the issues at hand. I know we have had the former Minister for Health and Social Services talk about experts and we have heard other people talk about experts, et cetera, and, yes, cannabis can have a harmful effect on some individuals. I, for one, definitely believe cannabis should be kept out of the hands of teenagers and younger than that for sure.

[16:15]

However, you do not do that by prohibiting something. What prohibiting does, as we know time and again, and as has been mentioned in the supposed war on drugs, Ronald Regan’s famous war on drugs which has been going on for decades and decades, is an abject failure, an utter, utter failure. All it has done is destroy societies. The war itself has destroyed societies. That war starts with the prohibition, the total prohibition, on something such as cannabis, when the harms of cannabis are, time and time again, shown to be vastly less than the harms of alcohol. That is the inequality at the heart of this proposition and why I will be supporting this proposition. I know there are plenty of Members of this Assembly who will be voting against this proposition, but who will be happily having a drink tonight. They will be happy having a drink tonight in a way that discriminates against those people who prefer not to have a drink, but would prefer to use cannabis in this case. They will not be. People have mentioned driving. Yes, you should not drive while intoxicated, full stop. I did speak to one Connétable who may be voting against this because of the issues around testing. I understand that. That is, again, a very rational reason to vote against this. However, someone drinking alcohol is 14 times more likely to be involved in an accident than if they were not drinking alcohol. Someone who has used cannabis is twice as likely. It is still too much, but it is 7 times less than alcohol. Cannabis does not cause violence. It does not cause social violence. It does not cause vandalism. These are all things associated with alcohol. I have 2 studies in front of me here, one from the U.K. and one from Germany, and they are really interesting. The U.K. study using multi-criteria analysis shows that alcohol is the most harmful drug in British society. That is above heroin, that is above crack cocaine, and that is above all other drugs. The most harmful drug in British society is alcohol. In Germany, it is only the 4th most harmful drug. I believe that is because of cultural differences between them. Heroin, crack cocaine and so on are more harmful in Germany than alcohol is. However, alcohol comes in 4th in a list of 30 drugs, including prescription drugs, including codeine. In Germany, cannabis comes in 16th. That is for social and individual harm.

Alcohol comes in 4th. In the British study, which had, I believe, 15 different drugs, cannabis came in 8th, alcohol first. That, for me, is the reason why I will support this proposition. I do not believe it is right to criminalise people when we as a state tax alcohol. As Minister for Sustainable Economic Development, I have a constant ongoing dialogue with the hospitality sector about duty, about the taxation of alcohol. Obviously they wish to supply alcohol to their patrons. I wish them to do so successfully and safely and securely. I do all of that at the same time as knowing that we, as a society, criminalise cannabis, which is a far less dangerous drug; empirically shown time and again to be far less dangerous than alcohol. That, for me, is why I will support this proposition and I ask States Members to do as well. The only way you will help with people who have problems with cannabis and who have psychosis with cannabis and the only way you will stop it being sold on to youngsters, et cetera, is by regulating. The only way you can regulate is by legalisation or decriminalisation. It starts with decriminalisation. That is the only way you can regulate. To keep it prohibited means you cannot regulate. It drives it into the hands of criminal gangs. As a result, hey ho, the States Assembly is effectively enabling the criminalisation and a criminal economy to take place. Let us take it out of the criminal economy. Let us take it into the legal economy where we can have a grip on it. That is the message that I would like to give the Assembly today. Let us not keep this criminalisation of people going, people who are not harming our society. It is only by getting rid of that shame and that stigma that is attached to it that those people who are struggling will then be able to feel that they can seek help for their own personal struggles. At the moment, we stop that happening because we make it shameful that you are using cannabis. That is all wrong and that is all entirely linked to the criminalisation. I thank Deputy Coles for bringing this proposition. I thank the Council of Ministers, Deputy Gardiner, and Deputy Alex Curtis for their amendments, which were all worthy amendments. I say let us do this piece of work to show all Islanders that we want them to be able to live free, safe lives. Free, because they get to choose what they put in their own bodies. Safe, because we get to regulate and make sure it is safe. If we do not do that, all we are doing is making sure that money and cannabis stays in the hands of criminal gangs and we make sure that Islanders do not have freedom to choose what they put in their own body. Those are 2 things I do not think we should be doing. I thank you for the time. I shall certainly be supporting this proposition.

14.4.12 Deputy R.J. Ward:

I am very pleased to follow that, because I was putting ideas together in my head as so much has been said about this proposition. I start from the position of saying that I have an issue with cannabis and medical cannabis and so on. It comes from a scientific point of view, in terms of the lack of evidence about its use and effectiveness. There is a problem there. The reason we have that problem is that not enough research has been done. Not enough work has been done by the World Health Organization and those with a medical background to see whether some of the claims made are true or not. The reason that has happened is partly, in the majority of cases, because it is an illegal drug. Therefore, it is extremely difficult to research and it is extremely difficult to gather evidence. A lot has been said about young people and cannabis. There are young people who are being criminalised early on in their careers as human beings because they have decided to try cannabis, because of their friends, because of peer pressure, because it might just be something they want to do. If we are to criminalise these young people for doing something which is relatively harmless then we have to recognise there are consequences long-term into their lives that, (1) is not deserved and, (2) there is no evidence to say that they should be deserved. I wrote down some of the things that we should stay away from. We should stay away from alcohol. We should stay away from cigarettes. We should stay away from fatty foods. We should stay away from sugary foods. We should stay away from painkillers such as codeine; massively addictive, look at what has happened in America. However, we do not stay away from those things. We have accepted them into society and all the problems that have gone with them, it seems. However, what we have done is we have taken one drug that is used recreationally and medicinally and said that we will say that that drug in particular

