

STATES OF JERSEY

EXTRAORDINARY SITTING OFFICIAL REPORT

FRIDAY, 27th MARCH 2020

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

[10.47]

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

On behalf of Members, I would welcome, as usual, his Excellency the Lieutenant Governor.
[Approbation]

QUESTIONS

The Bailiff:

There is a period of questions now to Ministers at large, Members will remember how we dealt with this on the last occasion. Any Member who wishes to ask a question please indicate by raising their red card, aptly demonstrated by Deputy Pamplin and the Connétable of St. Martin. The Order Paper provides that there will be a period of 30 minutes and we will see where we get to at the end of the 30-minute period. I am afraid I was not making a note.

2. Questions to Ministers without notice

2.1 Deputy I. Gardiner of St. Helier:

It is probably to the Chief Minister a question, but maybe somebody else. As we are getting instructions which businesses should be closed, like yesterday we had a beauty industry that need to close their operation, I have 2 questions around this. First, if businesses who are not able to operate, have been instructed by the Government to close down, do we expect that they will participate in wages payments for their employees and, second, there are some industries that have not been included, for example, tailors, maybe Government would consider having a list that everybody should be closed, except... So, we will have clear instructions and will not have industries that fall in between the instructions.

Senator J.A.N. Le Fondré (The Chief Minister):

I did not catch the industry used as the example.

Deputy I. Gardiner:

For example, tailors, do they need to close down now, or not? It is not a specific example, so from my perspective we are missing some of the ...

Senator J.A.N. Le Fondré:

I think the detail is definitely in Senator Farnham's territory, which he will be delighted to know, but the fundamental principle here is that we have said that there will be some detailed guidelines coming out as to who is included and who is not, we have tried to give some principles. But this is very much about supporting industry as much as we can. I will say that from some of the individual feedback we have had from smaller businesses and we are very much relieved they are specific individual cases, so we will get alternative comments as well, but I certainly saw a couple which said: "Wonderful news, it means I have not been able to make X number of people redundant." In certain areas, I think that is very good news.

Deputy I. Gardiner:

Can I have a supplementary for the Chief Minister?

Senator J.A.N. Le Fondré:

I will let Senator Farnham answer the question.

2.2 Deputy I. Gardiner:

It is a more general question. Government instructed businesses to close down and not to operate, does Government expect that the businesses that are not operating and not having income will continue to contribute and support their employees?

Senator J.A.N. Le Fondré:

Yes. Do you want Senator Farnham to answer?

Deputy I. Gardiner:

Yes, the second part of the question, please.

Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):

I am sorry, I am not sure, what I am meant to ... tailors, yes, they would be covered.

2.2.1 Deputy I. Gardiner:

The question was that we have instructions that come in on a daily basis which industries should close their businesses because of the COVID-19 and some of them probably should be closed a week ago, like the beautician industry, because they were not able to operate the 2 metres, or 1 metre, so would the Minister consider to have a list: "The businesses are closed, except ..." and to have a list of the businesses who are allowed to operate at this point?

Senator L.J. Farnham:

Yes, I am not quite sure I understand what is being asked. I think events are so fast-moving we are likely to be overtaken by them and I think it is likely ... as we have seen recently with stepping up with more stringent rules around social distancing and self-isolation. I would envisage that sometime soon, all bar essential business will be recommended to close. If that is the question.

2.2.2 Deputy I. Gardiner:

The question is: would we have a list, like in the U.K. (United Kingdom) of what is exempt, what will be allowed to operate? Because businesses do not know how to plan for themselves. Would they be closed, or would they be in operation during the lockdown?

Senator L. J. Farnham:

I am really sorry, I am just not understanding this.

Deputy I. Gardiner:

OK, I have finished, thank you.

The Bailiff:

I think, Deputy, you have had an opportunity to ask a number of questions, there are many people and a limited time, so I will move on.

