

2024.03.19.

5.6 Deputy I. Gardiner of the Minister for Justice and Home Affairs regarding an in-committee debate on the Substance Use policy (OQ.45/2024)

Will the Minister advise whether she plans to propose an in-committee debate regarding Substance Use policy; and if she has no such plans, why not?

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

I am aware that the previous Minister for Home Affairs intended to seek the Assembly's views on the decriminalisation of illicit substances for personal use via an in-committee debate to help inform further policy development in this area. I do not intend to propose an in-committee debate in relation to this matter. From my perspective, I am very conscious that we have limited time, finite resources, and a very heavy legislative programme, which needs to be developed. That includes some very pressing issues, including developing a modern-day slavery law, a hate crime law, a law to deal with stalking, a new divorce law, and work to implement the recommendations of the Violence Against Women and Girls Taskforce, including amendments to further domestic violence legislation. Members will be aware I have committed to these pieces of work as a priority and I feel that the Council of Ministers and the Chief Minister do also. I would not be minded to divert resources from these priorities to work on decriminalisation of illegal substances. I therefore feel it would not be right to seek the views of Members, knowing I would not pursue further policy development at this point in time.

Deputy I. Gardiner:

I think it is very clear. I apologise, I do not have supplementary.

The Bailiff:

You do not have a supplementary?

Deputy I. Gardiner:

Maybe other Members will have a supplementary.

The Bailiff:

I understand how the question system works, Deputy Gardiner.

Deputy I. Gardiner:

Apologies, Sir.

The Bailiff:

It is that if you do not have a supplementary, then that is the end of questions unless someone indicates a desire to ask a question. Now somebody has, Deputy Jeune, but that was not the case before.

5.6.1 Deputy H.L. Jeune:

I thank the Minister for being very clear in her direction of travel. But the Substance Abuse policy does contain more than drugs, for example. It is about alcohol as well and the abuse alcohol can have on citizens. Can the Minister advise whether she has given any consideration and the potential impacts to her department on not taking this policy forward?

Deputy M.R. Le Hegarat:

I thank the Deputy for the question. Substance misuse falls clearly under the remit of the Minister for Health and Social Services, not myself. Obviously it was the previous Minister for Health and Social Services that was the author of this Substance Use Strategy. But the activity, as the Deputy rightly talks about, is alcohol, which is actually a matter for Health as opposed to myself as Minister for Home Affairs.

5.6.2 Deputy H.L. Jeune:

Will the Minister advise, as part of the Council of Ministers, whether she has given any thought into the use of taxes and charges as an effective mechanism for controlling substance abuse, such as alcohol?

Deputy M.R. Le Hegarat:

At this stage, no, I have not. We have not actually addressed this at the Council of Ministers. From my perspective, I think as an Island, we need to ensure that we have proper processes in place, that we can deal with any substance misuse, regardless of what that happens to be. It is not always about introducing taxes that will make this better. That is why, in a recent debate about increasing of G.S.T. (goods and services tax) on alcohol, I was minded not to vote for the whole amount, because I do feel as an Island that we need to be looking at this more strategically, and it is not always about raising taxes. I am aware that there is some work being done by the Minister for Health and Social Services and we need to be looking at both on premises and off premises in relation to the sale of alcohol.

5.6.3 Deputy T.A. Coles:

Given now that we have a Substance Use Strategy, and it is very important to appreciate the difference between the substance use and the substance misuse strategy, the fact that our law is still the Misuse of Drugs Law, does that not then provide a conflict between the strategy and law?

Deputy M.R. Le Hegarat:

I am not quite sure exactly what the question is, and I would like the Deputy to repeat it.

Deputy T.A. Coles:

Sorry to the Minister, I probably was not clear. The Substance Use Strategy aimed to help people stop using substances and the continued use of them, so is criminalisation still the best way to tackle with people who are using substances?

Deputy M.R. Le Hegarat:

I think we need to look at this as a broad spectrum because obviously decriminalisation has all sorts of meanings and that will have a different meaning to all of us. In relation to dealing with substance misuse, this is where we maybe need to focus. We have obviously in recent weeks approved the Public Order Law and this will have some impact on minor offences, in relation to guidance from the A.G. (Attorney General), being able to deal with first-time offenders in relation to drug use. But this is a very broad piece of work in relation to both drugs and alcohol. I think it needs, in my view, a good review as to how we deal with it. Because, from my perspective, I think that we are at times lacking in our dealing with all of the offences in relation to substance use.