is something that we must criminalise in all its forms. Personally, the manifesto I stood on was to decriminalise cannabis, but I would suggest that we need to legalise it and we need to legalise all drugs, because that is the only way to control them. The only way to control, to sort out what people are using in their bodies, what the proportion of them is, what the concentrations are, where they come from, the market. That is never going to happen in our society, I do not think. However, that is the way to control. You control by knowing what is there. We are not doing that. We are not doing that because there is a fear. There is a fear that goes with those issues. That fear is about an influx of everybody wanting to try all of these drugs. I am getting on a bit now. I have no wish to try different drugs at my age simply because they are there. I am at an age where a nice comfy insole in my shoe gives me a huge amount of pleasure. **[Laughter]** It is a simple life that I lead. We have to be careful - it is a trite comment - that we get this notion that we open a floodgate in some way. We will not. We will stop people being criminalised and start that process of control, of refining what is being used, and understanding the real effects. With proper research and proper understanding, if cannabis can be shown to be linked to psychosis in particular individuals then we will be able to say to those particular individuals: "Using cannabis is a very dangerous thing. Do not do it, because this is what is going to happen." If you want to ban anyone from using it, it will be those individuals. We are not going down that line at the moment because of the criminalisation. We seem to have said: "It is okay, we have sorted that problem, because it is illegal. If it is illegal it cannot be happening and it will not happen." It is. There are times in this Assembly when we have to have a realisation that what we are doing needs to change. On this occasion I would suggest that this proposition ... one of the things about the proposition is ... I understand people talking about some issues with that, but the crux of the issue about the decriminalisation for personal possession, personal cultivation, as is now brought by Deputy Alex Curtis, and for recreational use of cannabis. Part (b) is an incredibly extensive list of the type of things that we need to do, potential approaches to the decriminalisation, legalisation, and regulation of cannabis, the regulation of it. Use in the presence of minors, I quite agree. We should have no advertising for any sort of sugary food, fatty food, cigarettes, alcohol anywhere near school buildings. We should have a radius around them where nothing like that is advertised. They do that in many jurisdictions. This is the opportunity to create free zones around places where children are influenced most during the day. Social supply restriction of the sale to minors ... I am going through this on purpose, because I think we need to look really carefully at the proposition that we are debating. Gram allowance, that is a difficult one, because you have to look at the actual concentration of the chemicals that are involved in it. You could have 10 grams with a lot of chemical in or 5 grams with an awful lot of chemical in. There are also genetically engineered strains, which is one worry I have with cultivation of what one might refer to as weapons-grade cannabis, which is really not good. Restrictions in areas of consumption, that is a very important idea. By restricting areas of consumption, you control areas where consumption happens. That is where you can direct advice, you can direct support, you can direct help, and you can start to collect data. As somebody said, it is a strange word to have around this. I wonder how many people who want to talk about the use of cannabis are sitting around saying: "Yes, we need to have more data on this." But there you go. Roadside capacity tests and total allowance of cultivation, alcohol and driving is illegal. People still do it. Alcohol is legal and an absolutely lethal drug, but most of us will go and have a glass of wine or a beer or something. England are playing tonight, they are going to win handsomely tonight, I am absolutely certain of that, and for many, many people it is associated with alcohol. We accept that. This is a difficult step forward for this Assembly. I recognise that. It is taking a leap into somewhat the unknown. I understand the fears that people have. However, I do not believe that decriminalisation will open floodgates in the way that people are saying. In order to start that way along the pathway, we need to do something and not just leave it the way we are at the moment. It is becoming, if anything, more uncontrolled than ever. Taking back that hold of the reins of what is going on, in terms of the use of drugs on our Island, is a very important thing to do and the first step of that is decriminalisation. I hope people

can read the proposition very carefully and really consider supporting all parts of that, because I believe it will be a brave and sensible decision for us to make today.

14.4.13 Deputy T. Binet:

I would like to start by thanking Deputy Coles for raising this issue. It has been lurking around in the background for quite some time. It has certainly given us the opportunity to have a decent debate on the subject. With regard to the current situation, a lot of us would agree 2 things relating to criminalisation. Firstly, it has failed rather miserably to achieve the objective of preventing the availability of cannabis. Secondly, it serves as a direct barrier to providing or assessing support or treatment for problematic drug use.

[16:30]

Criminalisation also results in a complete lack of quality control or information about potency, strength, or any additional substances contained within the cannabis on the illicit market. Users cannot guarantee what they are buying or using unless they cultivate it themselves. Of course, that in itself, is illegal. In the wider context, a 2016 United Nations General Assembly stressed the need for member states to adopt public health, human rights, and other more constructive approaches to drug policy instead of continuing to promote the traditional avenues of criminalisation. The U.N. General Assembly has urged member states to think about alternatives to criminal punishment for drug offences. Over 60 jurisdictions in 30 countries around the world have already adopted legal reforms to remove the criminalisation of certain aspects of drug use. However, it is worth noting that no 2 countries' approaches are exactly the same. There certainly does not appear to be a blueprint for removing the criminalisation of cannabis. Interestingly, Jersey's own Substance Use Strategy sets out as part of aim 5 to continue progression away from criminalisation by reviewing and adopting specific policy options that fall under decriminalisation and legalisation aims. The hard truth is that we need to assess what the underlying priorities are in any approach to the removal of the criminalisation of cannabis before going any further. We need to do this properly. In 2018, the Assembly voted to enable the prescribing of medical cannabis. For want of a better expression, that can best be described as a genie that is well and truly out of the bottle. We know from a dispensing of medical cannabis audit, published earlier this year, that Jersey has dispensing numbers of just over 4 per cent of our adult population, compared to 0.04 per cent of the U.K. population. If my sums are correct, that is 100 users in Jersey for every single user in the U.K. That is quite an extraordinary figure. Deputy Coles stated in his report that as a result of medical cannabis we now have a 2-tiered system. For me, that is something of an understatement. What we have is a multi-layered market which is driven by high levels of prescribing and dispensing. It takes the following form: we have medical cannabis, which is prescribed and used for medical purposes; we have medical cannabis prescribed and used for recreational use by the person it was prescribed to; and we have medical cannabis which is prescribed but ends up on the illicit market supplying other people. This is the result of a decision being taken by the Assembly without firm proposals to manage the impact of that decision or any agreed approach as to how the future should look. On a personal level I want to avoid a repeat of that situation, and if we are serious about all this that is exactly what the Assembly should want too. To adopt a decriminalisation approach, as set out in paragraph (a) of the proposition, without first considering fully all of the repercussions of that decision is quite dangerous. Last week, completely unsolicited, the chair of the Misuse of Drugs Advisory Council wrote to me to express the Advisory Council's concerns after discussing the decriminalisation of cannabis at their most recent council meeting. I shared that letter with Members by email and I hope they have had the time to read it, but for those who have not this is their advice regarding decriminalisation. It would be making a significant change to our criminal law without properly considering both the legal and constitutional consequences, and they do not feel that should be done without prior consideration. That we may create domestic and criminal law issues such as potentially increase trafficking caused increased demands for illicit supply. We may inadvertently encourage importation as some may