2.3 Senator K.L. Moore:

A question to the Chief Minister also, if I may? Two petitions, e-petitions, were very quickly circulated and reached over 5,000 signatures and, as the Chair of P.P.C. (Privileges and Procedures Committee) suggested at our last sitting, an in-Committee debate will be held on 21st April. Does

the Chief Minister feel that that is an acceptable response to considerable public opinion and what will he do to address the concerns that have been raised in those e-petitions in a more timely fashion?

Senator J.A.N. Le Fondré:

I think, to be honest, that the announcements that were made yesterday, addressed one of those petitions, the other one I am in discussion with the Chair of P.P.C. on, but it is the procedure that is laid down under our rules. What we are trying to do and continue to try and do, is make sure that the public are as informed as they can be. As I said - and I know it is not just around social media - the COVID-19 gov.je pages have had over 1 million views since they were established and obviously the support line, at peak times - I do not know about the last couple of days - has had up to 2,000 calls in a day. So, there are a lot of mechanisms there, but we fully accept this is a fast-changing pace and, as Deputy Perchard has alluded to as well, we are putting some more information out and we will just try and deal with any clarity issues that may, or may not, be out there, depending on what sector of public one is talking about.

[11:00]

2.3.1 Senator K.L. Moore:

On another subject slightly, States Members, as we are all very much aware, have responded to the rapidly changing situation and to new legislation being brought forward through this Assembly. As a former President of what is now the Scrutiny Liaison Committee, does the Chief Minister commit to working with Scrutiny and responding to our calls to have hearings and to receive more timely information on a real-time basis, in order for Scrutiny to provide, as well as they can in these difficult circumstances, an appropriate check and balance that we are duty bound under our democratic duty to do?

Senator J.A.N. Le Fondré:

Yes, I understood and it may not have happened yet, that certainly my officers have spoken to the Senator's officers to arrange a time on this. We absolutely agree that we have to keep Scrutiny and States Members fully apprised. I have also asked Deputy Wickenden, the Connétable of St. Ouen and others to try and liaise with backbencher Members to arrange effectively an informal network scenario that we can make sure that we are dealing with individual Member's concerns, as well.

Senator K.L. Moore:

With respect, Chief Minister ... sorry, Sir, I may ...

The Bailiff:

No, I am sorry, Senator, I have allowed you one question and a supplementary. There are others, but if there is time left you can come back.

Senator K.L. Moore:

We made proposals to that effect to the Chief Minister last week. Thank you.

2.4 Connétable K. Shenton-Stone of St. Martin:

This is for the Minister for Health and Social Services. I am concerned for people, who are undergoing, or have just completed, radiotherapy, chemotherapy, or who suffer from other very critical conditions, who find themselves in the following situation. In situations where the spouse, partner, child, or other close accommodating individual of a healthcare worker is themselves at extremely critical risk that they can contract COVID-19, would Jersey's healthcare service permit the healthcare worker to stay away from the hospital and be supplied with remote work, if possible, suited to their role and capacity?

Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):

Yes, I thank the Connétable. We absolutely recognise the need to protect our valuable healthcare workers and regard that as a key priority. So, in cases such as the one the Connétable has described, there are a range of options that can be considered and we would advise any member of staff to first of all discuss their concerns with their line manager. So, there are examples of changes that staff have made to living arrangements, so some may be working from home, as the Connétable describes, some may have arranged their home differently, so that they can have separation from a relative within their household, some others have moved into temporary accommodation. But this is an unprecedented, very fluid situation, so we recognise that each set of circumstances is different and we want to maximise the help we can give to all our staff. For that reason, bringing it to the attention of their line manager, in the first instance, is the first port of call.