5.6.4 Deputy T.A. Coles:

A person under the age of 18 caught with alcohol will simply have that alcohol removed from him. But somebody who does not have a prescription for medical cannabis will face a fine in the Parish Hall and potential criminal prosecution. Do these 2 things then not appear contradictory?

The Bailiff:

I think we are straying outside the proposal for an in-committee debate, and I think I cannot allow that question.

Deputy J. Renouf of St. Brelade:

Before I ask my question, could I raise the *défaut* on Deputy Stephenson?

The Bailiff:

Yes, the *défaut* is raised on Deputy Stephenson.

5.6.5 Deputy J. Renouf:

Can I check that I have understood the Minister's response correctly and that in ruling out an in-committee debate on substance use, she has also ruled out the chance that the Government will bring forward any legislation to decriminalise cannabis, or does that option still remain open to the Government?

Deputy M.R. Le Hegarat:

I think I made it quite clear that I have priorities, which do not include decriminalisation of drugs. I think the thing is that we, as a Government, have to make choices. From my perspective, the legislation which we are bringing forward in relation to the Violence Against Women and Girls Taskforce report is a priority.

[10:15]

Let us make this quite clear. That is my priority and it is the priority of the Council of Ministers. The work was done as a result of a proposition brought by the Constable of St. Martin in 2021 as part of the Government Plan. That work has been done and we have committed to implement it. From my perspective, that is what we are going to do, and I believe that is what the rest of the Council of Ministers will do. At this point, we have a very short, finite opportunity. These are the pieces of legislation that I will be looking to bring forward as the Minister for Justice and Home Affairs

5.6.6 Deputy J. Renouf:

I suspect that people who might be sent to prison for possession of cannabis might regard that as a priority as well. I wonder if the Minister would accept that it remains open to the Assembly or Members of the Assembly to bring forward this kind of proposition, and therefore that it would not be much saving in terms of parliamentary time or Government time in dealing with this issue and maybe it would be better, therefore, for the Government to take a lead.

Deputy M.R. Le Hegarat:

I hear what the Deputy says in relation to people in prison. Let us be quite clear about this. There is, yes, people in prison in relation to drugs offences. There are also people in prison who have committed offences in relation to drug driving. That is a piece of legislation which could also be brought forward because at this present time we have good drink drive legislation, but we do not have legislation which makes it easy to deal with people who drive while under the influence of a substance other than alcohol. There are many pieces of legislation so it would be do we bring in the decriminalisation of substance or do we bring in legislation that will bring it in line with similar legislation for drink driving, bearing in mind this week or last week, the 2022 report from the police said that road traffic collisions are going up. When the 2023 report is released, I would assume that that is going to be the same thing. There is much to do in relation to the policing and the justice of our Island, and I think we will just have to take priorities.

5.6.7 Deputy I. Gardiner:

I am sure the Minister is aware of the research and analysis that has been done and found no link between legal policies and high use at the teenagers. The Minister stated that it is a drug and happy to continue to criminalise young people using a cannabis. Would the Minister reconsider States Members views and to have an in-committee debate before the proposition will come forward?

Deputy M.R. Le Hegarat:

I think it is interesting because it says about criminalising young people in relation to drugs. As I have already said, generally speaking, in line with the guidance of the Attorney General, first-time offenders of drug possession are dealt with at the Parish Hall Inquiry where possible, and that comes under the public order legislation when it is implemented. But more importantly, as somebody who spent 25 years dealing with offences across the spectrum, not only substance misuse or use, however you like to use it, is that it is about looking at everything and saying: "Are we criminalising young people if they go to a Parish Hall Inquiry." The Parish Hall Inquiry is a system that can be used for all sorts of offences. It is not only about substance use. I do think that there may be some concerns with some of our educational establishments, depending on how we would deal with this. So from my perspective, at this time, I will not be bringing forward an in-committee debate in relation to this matter.