regard decriminalisation as the additional decriminalisation of importation. There are a couple of constitutional risks as well like breaching the U.N. Convention on Narcotic Drugs, and a potential risk to our customs and trade arrangements with the U.K. So I think we need to consider which consequential legislative changes would be appropriate, which amendments to other legislation would be required such as the Misuse of Drugs Law, the Restriction On Smoking Law and how the prohibition on smoking medical cannabis should be amended to align with any decriminalisation of cannabis. The Advisory Council's letter also touches on the language of the proposition and the uncertainty it brings as decriminalisation can mean a range of things in a range of settings. If you stack the various uncertainties of paragraph (a) on top of one another you end up with a proposition that can allow for a wide range of possible outcomes. Given all the possible outcomes within the wording of paragraph (a), the potential unknowns of making a decision without much more thought and information, and the highlighted risks I have already touched upon, I am afraid I find myself unable to vote for paragraph (a); certainly not at this time. Paragraph (b) of the proposition can still stand, regardless of the adoption or rejection of paragraph (a) and, therefore, I intend to vote against paragraph (a) but vote for paragraphs (b) and (c). In having any debate on the different approach to cannabis in Jersey there are a huge number of both foreseeable and unforeseeable factors that we simply must consider. I do honestly recognise the need for and definitely welcome a full and informed debate on the matter and the adoption of paragraph (b) would provide a clear mandate for further work to be done. At the core of any future debate there would be a set of clear evidence-based proposals. We must not choose an approach without careful prior consideration of all the factors and without having an understanding of how they might best be managed. These factors include but are not limited to what are the potential physical and mental health implications of any approach, what is the desired impact on the illicit market for drugs and the wider supply chains, how to evidence harm reduction, how to design and deliver prevention and education initiatives, how to provide improved access and support, and how best to continue to protect children and the wider community. There are a range of others but people are probably tired. With proposals that provide further information in all of the things I have just mentioned, we, the Assembly, would be able to make an informed decision with a clear view of the wide ranging repercussions that would ensue. I have spoken to Deputy Coles and while the proposition sets out a deadline for November 2025, if paragraph (b) is supported by the Assembly we will aim to bring forward those proposals by July 2025. However, it is important to mention that paragraph (b) - irrespective of delivery dates - still results in additional and as yet unresourced work. As mentioned in the financial and staffing statement in the Council of Ministers' amendment there will need to be conversations regarding prioritisation of existing work. In closing, and for the avoidance of doubt, I believe that as a general rule prohibition does not work and the Island would be better served by a properly regulated market where problem drug users are treated and assisted rather than criminalised. Part (b) allows for such options to be properly formulated and presented to the States Assembly for them to decide upon in an open and democratic manner. Therefore, I urge Members to reject part (a) at this stage but accept paragraphs (b) and (c) as amended.

14.4.14 Deputy M.R. Le Hegarat:

Firstly, I would like to thank Deputy Coles for clarifying the myth that there are persons detained in La Moye Prison for possession of personal amounts of cannabis. There is not. I would suggest that it is probably unlikely that there ever was. People who receive prison sentences will be importation, supply or intent to supply, having been arrested for public order offences, driving while impaired or involved in road traffic collisions or assaults. I would just like to highlight a couple of the factors which I think may cause us some difficulties. There is a concern about how a decriminalisation system could be policed. If we allow personal possession but not dealing then, as the proposition suggests, we have set a maximum limit for how much cannabis a person can possess. Whatever limit is set the burden will fall on police officers to try and work out exactly how much cannabis a person is carrying. It is going to be nearly impossible to try and establish the exact weight of a sample of

cannabis in the street in order to determine if the person should be arrested for potential drug dealing or allowed to go on their way. In relation to the point of the cultivation; on-Island personal cultivation could create further difficulties unless it is spelled out in simple terms as to exactly what type of species of plant is allowed, what weight is being grown, even how many plants exactly are growing in a particular place, will all be challenging and the proposal as drafted allows no rights for the police officer to enter the property to try and establish that fact. How will we decide whether or not the person is allowed to grow their own or not? Somebody suggested that we may be able to make rules about that. Well, if we are going to allow one person to be able to grow cannabis I would suggest that we have to allow everybody; we cannot discriminate against one person to where you may or may not live. There is also, as we all know, a smell to cannabis. As you drive past places where it grows - and I am not talking about people smoking it - you can smell it. How will your neighbours feel when you are growing cannabis, and where are you going to grow it? Are you going to grow it in the garden? My biggest concern about all of this is in a family home where people are growing cannabis how are we going to manage the welfare of the young people within that environment? How are we going to decide whether young children are going to be involved? How are we going to know whether the smoking of cannabis is ongoing? We are going to be contributing to that. It is very different when you talk about something which is legal or not legal. If we are going to allow people to grow cannabis we are accepting the fact that they may very well be growing it within their home where they have young children, and how are we going to manage and police that? The other thing I would like to point out is that Deputy Morel talked about all of these different studies, and different studies say different things. I will give you an example here. For instance, a study by Shorey in 2018 found that marijuana use was significantly associated with various forms of inter-partner violence including physical, psychological and sexual violence. This association persisted even after accounting for other risk factors like alcohol use, antisocial personal traits, and relationship dissatisfaction. Flanagan also observes that cannabis use can have an impact on inter-partner violence. There are others that say the opposite. So let us not be unclear here that one piece of information will say one thing and another may say something else. A lot of areas have already been covered but I have one other thing to say. With half my working life being involved in policing in the Island I have had significant experience with all our community. I have seen the impact of drug use, both for the users themselves, the family, children and young people who share that home. So let us not be under any illusion here; this will have an impact. We are all fully aware that alcohol has an impact as well so I am not taking that aside from that. Having discussed the matter with people who deal with domestic violence and the impacts that cannabis has, it is in their mind and no doubt in mind that this can have an impact on family life and children within those families. From the point of view - as someone highlighted earlier - I decided not to do an in-committee debate. That decision was made first and foremost because this area does not fall under myself, it falls under the Minister for Health and Social Services. My priorities have been with violence against women and girls, among others, and also the law in relation to modern slavery. But if I am going to stand here and say that I am going to try and eradicate and work hard to deal with violence against women and girls I cannot support this and I will not.