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

My question is for the Minister for Education, who I know is following online, but I am assuming that the Assistant Minister would take it today. The original advice for childminders and nurseries, who were enlisted to look after the children of critical workers, was that children should be socially distanced within that childcare setting and there were lots of concerns raised, I think it was a few days ago, of people saying it is not practical. Anyone who has met my 3 year-old, will understand that you cannot keep them in a 4 metre square space. But also, I think, the other concern was that is this going to be damaging to children if they are in childcare, especially young babies, if they are not able to receive physical contact with their caregiver. I understand that that advice might have changed recently, to exempt those children and allow contact within the setting between the caregivers and the children. I wonder if the Assistant Minister was able to confirm that, please, to put people's minds at rest?

Deputy J.M. Maçon of St. Saviour (Assistant Minister for Education):

Yes, it is absolutely difficult to socially distance children at this time. Positive reinforcement around these matters and the continued reinforcement is the message going out. What I will do, because this is a constantly changing situation, the guidance that has been provided to nurseries, I will ensure the Deputy has a copy of and if there are any updates I will ensure the Deputy has them. I hope that helps.

2.5.1 Deputy L.M.C. Doublet:

Can the Minister confirm that it has been changed and that the very young children are able to have contact with their caregivers?

Deputy J.M. Maçon:

I do not have those details to hand, but, absolutely, we will get that out there, if that is the case.

2.6 Deputy R.J. Ward of St. Helier:

I brought my card and I am not entirely sure why. I think this may well be the Minister for Home Affairs, it is about protective equipment for workers. There are so many that I could mention, but I mention, in particular, Customs and Immigration on the front line. As checks will increase inevitably, have those workers and police and ambulance staff, for example, all got the protective equipment they want and if they have not, can I urge you, as a matter of utmost urgency, to get that equipment available to them?

Connétable L. Norman of St. Clement (The Minister for Home Affairs):

I appreciate the Deputy's comments regarding the front line services. It is not just Customs and Immigration, it is the Prison Service, the Ambulance Service, the Fire Service, the Police Service and they are all resilient, they are all doing a terrific job under extremely difficult circumstances. My understanding is that they do have personal protection equipment. There will never be enough, we need to get more, we need to get a secure supply and I know that everyone is working on that. We

are working with Health and Community Services to ensure that all of our front line staff have all the equipment that they need. That is vitally important, because all of those that I just mentioned are our front line and I am so proud of every single one of them working in those services.

2.6.1 Deputy R.J. Ward:

Can I check that the standard for that equipment is of the highest standard? There is some debate in other jurisdictions as to whether they are using a different standard, i.e. whether you cover the arm all the way through, or it is left bare and then washed. Which standard are we using? I know this may not be your remit, but it does cut across remits, I am afraid; shopworkers are also on the front line of this. Are we going to increase that in that area, as well, which may well be part of the Home Affairs remit in the end, in terms of safety?

The Connétable of St. Clement:

I am not sure about shopworkers, but certainly we relying on the advice and support of Health and Community Services to provide the equipment that our people need.

Deputy R.J. Ward:

Are you confident that is the right advice?

The Connétable of St. Clement:

I am confident that if the Minister for Health and Social Services tells me it is the right thing to do, that the medical advice that we are getting from the senior physicians at Health and Community Services tell me, then I accept that.

2.7 Deputy G.P. Southern of St. Helier:

Could the Minister for Health and Social Services explain to Members what exactly is the position with the use of G.P.s (general practitioners) in the period of the COVID crisis?

The Deputy of St. Ouen:

The Deputy asked what is the position with regard to G.P.s. All G.P. practices, I understand, have accepted, in principle, a proposal made by Government that they be brought under a single umbrella with Government for at least the next 3 months. So, there are 2 streams of work that have been going on recently. One is practical: how to integrate what they are going to do, how we plan primary care services and the integration of their work with secondary services. That has been going on in depth. Aside from that, as a separate stream, we have been negotiating the detail of that contract in principle, that agreement in principle and I am advised that those negotiations have gone well and we anticipate a contract being signed next week as a formal stage.

Deputy G.P. Southern:

I cannot think of a supplementary, which actually astonishes me, so I will leave it.

