

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

5. The Bailiff:

We come, therefore, to Statements on a Matter of Official Responsibility. The first Statement is to be made by the Minister for Health and Social Services.

5.1 Senator S. Syvret (The Minister for Health and Social Services):

This morning I am lodging 3 sets of regulations that deal with smoking. The regulations cover smoking on public transport, the sale of cigarettes to children, and the siting of cigarette vending machines. A fourth set of regulations which dealt with smoking in premises where food was served for consumption on those premises were also due to be lodged today. When these matters were last debated the Assembly agreed the legislation to enable a ban on smoking in cafés and restaurants and also agreed in principle to the introduction of a complete ban on smoking in all enclosed workplaces, this legislation to be modelled on the equivalent successful Irish law. The effect of this decision was that smoking would be banned in areas where food was served but this ban would be superseded by the full ban to be introduced perhaps a year or 18 months later. The Hospitality Association and a number of individual proprietors have argued that to proceed in this way was overly complex and potentially wasteful as some premises would be required to undertake conversion works to isolate smoking areas from eating areas with such works becoming redundant upon the introduction of the total ban on smoking in all enclosed workplaces. This argument is further strengthened in the light of the decision of the House of Commons by a majority of 200 to introduce a complete ban rather than confining the effect of the law to premises where food is served. Against these arguments, I have had to have regard to a number of other considerations. Exposure to smoke is both unpleasant and harmful to others. To shelve the eating places restriction prolongs the amount of time people, including children, are exposed to passive smoking in cafés and restaurants. I am also conscious of the fact that the States Assembly voted for the ban on smoking in premises where food is served; thus to not proceed is to delay giving effect to a decision of the House, at least until the overarching States decision to implement a full ban is brought into effect. I have been in correspondence with the Chairman of the Jersey Hospitality Association in connection with this matter. As already explained, many of his members are concerned at the prospect of having to engage in redundant conversion works. I have suggested to him that, on balance, it might be possible to shelve the partial ban in favour of an accelerated introduction of the ban on smoking in all enclosed workplaces. He has reiterated to me his organisation's acceptance of a full ban and its willingness to co-operate with the development of the necessary legislation. The industry still expresses a view that they would not wish the ban on smoking in all enclosed workplaces introduced until some time in 2007. However, I have expressed to them the view that accepting an earlier introduction is the quid pro quo of avoiding the partial ban which many in the industry claim would involve them in expensive redundant works. Therefore, having considered all aspects of this matter, I have decided not to press for the introduction of a ban on smoking in eating places in favour of pressing for an earlier introduction of the ban on smoking in all enclosed workplaces. Although my personal preference would have been in favour of the new regulations as an interim step, I am prepared to take note of comments made by the industry. However, it must be noted that this decision gives greater urgency to the introduction of the ban on smoking in all enclosed workplaces, this of course being the paramount States decision. I have asked departmental staff to work on this as a matter of urgency. It is my hope that it may be possible to have the relevant legislation in place and in effect by the end of this year. In making this decision, I have taken the industry at their word when they express a preference for the complete ban without an interim step of the partial ban. I trust that the industry will recognise this as an example of government working with them and I look forward to their co-operation in formulating the necessary legislation.