14.4.15 Deputy J. Renouf:

In my mind this is about how we confront reality, and in particular the reality that cannabis is used in this Island. It is about the collision between reality and morality, and even between reality and science. These are uncomfortable places to be but we do have a responsibility to face up to them. The second point I would make is that we are as a society on a journey with regard to cannabis. It is a journey away from criminalisation and towards liberalisation and probably eventually legalisation. We are being asked in this proposition to take a step, and it feels to me like a measured one. Sixty years of legislation to criminalise has failed. Criminalisation has failed. We must have in our minds that cannabis exists and will be used, so our question has to be how do we deal with that situation. I thought Deputy Miles' speech caught the moment we find ourselves in brilliantly. This proposition

is a step. Yes, we need to be careful, but let us take the cautious step that this amended proposition represents. I did think there was an alarmism in some of the speeches. Cannabis does of course have an effect; it is a drug, that is the whole point. Some will have positive experiences; some will have negative experiences. But I repeat, it is going to be used. It is used at the moment. We permit all kinds of substances that have negative effects. Does decriminalising cannabis encourage use? Does it do that through lowering social barriers perhaps? I would argue that bird has flown. In fact, you could just as well argue that the cache of an illegal activity is attractive, certainly to young people, and may be fuelling the attractiveness of experimenting with the drug.

[16:45]

Deputy Wilson's speech I thought was a powerful one but it was a powerful argument to me against the lax regulation medicinal cannabis. It was not persuasive to me regarding decriminalisation. I would reiterate the points made by Deputy Mézec and Deputy Morel, among others, that there is a double standard relating to alcohol. But there is also another double standard which we have not referenced, which is to do with encouraging medicinal cannabis and, in particular, production of medicinal cannabis. We believe as a society that cannabis can have medicinal properties otherwise we surely would not have licensed companies to produce it and sell it. This is why I say that we are on a journey. We have moved away from pure outright opposition. I think in common with many other substances, we can decriminalise and still advise against its use or advise caution around its use. We have plenty of those substances in society. The bottom line is we are not going to stop people using it; we are not going to stop people trying it; we are not going to make it less attractive. Deputy Le Hegarat said police officers will struggle with measuring the amounts. Well, that is the case now with the A.G.'s (Attorney General) advice, I would have thought, and similarly with plants. We allow commercial planting. Why would we not allow people, if we allow it on a commercial large scale, to grow a small, specified number of plants within the home. The risk of course is that kids may be exposed to that. Well, possibly; I do not think my kids have any idea what I am growing in the house, but for the avoidance of doubt it is not weed. I would say the proposition allows us to move forward with detailed proposals properly considered. The Drugs Advisory Council advice, I am afraid I read it as a wall of opposition which, if followed, would never allow any jurisdiction to decriminalise and yet countries have decriminalised, and I think we can take that measured step. So looking at the proposition as amended, part (a) is the point that moves us on. It moves the debate on, it moves the position on and says we want to decriminalise. Part (b) gets into the detail and gives the responsibility to the Government to bring forward the good legislation that will enable that to happen. We will get to decide whether that job has been done well because that will have to come back to the Assembly to be voted on. Part (c) extends those same 2 points about decriminalisation and further legislation to cannabinol. We are asked, one speaker said, to make a responsible decision. I think it is responsible to modernise the law; it is responsible to open our eyes and ask that the Government go away and bring back legislation in a considered way; and it is responsible to make the law face up to the reality that cannabis exists and will be used. We will have another chance to decide in the future if the proposals being brought forward in legal terms are proportionate and right, so I will be voting for all 3 elements.

14.4.16 Deputy M. Tadier:

There is a particular high at the moment that is perfectly legal that young people are turning to in droves. It is not just young people but they are particularly susceptible to it. They start off with a long walk, they then move on to jogging, then before you know it they are doing park runs. You have got pushes of exercise deliberately targeting young people by peddling harmless sounding initiatives like Couch to 5K, sometimes disguising the effort with innocuous sounding terms like "fun runs" and encouraging people to get out there to achieve this buzz that they get, this so-called harmless buzz that they get once they have completed their runs. Before you know it they are doing things like half marathons, and I even heard of somebody recently signing up to do a marathon.

Complete madness because it sounds like it is great, does it not, until ... I know a guy who did one of these runs, he ended up getting a stroke. I know another one who years on after they have given up with load of problems to their knees. It is particularly problematic if people have underlying problems relating to arthritis. Of course they do not tell them this when they are pushing those kind of runs initially. It is a slippery slope. I even heard of one guy who twisted his ankle while playing tennis. So there are risks in that. I think we have to be careful about encouraging this kind of activity in our community. Some of the speeches I heard earlier talking about the risks associated with cannabis I thought were out of the 1936 film *Reefer Madness*. I did not think they could possibly be serious when we were hearing some of those comments. I have not seen the film but I am told that it had a particular cult following in the 1980s and 1990s. I particularly like a quote from the film though, it says: "Marijuana is taken by musicians, and I am not speaking about good musicians but the jazz type." I hope we have come on a little bit since the 1930s but a lot of that same propaganda that we would have heard in that film I think we are still dealing with today, and we have got to try and unpack that. What I am slightly concerned about with this proposition in terms of the Minister's comments is that he seems to be sending out quite a mixed message which essentially, as I see it, there are 2 parts. We already seem to have made some progress in the amendments in this debate already saying that on balance we did vote for an amendment so that people could grow their own and cultivate their own at home if they are going to be users of this product which we are hoping to decriminalise. The Minister told us himself that he wants full legalisation, and we have heard some very capable arguments, some eloquent arguments put forward from the proponents of those who want full legalisation so I do not need to reiterate those. It seems strange that we would, therefore, stop short of it by a much more moderate proposal that we have, as the first step towards that is surely to say that if people are currently using, for whatever reason, to decriminalise them to make sure also that they can access a home-grown variety themselves so that they do not have to turn to criminality, if they want to. Then of course we let the Minister get on with it and do his piece of work about how all the rest of it ties in, and we might get to legalisation if it is the desired will of the future Assembly once he has come back with that piece of work. I also do not really see how it ties in with the other workstreams that are going on around violence against girls and women. I think that is an important piece of work which we all support in this Assembly and which needs to continue, and we will give a renewed mandate to the Minister for Home Affairs to do that. I do not think the 2 are mutually exclusive so I would like to think that we can discount that argument of it being an either/or. I do not think I have got a lot else to say on this particular debate. What I would encourage the mover of this proposition to consider is taking it *en bloc*. We can have that discussion I am sure. I think it would be strange if we were to say that we would not accept part (a) but we want the Minister to go away and legalise something that we are not even comfortable about decriminalising. Does that seem to make sense to Members? If we do not want to decriminalise cannabis then certainly let us not think about asking the Minister to go away and do a piece of work about decriminalising it and about legalising it completely; but if we are comfortable asking him to go away and effectively start legislating and working out the legislation for legalising then at least let us decriminalise it in the meantime. I hope that is not an overly simplistic argument but that is how it works in my simple little brain.