2.8 Deputy K.F. Morel of St. Lawrence:

A question for the Chief Minister, if possible. Continuing from the theme of information to States Members, will the Chief Minister commit to providing officers dedicated to helping backbenchers receive answers to their constituents' questions? I have asked a number of questions of Ministers, including the Chief Minister and I am yet to have responses, or have had inadequate responses. I appreciate pressures on your time, but we are all here, including yourselves as Government Ministers, to represent constituents and being unable to get answers to constituents' questions is an enormous frustration for us and Islanders. Will the Chief Minister commit to that?

Senator J.A.N. Le Fondré:

Yes, but I do make a 2 comments. One is obviously we put the central email address together specifically for this type of concern, which was then ... but I do emphasise the point about the overall impact of requests and questions that are coming through at this stage, sometimes there will be delays, but if there are specific issues, I would be very happy to talk them through with the Deputy offline. Secondly, as I said, I have specifically asked at least 2 members of my team to work with backbenchers to try and make sure we have a mechanism in place to allow that better contact. Thirdly - and I will just say I had a ... concerns from citizens vary. I had one very recently, which was actually ... I am trying to phrase this without identifying the individuals concerned. Bluntly, it was not a concern that was medically orientated, or financially orientated, it was a little bit of a political dig from an individual and obviously when the officer concerned received it at 11.30 p.m., when they had finished in the office at 8.30 or 9.00 p.m., it took further time off them and also obviously added to the overall pressure that is being applied. I would just emphasise, we have to make sure that we are dealing with the most critical queries on a timely basis. I do emphasise again - and I accept the Deputy's point - we have to make sure we have the information flow going, but we are in that point where, as has been alluded to, we are at the early point on the curve. As we know, we have moved to the next stage with our first fatality. We have to make sure we have got all the critical points in place at pace - so communities are next and that is today, business was yesterday, G.P.s was the day before - to make sure we have got all the - what I call - big chunky things in place in preparation for when things come down. That does mean that, at times, some things will be delayed, because we have to make sure we are ready for the next stage and stages that are coming down the line. So, I do apologise from that perspective that our communication at this level is not perfect, this is our second or third briefing we have had for States Members in the last 10 days. We are trying to get information flows out as well as we can. I accept we have to do better, but the priority is always that we are getting ourselves in the best place as we can for what is coming down the line. We are not there yet, it is going to get a lot worse.

2.8.1 Deputy K.F. Morel:

Does the Chief Minister accept that getting those information flows in place is vital for the Island to maintain confidence in the Government of Jersey?

Senator J.A.N. Le Fondré:

It is not necessarily vital for the Island to maintain confidence, but I do accept that States Members will want to have further information. But we have to make sure, as I said, Islanders and communication for Islanders is taking place, it has been ratcheted up. As I said, the fact that we have had a million views on the gov.je website is indicative that the information is getting out to people. I always accept we can do better and we are working with partners and Members to ensure that we do. We have got room for improvement, we know that, but we have to make sure we get the big chunky stuff in place in time.

The Bailiff:

We are only a few minutes off the end of the 30-minute period. If Members agree, I intend to extend the period by a further 30 minutes to a full hour. **[Approbation]**

Senator J.A.N. Le Fondré:

Thank you, Sir, I think.

The Bailiff:

Well, it is important that Members hear.

[11:15]

2.9 Deputy K.G. Pamplin of St. Saviour:

With the news just breaking that the U.K. Prime Minister has a reported positive for COVID with mild symptoms and given yesterday, in a public hearing with the equivalent of our Scrutiny Panel, the Medical Director of Public Health England said, and I quote: “It varies by region, but it has been taking up to 5 days, which is too long for testing. It is important that we increase the efficiency.” Can today the Chief Minister assure what is being done to increase the testing on this Island, so we can be in a position to test?

