

### **3.9 Deputy K.M. Wilson of St. Clement of the Chief Minister regarding legislative drafting capacity (OQ.86/2025):**

Further to his answer during Questions without notice on 18th February 2025, regarding legislative drafting capacity, will the Chief Minister provide clarity on what discussions, if any, have taken place with individual Ministers regarding the delivery of their legislative programme, and if no discussions have taken place, why not?

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

The current legislative programme was agreed last year and annexed to the published Cabinet Office business plan. The policy officers worked with the Legislative Drafting Office and individual Ministers to prioritise the law drafting programme. This culminated in a Council of Ministers' meeting on 5th November 2024 where the programme was approved. The recent States decision to reinstate the office of Senator will require legislation and it has been confirmed by officials that this will not disrupt or delay the current law drafting programme.

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

Can he tell us whether or not, even though there is no delay, there will be a reorganisation in the schedule of the legislation, particularly given that Scrutiny Panels are engaged in scrutinising the work of the legislative programme and whether there will be any change to the Scrutiny process in that regard?

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

There are currently no changes planned to the existing programme.

#### **The Bailiff:**

Very well, we come to question 10 ...

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

I had my light on.

#### **The Bailiff:**

Well, not until I called question 10, Deputy. You cannot ...

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

I had my light on.

#### **The Bailiff:**

Very well, I will accept that from you. I did not notice it but I accept that you had your light on.

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

I am grateful. Would the Chief Minister agree to ensure that every aspect of his officials' time, the term "law drafting", there are law drafting instructions, there are all the policies used before, would he commit, just so that everybody in this Assembly would agree that a democratic decision has been made, would he give comfort from all of his Ministers - because some Ministers have said something about this this morning - that no impact is going to be taken on any of the work programmes in any way because the Senators are doing it? Would he be able to give some concrete examples, otherwise we are going to be here wasting time, worrying about things that we should not, where he clearly is, presumably, not doing anything to stop delivering.

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

I have already given that assurance, but for the purposes of transparency and to put some context around it, the law drafting programme was communicated formally to Scrutiny - the Scrutiny Liaison Committee - in my letter to them of 18th November. The full programme is also featured in the Cabinet Office business

plan as an annex. The chief officer of the Cabinet Office, the principal legislative drafter and Law Officers' Department meet on a monthly basis to review progress of the 59 items that are on this and advise Ministers of any concerns. The Executive Leadership Team reviews delivery on a quarterly basis, with the last sessions held on 26th February. It is intended the Council of Ministers will next receive a progress update on delivery in April. I reiterate, there are no planned delays or changes to the current programme.

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

Very quickly, just a yes or no. Would he please kindly ask all his Ministers to confirm that their work programme is going to be unaffected by Senators, so we do not have to have question times where Ministers are saying that they could be impacted because they cannot do something because of Senators? For the avoidance of doubt, could he just say yes, he will ask all Ministers to confirm that?

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

I have already given that assurance on behalf of the Council of Ministers.

### **3.9.4 Deputy A.F. Curtis:**

Will the Minister confirm whether the published legislative programme in the annex of the Cabinet Office delivery plan is everything Ministers originally wanted to do, or whether a prioritisation exercise for the legislative drafting capacity was done? So, Ministers, in essence, have work they would have liked to have done this year but it was already cut to make a more deliverable programme?

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

I think so. One of the things we had to accept is that the previous law drafting programmes were undeliverable. The original longlist of legislative bids amounted to 128 separate projects, but we know historically that there is a capacity limit of between 50 and 60 pieces of legislation, depending on the type of legislation. The business plan, I have a copy of it here; it is quite straightforward. Sitting behind the pieces of legislation we have planned is annex B, the strategic policy development work where other pieces of work are being undertaken. As we get through existing pieces of work, those new pieces of work will be fed in.

### **3.9.5 Deputy A.F. Curtis:**

If the Chief Minister could just reconfirm that while there is no change to the current legislative plan for law drafting, Ministers already did have to sacrifice some of their work schedule to deliver? So while they can fit in Senators now, if he could confirm that Ministers do have more on their plates they would have liked to have done, that was the work of Government, that was deprioritised.

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

I can reconfirm there will be no disruption or delay or change to the programme based on this decision of the Assembly to reintroduce the Island-wide mandate. I am not aware of any changes or any Ministerial concern from any Ministers in changes to the current programmes. Like I said, we are due to receive an update towards the end of April at the Council of Ministers meeting. But I will stress, the law drafting programme is now realistic, everything on there - we believe, having worked closely with the Law Drafting Office - can be delivered as scheduled.

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

I think what Deputy Curtis is driving at is that there must have been slack in the programme in order to fit in the Senators. Can you confirm that there was slack in the programme to allow the Senators to fit in without any changes being made to anywhere in the legislative programme?

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

There is no slack in much of what we do. We are a busy Government, and I would like to think we have timetabled things to be as productive as we possibly can. I held a meeting with the Legislative Drafting Office, the Greffier and the Attorney General last week, and at that stage, and now I am assured, there will be sufficient drafting capacity to develop the legislation. That is not existing capacity; the Law Drafting Office is putting on some extra capacity to deal with this, as the will of the Assembly has dictated.

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

Can the Chief Minister therefore confirm that, when necessary, extra law drafting capacity is available, and therefore the answer that is sometimes given in this Assembly that there is no law drafting capacity available is not a valid reason for not taking action?

**Deputy L.J. Farnham:**

I do not agree with that. We have a law drafting programme; the Law Drafting Department has its resources; it has a budget. But on occasion, at the will of the Assembly, it is instructed to produce new legislation and that is what has happened on this occasion. I thank the Law Drafting Office for their co-operation with that.

**3.9.8 Deputy K.M. Wilson:**

Can the Chief Minister just confirm if any further discussion has taken in place with P.P.C. (Privileges and Procedures Committee) since the decision was reached to introduce the legislation?

**Deputy L.J. Farnham:**

Not directly, although I do keep in informal and formal communication with the chair of P.P.C., who has appropriately asked that we leave them alone to get on with the work, and that is what we are going to do. It is my hope that we can see this lodged and debated before the summer recess. That is quite tight, but I am informed we are going to try for that, but it could be perhaps the first sitting when we get back after that. The sooner we can get that done, the better, on the back of the decision.