Deputy L.M.C. Doublet:

Could I ask the S.G. a brief question before I make my speech, related to the question that Deputy Jeune asked about valid prescriptions? The Solicitor General mentioned that it had to be a valid prescription; could he just define what a valid prescription is? Is there a time limit? How is it determined whether a prescription is current or valid?

The Solicitor General:

I should finesse the advice I gave earlier. I am looking at paragraph 7 of the general provisions order made under the Misuse of Drugs Law. That provides an exemption from liability for an offence of

possession; it is not an offence where: “The drug was supplied by or on the prescription of a doctor, or registered independent prescriber if at the time of the supply of the drug or prescription the person was being supplied with any controlled drug by or on the prescription of another doctor.” I should have read it does not apply where someone has it for the administration for medical, dental or veterinary purposes in accordance with the directions of a practitioner or a registered independent prescriber. Now, the absence of a valid prescription, or the absence of any prescription at all, would not necessarily be conclusive that the offence of simple possession had been committed, but it would be very good evidence that it had been committed. It might lead to further enquiries of the G.P. (general practitioner). He or she might say for example: “It is in fact my fault, this person is taking this cannabis under my direction but I just omitted to renew the prescription.” That would be something to be put in the scales by a prosecutor in deciding whether the offence had been committed and, if so, whether it was in the public interest to prosecute it. I hope that helps clarify the advice I gave earlier.

14.4.17 Deputy L.M.C. Doublet:

I do remain unclear over what the actual definition of a valid prescription is and I wonder if that is something in the law that needs to be looked at, because I think those who do hold those prescriptions need that clarity around that question that Deputy Jeune raised. I really enjoyed Deputy Tadier’s speech and I think a lot of the reflections that many of us have had on the problems that could be caused potentially by cannabis use, that are most certainly also caused by alcohol use, which is a legal substance. I thought Deputy Tadier made that point very cleverly there. I wanted to touch on Deputy Le Hegarat’s speech. She mentioned a study on inter-partner violence, which of course is something that we all want to eradicate in our society, and that there was some correlation between cannabis use. I would argue that is a correlation between cannabis use in a society that criminalises cannabis use and that the correlation there actually is between violence and those who are having the confidence or the knowledge to access drugs illegally, and the profile of the type of person that might be minded to do that. Another concern that has been raised by previous speakers was that young people will take up cannabis use as a result of decriminalisation. I wanted to refer Members to the Substance Use Strategy which was adopted by the previous Government, and I believe is still in place with the current Government and indeed covers a 10-year period of time to 2033. I will quote from that strategy: “Cannabis is the most common illicit drug taken by young people. In 2021 11 per cent of 14 to 15 year-olds and 23 per cent of 16 to 17 year-olds reported ever using cannabis. Those rates were similar at 13 per cent and 28 per cent respectively in 2018.” So Islanders, including young people, are already using this drug and, as other Members have covered, they are having to obtain it illegally and this is making them criminals. I really want to reinforce the point that criminalising substance use does not stop people using it. It is already happening and it will continue to happen and we will continue to make young people and Islanders criminals if we do not decriminalise cannabis use. There is consensus among experts that criminalisation is not the best way to reduce harm, and the Deputy in his opening speech touched on a harm reduction approach, and that is the gold standard in terms of drugs policy. I think again Deputy Tadier touched on this as well; there is a large amount of unlearning that we need to do because those of us who had it drilled into us at school that drugs are bad, it is difficult to move away from that messaging. We must pause and challenge our thinking and stop just blindly repeating that aged phrase and look at the scientific evidence about what is right for our population.

[17:00]

Rather than repeating “drugs are bad” we must understand that drugs are inevitable. Imbibing consciousness altering substances is in fact a universal human trait found in cultures across our planet and across time. Humans for centuries have gathered around communal fires, communities have come together to relax and celebrate, to enjoy being together and to enjoy just being alive. Again, there are universal things that go with this; storytelling, music, perhaps some dancing. Something

else that is pretty much universal is substances. Drinking squashed fermented fruit juice and smoking dried leaves, and there is probably a lot more dancing when the substances are involved. Those activities when done as part of a community and it is part of being human. Those substances and the use of those substances only become problematic when the societal context changes. I will speak more about this at the end of my speech. I want to return to young people. As the cost of cannabis illegally is increasing exponentially young people are turning to other more harmful substances. Again, to quote the Substance Use Strategy: “There is evidence of displacement of cannabis by synthetic cannabinoids.” The strategy goes on to say: “During the 2018 to 2021 period self-reported synthetic cannabinoid use increased. In 2018 2 per cent of 14 to 15 year-olds and 4 per cent of 16 to 17 year-olds reported ever using synthetic cannabinoids. By 2021 this has risen to 13 and 25 per cent respectively.” Synthetic cannabinoids are generally stronger than natural cannabis and are linked to higher rates of addiction and psychosis. Our current policies and our current legislation are resulting in an increase in harm right now to our young people. The evidence shows that when decriminalisation is done properly it does not increase use. To go back to the scene that I painted of a community coming together and substances being a part of that when used responsibly, when we do not have that community and we do not have care for one another socially, and good quality health care, that is when the substances can become a problem. If they are used in isolation that is a problem. When I say decriminalisation must be done properly I mean that our health and social policies must be robust; our services must be of an excellent standard and our community must provide play and leisure opportunities and be a supportive community. The Substance Use Strategy outlines a pathway for us to move towards decriminalisation in a healthy way that minimises harm. I noted that it has many, many action points that refer to alcohol use. I hope that all Members who have concerns about the harms caused by substances will realise that that is where we should be focusing our efforts; not on cannabis. Deputy Gardiner found an event which is I think tomorrow by Amnesty International, which is an organisation that I greatly respect, and they have launched a new policy paper to contribute to the advancement of drug policies that better uphold human rights. Of course across the Assembly I know we are all in favour of human rights. Amnesty International is calling on legislatures to adopt new models of drug control that put the protection of people’s health and other human rights at the centre, including the decriminalisation of use, possession, cultivation and acquisition of drugs for personal use. It does go on. I trust organisations like Amnesty International, I trust scientists, I trust the policy experts. All of those experts and organisations are recommending decriminalisation. We would be foolish not to approve this proposition today and I will be supporting it.