Senator J.A.N. Le Fondré:

As was referenced specifically in a presentation to States Members before this Assembly meeting, we are actively pursuing every avenue we can to get the 2 testing regimes on to the Island, that is obviously for detection of people with COVID-19 and for detection of the antibodies. We are all absolutely aligned on the criticality of that, as Dr. Muscat referred to. I think that is a conversation - and that is a mild term - that is happening at least 4 to 5 times a day. I hope that I can make a further announcement in due course, but I will not be able to make that until we have certainty. At the moment, the timeframe is still the timeframes that we have given previously on when testing will come on Island. But be under no illusion, it is absolutely really important for the overall battle against the spread of the virus and for also detecting when people have the antibodies and then can start doing more within the community, or going back to their jobs. The importance is there, I am not understating it, there is no delay from our perspective, what we need to do is actually make sure that the technology is available and that we can get it. That is what we are pursuing.

2.9.1 Deputy K.G. Pamplin:

Two sittings previous, I asked the Minister for Health and Social Services that if our public health, or our private health, or anybody providing care, needed the money and resources in their attempts on the front line to fight and protect and save lives, that money would not be an issue. For example, securing P.P.E. (Personal Protective Equipment); example, securing what you need for testing. Can the Chief Minister assure us and the public today that money blockage is not the issue? If somebody in Health is asking and it costs this amount of money to get this to the Island urgently, that is not an issue. Further to that, can we have regular updates for the public from Dr. Muscat? Once again, his reassuring presence to us is welcomed, but the public need to hear from him, as well, even though I know how busy he is?

Senator J.A.N. Le Fondré:

First point, absolute assurance the money on the health side is absolutely not an issue. If we can get the kit, we will get it. In relation to Dr. Muscat, I absolutely take the point, but I also make the point I referred to earlier, that is about making sure that key personnel are focused on getting the job done. So, what we can do from the point of view of reassuring the public, that we do it from time to time, but we have to make sure that people remain focused at this really pressurised time on delivering what we need to deliver in time, before the next wave comes through, or before the wave starts getting bigger, which is obviously what we are now starting to see.

2.10 Deputy C.S. Alves of St. Helier:

To the Minister for Health and Social Services. Yesterday, during the live press release, there were a couple of questions that the Chief Minister said that he did not have the answer to, so I am just going to reiterate them now. Of the cases that have been infected, of the confirmed cases, how many of them have been infected within the community and is there a plan to disclose the information of where these individuals who have contracted it within the community have been, as has been done in other areas of the world?

The Deputy of St. Ouen:

The Deputy asked how many had been infected within the community.

Deputy C.S. Alves:

Sorry, without travel.

The Deputy of St. Ouen:

Yes. So far the total positive results are 32. We did know the number ... when it was 16, I am trying to do the maths, right there were 2 from within the community and 14 were travel. I think we are seeing increasing numbers now coming from within the community. I do not know yet that of the increase of 16, which now makes 32, how many of those were from travel, or from the community. But, what is clear is that we are seeing increased transmission within the community and I think that will escalate and we will rapidly reach a stage where it is pointless talking of the numbers who have contracted it coming in, when we know it is within the community. I think that is what we need to realise now, which is why the Government is imposing, or requesting, the restrictions, because we recognise that and we need to try and slow that curve.

2.10.1 Deputy C.S. Alves:

The other part of my question was about whether there was any plan to inform the public of where individuals have been, as has been done in other countries? Of those that are infected so that they are aware if a certain individual that has tested positive was, I do not know, in Tesco's for longer than 15 minutes, for example?

The Deputy of St. Ouen:

I remind Members of questions asked of Dr. Muscat today about a very specific situation and it was not possible, from the testing, to ascertain how COVID entered that situation. I do not know how our present testing might allow that. I do not see that it would be possible. I feel that we must regard Jersey as a single entity. The disease can transmit very quickly, we know. We are a small place, we must regard the whole of Jersey as a place of risk and take precautions accordingly. I would not want people to think: "Oh well, the case is down at Fauvic and therefore I, in St. Ouen, do not need to worry." We all need to take the same precautions, because, in reality, this is across the Island.