14.4.18 Connétable M. Labey of Grouville:

I agree with many of the previous speakers, especially when they relate to the topic of alcohol which has been around thousands of years. I believe some water was changed into wine a couple of thousand years ago so I am sure we will assume that is true. Unfortunately it has affected my close circle; I have lost a cousin to its addiction. I lost a very good friend, in fact the godfather of one my children to its addiction not long ago. But this Assembly in 2012 introduced the Lion SL500, which is a breathalyser, and many years prior to that the SL400, which was a much larger and more cumbersome item to use in a police car. However, what I am trying to emphasise here is the fact that the police have in their armoury something to test for alcohol consumption. At a Scrutiny Panel the other idea I asked 2 senior officers: “Have you got anything currently in your armoury to roadside test for any other substances?” I referred immediately to cannabis at that point. The answer sadly was no. The technology is not yet available that makes a reliable and reasonably-priced testing device that they can use on the roadside. How can we possibly be even thinking of decriminalising any substance right now until that technology has caught up and we can test at the roadside for those sorts of substances. My dear friend who passed away would never have taken his problem out into the public arena, he would never have got behind the wheel of a car and taken that on the road and endangered other road users, cyclists, walkers, with his problem. So why are we even talking about

this, I would say. We have just had some damning road safety statistics recently published where it quite clearly states that we are the worst jurisdiction in the British Isles for road safety. Surely we must take a lesson from that and say why are we even discussing this when technology has not yet caught up with roadside testing. That is all I have to say.

14.4.19 Deputy E. Millar:

I had not been intending to speak in this debate and I have some considerable reservations about this proposition, but one of the things that has in fact shocked me to a degree about this debate is the argument that we should be decriminalising and possibly legalising cannabis because that will be good for young people. I simply cannot get my head around that argument. Deputy Wilson spoke very effectively about the impact of cannabis on young people I think up to the age of 25; it is not just teenagers. Deputy Luce spoke very powerfully about his experiences on the Youth Panel. I have read nothing that tells me that cannabis is not harmful to adults or to children and young people. The fact that we know that, the fact that we know that alcohol and tobacco are harmful does not make that an argument to make cannabis more easily available to young people. We know that alcohol is damaging to our health and the research has developed on that over years. I do not remember being told as a child never ever to drink alcohol, but over the years the advice on alcohol has changed dramatically from you can drink as much as you want, to do not drink while you are pregnant, to do not drink more than 21 units, to do not drink more than 14 units, to there is no safe limit for alcohol. Yes, we do, those of us who enjoy a glass of wine, make that risk assessment every Friday night or Saturday night and we may or may not regret it the following morning, but we know the risks. The risks are very clear about alcohol. Similarly, the risks are even more clear about tobacco. I have spoken to doctors who have said: "If I can stop one person smoking I have had a good day at work. That is the most effective thing I can do for anybody's health." We know the harms that tobacco cause and have caused for a very long time. I was involved as a relatively newly qualified lawyer in the first ever tobacco legislation in Scotland and we did a massive piece of research trying to work out just how long it had been since people understood that smoking tobacco was bad for them. I think fundamentally I cannot accept that our bodies are designed to inhale smoke of any nature or steam, or whatever that we are currently inhaling, and do that safely because we are not designed to do that. Parents give advice to their children day in and day out. As I have said, when I grew up it was all about not smoking and that was what we were told at school as well. What will parents be saying to their children now? "Well, it is not good for you but, well, it is not criminal or illegal so ...". Criminality or illegality seems to me to be an extra tool in any parent's toolkit to try to dissuade an activity for children, and I know a number of people here who have spoken today do have children and I just wonder what you will be saying to your children in future years about cannabis. Will you be saying: "Yes, it is fine" or will you be saying: "No, do not do it but it is not criminal, therefore, it does not really matter." The fact that the physical harm is overwhelmed by not having a criminal record, I just find this whole aspect of the impact on children as being a key driver in this debate very difficult. As for whether decriminalising it will make it more acceptable to young people, I think we just have to look at what is happening on our streets right now. We have people packaging up vapes, usable and disposal vapes, which are clearly aimed at children and are quite clearly being used by children. Are we going to have people standing at school gates with pink and rainbow coloured wrappers of cannabis to give to young children because it is now okay for them to do that? We have got to think about what the response will be of people once this becomes decriminalised. If you can sell it to a child and it is not criminal then people will do that. I have heard all the arguments - I am a lawyer - I have heard all the arguments about prohibition and how those work and how they do not, but I do think the prevention of smoking or inhalation of cannabis by children has to be the most important thing we should have at the forefronts of our mind, and I would ask everybody to keep that at the forefronts of their mind.

14.4.20 Deputy D.J. Warr:

Like many people of my generation, cannabis will always be considered as being part of that illicit world of drugs. I will never forget when a boy at my school got expelled for being caught smoking cannabis. It did not matter that when you reached the age of 17 you were allowed to consume 2 pints of beer in the in-school bar. Back then it all made sense in the same way that no one frowned upon my dad's 60-a-day smoking habit. In that sense I get Deputy Mézec's commentary. As I have reflected on this subject I keep coming back to something that is probably quite old fashioned. What legacy do I want to leave? Did I vote for something that decriminalised a product that had a huge negative health impact on the next generation? Is this - as Deputy Luce puts it - the thin end of the wedge? I recognise that we as a society have a schizophrenic approach to cannabis so as a result I have tried to overcome my own personal biases by asking individuals with a lot of knowledge in this area where the issues lie. It is an example where an in-committee debate would have added huge value to this debate, and I find it quite extraordinary that we did not continue down that route. It is clear from the number of amendments brought to this proposition that this is really a complex area and I feel I have to defer to those who have expert knowledge. I found Deputy Miles' and Deputy Wilson's speeches hugely informative. With the development of medicinal cannabis I recognise that we have another drug in the arsenal to help with pain relief, inflammation, anxiety and sleep. But because it is an unlicensed prescription it is not available through the hospital. Bizarrely, however, we have 20 licensed individuals who are able to prescribe the drug and prescriptions - as Deputy Binet has said - are 100 times the rate of those in U.K. It does demonstrate what a strange relationship society has with this drug. For me the most obvious would be around addiction. Over recent years we have heard all the terrible impact of inappropriate opioid uses. Opioids are also used extensively for pain relief. We are all familiar with morphine, codeine, fentanyl and oxycodone. The difference with opioids is their highly addictive nature. Not only do you need a prescription to take them, you also need a plan to stop taking them.

[17:15]

A staggering 81,800 deaths were recorded in the U.S. (United States) as the result of opioid misuse in 2022. No wonder we are suspicious about legalising something that throughout my lifetime has always been illicit. As already explained by Deputy Wilson, cannabis use can lead to episodes of psychosis and schizophrenia and Deputy Coles recognises this in his opening speech. The association of cannabis with psychosis was first recognised as far back as 1896. A significant piece of research in 1987 carried out by the Swedish Army concluded that those who had used cannabis more than 50 times were 6 times more likely to develop schizophrenia. There will of course always be individuals who will not be affected, in the same way that some people drinking too much alcohol do not get cirrhosis of the liver, or with relation to heavy smoking those who do not get lung cancer. The question that I again ask myself, if I am prepared to vote for decriminalisation what legacy am I leaving for generations to come. Did I really understand the consequences of what I was voting for? I have tried to reflect upon other day-to-day drugs we already consume. Back in the day, tobacco was sold as this sexy product. Deputy Renouf used a far more appropriate word "cache"; he seems to be using a lot of those today. Getting your hands on something perceived as dangerous has always been attractive to young people. But look where we are today; hideous images, no overt advertising and the latest laws intend to ban the next generation from ever smoking tobacco. That is before I include the huge cost to our health service; the price society pays for legalising tobacco. I think the Constable of St. Saviour makes a valid point. What is the message we want to send out? What is the legacy we want to leave? I cannot vote for something which could have a major detrimental health effect to our society. That is not a legacy I want to be remembered for.

The Connétable of St. Mary:

I wonder if it is too early to ask you to give a ruling on the form the vote might take for clarification. The Minister for Health and Social Services, among others, has suggested that he would advocate we

should vote against paragraph (a) but for (b). But given that (a) is the one which decriminalises the use of cannabis, does not (b) automatically fall away if (a) falls away?

The Greffier of the States (in the Chair):

It is entirely a matter for Deputy Coles, as the proposer, as to how he wishes to take the vote on this matter. I think they could be taken separately, but it is a matter for the proposer of the proposition as to whether they are voted for *en bloc* or individually.

The Connétable of St. Mary:

I accept that, Ma'am, but I just wondered if you could clarify whether (b) would stand alone if (a) was not there.

The Greffier of the States (in the Chair):

I think it could stand alone from my observations of it. I cannot see a reason why it would not allow the Minister to then go away, and for the Council of Ministers to go away, and bring forward some more recommendations so this debate could resume some way down the future for us to revisit this issue. But what it would not be doing is, obviously if you did not accept part (a), progressing the decriminalisation at this point.

The Connétable of St. Mary:

Sorry to persist, but it is simply that (b) refers to the necessary legislation without (b) referring to cannabis at all. I am just concerned that without that link whether it would stand. Anyway, thank you.

14.4.21 Deputy M.B. Andrews:

Initially when this proposition was lodged, it came as a bit of a surprise because something like this is so systemic and it is a broad issue, and usually it would be proposed by the Executive. It would be something that the Minister would be bringing forward. It is quite unusual to see a Back-Bencher bring forward this kind of proposition. I have to say I do not really know too much about this topic whatsoever, a bit like other politicians who have already spoken before; they were very much reliant upon the experts. Again, access to experts in Jersey on this particular subject is very difficult to have access to. But I did happen to be approached by an individual who is very much pro-cannabis and I took up their offer to discuss this proposition with them. Now, there is an element of our constitutional relationship with the U.K., and of course that is very important. What we cannot be affording to see is Jersey compromise its relationship with the U.K. from a constitutional perspective, i.e., if this is, for instance, to be a proposition as approved, what then happens with the Privy Council due to the U.K. differing on their stance with cannabis to the States Assembly? Looking at the proposition itself, initially I was a bit concerned about part (a), I have to say, and I even voiced my concerns to other Members, but I was quite pleased to see that the Deputy did bring forward an amendment, having consulted with the Attorney General and the Children's Commissioner. So I think that part is rectified. Now looking at part (b) of the proposition, I think the Council of Ministers have been quite prudent because it is more open to interpretation as to what can happen next. We are not too fixed in terms of the decision we take today. Again, what you do not want to be doing is, for instance, approving the proposition and then legislation has to be brought back before the Assembly, when of course the Privy Council has to be involved. Again they might repudiate what we have essentially approved as a legislature. So there is a difficulty with the mention of legislation and cannabis, I think, in any proposition that has to be brought forward before the Assembly. Having looked at Deputy Alex Curtis' amendment and the reason why I voted against it, is because I was quite concerned about the enforcement side of things. It is all very well having individuals cultivate cannabis for their own use, but it is difficult for police officers to enforce the prescribed amounts that are within law because, again, you could quite easily see somebody who is cultivating cannabis exceeding the amounts of gram usage, and how a police officer is supposed to then regulate that and