2.11 Deputy L.M.C. Doublet:

My question is also for the Minister for Health and Social Services. As I understand it, the G.P.s are now employed by the States of Jersey. Has any consideration been given to either waiving, or reducing, fees that people are paying to see their G.P.s and, at the very least, does the Minister agree that phone consultations be free at this time?

The Deputy of St. Ouen:

Yes, consideration has been given to that. My understanding is that patients with COVID or COVID-related problems, or people with underlying conditions, which make them susceptible to COVID, will not be charged for attending their G.P.s. Now, it may be different for people with unrelated conditions, non-COVID related and the question of that charge, the precise amount, has been the subject of discussion. It may be still under discussion so I am not in a position to say that something has finally been decided. Telephone consultations can now be made and, again, that rule would apply whether it is a personal consultation or a telephone or video consultation.

2.11.1 Deputy L.M.C. Doublet:

Is the Minister aware whether G.P.s are charging for the telephone consultations and does he think they should be charging for telephone consultations?

The Deputy of St. Ouen:

There should be no difference whether a consultation is conducted face to face, on the telephone, or by Skype, or video conferencing, because that is still a consultation and the same treatment can be

given if it is advice to be given. Obviously, hands on treatment would need to be handled differently. But if it is a consultation that the patient needs, that has delivered the service to the patient, there does not need to be a follow up personal attendance to receive any treatments, then that should be charged for, it seems to me, if it is non-COVID related, as would happen in normal circumstances.

2.11.2 Deputy L.M.C. Doublet:

Can I just clarify, this is not a supplementary? I just wanted to clarify the Minister's first answer, he said those that have underlying conditions should not be charged. Do the over-65s still have to pay?

The Deputy of St. Ouen:

I think this relates to the over-80s and those who are vulnerable, because they were the group that - it seems a long time ago now, some 10 days or a fortnight ago - we agreed with the G.P.s that they would be telephoned directly. I know that we have identified for that group they would receive free primary care, whether there is consideration given to extending that now to over-65s I cannot be sure at this moment, but I will investigate whether that might have changed.

2.12 Deputy J.H. Perchard of St. Saviour:

This question is for the Minister for Economic Development, Tourism, Sport and Culture. I am happy to provide him with the data that backs up the statement I am about to make, but for the sake of brevity I will just state that I have heard from business leaders in hospitality of large businesses that financially for some it will be less costly to make redundancies now than at the end of June, when the support from Government might end. Obviously for them and for us and for the employees this is undesirable. What would the Minister say in response to that?

Senator L.J. Farnham:

Ultimately, this is a decision for individual businesses. We have said some businesses to stand the best chance of survival might wish to trade through, some might wish to hibernate and close down. The whole idea of the scheme is to keep people in employment and that is what we are currently encouraging businesses to do, if they are able to do that. The scheme is currently set to run until the end of June, but it will be reviewed. It may be necessary to extend it.

2.12.1 Deputy J.H. Perchard:

Is it at all possible for the extension to be made now, so that those businesses are able to make that decision about what is financially more viable for them and keep on more staff than would otherwise be the case?

Senator L.J. Farnham:

I understand businesses need certainty as long into the future as possible, but we also have a duty to our own position and public finances. The position is going to be constantly under review and if it is to be extended - and I am working very closely with the Minister for Treasury and Resources - then we will undertake to make that decision as soon as we possibly can.

2.13 Deputy R. Labey of St. Helier:

For the Chief Minister. Would the Chief Minister agree with the following statements: the Comms Unit are working hard and effectively and deserve commendation? It is up to politicians, however, when they make announcements, to make sure they do not pose more questions than they answer and there is some confusion. Embargoes at midnight are sensible, in normal times, because they are fair to all media, embargoes at midnight in these sort of circumstances do not make any sense. If there is information, it should be got out as soon as possible.