enforce it, it is very difficult to do. I can see why certain politicians have raised concerns about that particular issue as well. Now, from my own personal perspective, I have to say I have seen 2 friends unfortunately consume cannabis and, well, it has been life changing unfortunately for them. For one of them, they were in their late teens and they tried cannabis for the first time and it had life-altering changes, unfortunately. They have not been able to be independent like most of their friends who have been able to grow up, leave home, live independently, earn their own income. I also saw the extent of the issues it caused for them psychologically as well. It was only down to the health service intervening. It took so much time to really get a diagnosis and the person's medication correct for the person to finally be stable. However, they were never the same person again. For me, I have to take on board my experience, being very close to that individual and supporting them, and being at the time very frustrated that I was unable to do anything to support them and to improve their situation. I think we have to really recognise that. If we are speaking about decriminalising cannabis, demand for use will automatically increase. If we are looking at disincentives, for instance, if you are going to say: "Well, that is illegal", of course people are going to be apprehensive. Of course they are going to be cautious. Of course they are going to say: "Well, maybe I should not be taking cannabis or any illegal drugs" because, again, there is a consequence. If you are caught we have a criminal justice system and it could affect you as a young person. You might not have access to jobs like everybody else, despite the fact you might be a very talented individual. If you are found guilty of consuming cannabis, you just need to look at certain situations that I have certainly encountered where, again, I have got a couple of talented friends who could have done very well for themselves, but there are certain jobs that they can no longer apply for. Why? Because they have a criminal conviction. So it is debilitating to a certain extent in terms of people are not maybe able to aspire high any longer unless they maybe want to go self-employed because, again, they can work for themselves. But if you are looking, for instance, to work as an employee, certain jobs, and certainly the higher paid jobs across the economy, employees are going to go: "Well, I am sorry, but we have our criteria, and I am sorry you have got a record here and we cannot accept you." You have to respect that. From my personal perspective, I do understand the for and the against arguments. I do. I think there are valid arguments from both perspectives. But the one thing that I am a bit concerned with is, for instance, when Deputy Morel touched on the subject of it does not have any implications from a social perspective in terms of if somebody has consumed cannabis. I would certainly disagree with that because I have certainly seen what it can do to people once they have consumed cannabis. Certainly with one individual who I know, they became very paranoid. Again, they were in my social circle. I remember in my early 20s, in fact, there was one thing that I said, and it was just something that I said ordinarily, it was nothing that was controversial and they took it completely the wrong way. But had this happened 3 or 4 years previously, they would have totally understood that nothing malicious was intended. So there is an implication from a social perspective where people around those individuals will see a change. It might be more difficult for those individuals to integrate themselves into society. Also, as well, they could become more isolated, especially for new people who do encounter them, because there may be changes to themselves from a psychological perspective. That is something that is of a concern to me. As much as I do appreciate it is important to be liberal, socially liberal, and people should be given the opportunity to have their say, and people should also be able to articulate their views on the consumption of cannabis. But there is a hesitancy, especially with myself, about if we do approve part (a), is it maybe premature? Is it maybe better that we go with the Council of Ministers because I think they have the resource available to come back before the Assembly and also there is an opportunity where the research can be done. States Members, especially Back-Benchers, we probably need to be more informed because at the moment I am not informed enough. I have to say I am not very educated on the consumption of drugs, nor am I cognisant of the details regarding cannabis because, again, I have no idea about drugs because I have never smoked in my life. I have never taken drugs. So for somebody like me, I have to be informed and I have to be informed with empirical evidence. If empirical evidence is not there, then it is a bit difficult for me to support something. Approving something, then later down the line if

something bad does happen then I have to be accountable to the electorate and my constituents. I would rather be safe and cautious and support part (b) of a proposition, but I think in terms of looking at part (a) for now, it is not something unfortunately for Deputy Coles that I can support him on. But as I said earlier on, it is one of those topics I will probably look at, at the end of this term, 2026. It will probably be in the top 5 biggest debates that we have had because it is such a big topic. It is a topic of significance. It is a bit like, let us say, the topic of termination of pregnancy, again if that was to be discussed on the floor of the Assembly. That is a systemic and Island-wide issue that people do have a view on and it is no different here speaking about cannabis. Of course, there is a pro-lobbying group behind the scenes and some of those individuals, they do have a commercial interest. I think that is also another area that I would just like to touch on as well, because we have 5 different cannabis firms. From my perspective, in terms of regulation of those cannabis firms, we should really have regulation that is monitoring the input and output of those firms. So we need to know what exactly are they selling and to who as well. That should all be reported, and that is in line with W.H.O. (World Health Organization) who have been quite prescriptive about the use of drugs.

[17:30]

I know that has maybe not been something that has been touched upon in this debate, but I do think it is quite important that it is mentioned because, of course, we will have the firms in the cannabis industry very much wanting this to be approved today. But, as politicians, we also have to counterbalance that with the mental health aspect as well and the implications that will have for Islanders, and especially young and vulnerable Islanders as well. Because I go back to my friend who unfortunately took one puff, and that was it. The next day they had alterations to how they were thinking and it was at their parents, in fact, who had no choice but to take them down to the hospital, and then they had to go to St. Saviour's, and it just escalated and it got much worse. That is something that we do have to bear in mind because I do not think it is something that we have really touched upon in terms of individual ... not individual cases. But those rare cases that have happened, and they still do happen unfortunately, due to drugs and the availability of drugs. Again, despite the fact that it is illegal, it was disappointing to also see that some politicians had almost given up and said: "Well, you know what, we might as well just decriminalise all of those who consume drugs and allow drugs to be legal." It is all very well saying that, but what is the implication of a decision you take? How many people are going to be affected mentally because of it? We really do not know and we have got to be very careful, I think, in the approach we take because I certainly do not want to be responsible for a young person who is potentially a talented young individual who has aspirations to do well in life and, because they consume drugs, they change just like that, and we are depriving a young person of the opportunity to fulfil their potential. So that is all I need to say.

Deputy S.G. Luce:

Could I propose the adjournment?

The Greffier of the States (in the Chair):

The adjournment is proposed. Is that proposition seconded? [**Seconded**] Do Members want to show if they are in favour of the adjournment? Those against. The Assembly stands adjourned until 9:30 a.m. tomorrow morning.

ADJOURNMENT

[17:32]