[11:30]

We have to put out simple clear messages to the widest possible reach and should consider 30 second slots on Channel TV or Channel 103, because not everybody is online, or reads the *J.E.P. (Jersey Evening Post)*.

Senator J.A.N. Le Fondré:

As a matter of principle, I do agree with much of the Deputy has said, I do also absolutely commend the Communications Department, who have been working absolutely flat out [**Approbation**] to get messaging out in what are incredibly difficult times. As I said earlier, there is always room for improvement and one of the challenges we have - and I have alluded to this previously - is we are a separate jurisdiction even to our neighbouring island of Guernsey and obviously many people also receive news particular from the United Kingdom and sometimes from other jurisdictions, as well. We are each, in our own particular point in time, dealing with this challenge and so one of the challenges we have is trying to make sure that the message that is appropriate for Jersey does not get mixed up too much with the other messages coming out of other jurisdictions, sometimes at the same time. As I said, we will take some measures, as well, to ensure some clarity of the most recent announcements.

2.13.1 Deputy R. Labey.

As a supplementary, there is also the reach to those for whom English is not the mother tongue, this may already be happening but, for example, we know at this moment that all the potato farms have got seasonal workers, most from Poland, some from the Philippines, but are there any thoughts of a campaign, perhaps a poster campaign, that could be delivered to those farms?

Senator J.A.N. Le Fondré:

Certainly, I know categorically that some posters, certainly some of the initial posters and I am assuming some of the other pronouncements, I have not had a chance to look in the last few days, but certainly some of the first poster runs were done in other languages, the main languages of people being over here.

2.14 Deputy M.R. Le Hegarat of St. Helier:

This is for the Minister for Treasury and Resources, or in her absence the Assistant Minister. When will the Minister provide the financial plan to advise the Assembly how we are going to fund the coronavirus? What I mean by this is: are we going to look at getting a bond, are we selling our assets, so that we can all have a clear picture of exactly how it is going to be financed?

Senator I.J. Gorst (Assistant Minister for Treasury and Resources):

I offer the apologies of the Minister, we know why she is not here. I hopefully made clear last night in a media conference that the Treasury Department have been working across Government to categorise liquid and illiquid assets. In these provisional days of the health element of the crisis, we have made a decision that we will not liquidate assets which are illiquid, or assets where we are sitting on a loss. We know that the market fell by about 30 per cent and there has been some recovery, so it is not surprising that investments in equities have suffered losses to that extent. So, we have looked across our reserves and our cash and we have also done calculations to look at the expenses of Government throughout this period and the States Assembly, earlier this week, kindly approved the ability to borrow. That is, in effect, borrowing against our reserves to get cash now for the immediate crisis. Yesterday, Ministers announced another £100 million to deal with the keeping Islanders in work. The Chief Minister has reiterated the commitment of the Minister for Treasury and Resources that, as far as health provision is required, as far as the provision for testing, for P.P.E., those funds are being made available, as well. It may be as we get through this crisis that we will need to even consider realising some of those loss positions. We are not there yet and we have, in effect, a 2-pronged approach. We are dealing with providing cash right now. That cash is paying doctors and nurses and our police, fire and all our emergency services and it is paying our essential staff. We are

continuing to pay pensions and sick pay but we, like every business on the Island, are having to manage our cash flow and so we are doing that. We are also thinking about the recovery plan and we know that millions of pounds will be required for that recovery plan. We are also undertaking a review of existing expenditure and I have to be frank with Members, everything that we agreed, not very many months ago, at the end of last year, will not be delivered during the course of this year, because social security contributions will be down, tax will be down, so cash coming in will be down. That means that cash going on those projects that we all thought we were going to be delivering in normal times will also have to be cut back again, to the tune of many tens of millions of pounds.

2.14.1 Deputy M.R. Le Hegarat:

How often can we expect to get an update on the financial position that we are in? Therefore, how often will we expect to know how much we are spending and whether we have sufficient funds to keep us going and how long for?

Senator I.J. Gorst:

I undertake, on behalf of the Minister, to keep Members informed. Some of that work is not yet complete and obviously there are changing circumstances as we need more money to provide for the next stage of the health crisis. That number is only going to grow as we make decisions in real time about spending extra money on those issues that I have just said. I cannot give the Deputy a timescale right now, but I undertake to come back to the Assembly with a timescale of those updates. I can also commit, on behalf of the Minister, to appear before Scrutiny if they wish to call a Scrutiny hearing and be questioned on these matters.

2.15 Deputy J.M. Maçon:

This is a question for the Minister for Children and Housing. Homelessness, those that may lose their homes for whatever reason, key workers who may not practically be able to return home, they might be living with a vulnerable person, for example. Is the Minister in a position to update us on these matters and whether emergency accommodation for people is actively being pursued?

Senator S.Y. Mézec (The Minister for Children and Housing):

I am very pleased to say that as a result of the COVID-19 situation that we are facing, some officers with a lot of experience in housing have been brought back under my oversight to go through cases and try and find emergency solutions to them, where possible. I am seeing that some cases that were on our radar, where we were worried about people becoming homeless, are starting to be resolved. The Minister for Social Security has spoken previously about funding for emergency solutions, that might involve hotels and that sort of thing, but I think there is still more to be done to arrange that. From my perspective, we now have a team that was not in place before, that is going through the emergency cases.

2.15.1 Deputy J.M. Maçon:

Can I ask whether the Minister for Children and Housing, out of all the monies that have been released, has made any particular bids to support these efforts and, if not, why not?

Senator S.Y. Mézec:

I do not necessarily think that reflects a process by which we go through to release funding, or it has not appeared to me to be a bidding process like that, so that is not ...

Deputy J.M. Maçon:

If I can rephrase then: has the Minister made these points around the Council of Ministers' table?

Senator S.Y. Mézec:

I certainly have and other Ministers will corroborate that. It will not surprise any Member of this Assembly that my position has been, from the very start, that there has to be a serious focus on protecting people from some of the very worst things that might inadvertently happen to them because of this crisis.

2.16 Connétable A.S. Crowcroft of St. Helier:

My question is in 2 parts to the Chief Minister. Will the Chief Minister join me in thanking and commending the supermarkets and also all the logistics operators, who are making sure that there is food on the shelves and that customers are being encouraged to socially distance and not to panic buy? The second part of my question is: given that the over-65s have been asked to self-isolate, before the Government has released details of the Connect 2 Me, I think it is called, plan so that over-65s can get food delivered to their homes, would it not have been better to have put those hotlines in place first, before asking the over-65s to self-isolate?

Senator J.A.N. Le Fondré:

The 2 sides: absolutely, in terms of the first comment to commend the supermarkets and the logistics people. I do absolutely welcome the major efforts they have made and particularly one is seeing it now, as one walks through Town and other places where you are seeing some properly spaced out queues outside of small supermarkets and the control of people going in and I am hearing other reports of what is happening inside the various shops. As we said, it always takes some time for people to adjust and I am seeing quite a significant change in that. There is always more to do, but it is going absolutely in the right place. I also want to just give a further assurance on the whole supply line strategy. I think we have updated Members previously on the measures we have tried to put in place to ensure that supply line has really good, robust measures in place. In other words, really simply, there is nothing to worry about around the supplies coming into the Island. That has absolutely been one of our priorities and we have put measures in place to put various levels of robustness to ensure those supply lines are maintained. Then, obviously, getting it out to people, which is where the supermarkets and other retailers come in. In relation to the communications side, there is a massive piece of work that has also been going on, which I believe, or I am expecting to be announced and put out later today is around the whole community support side. The advice we received was that Dr. Muscat was happy that as long as the advice for the over-65s that we have released with effect from one minute past midnight this morning, provided the community side is released very shortly thereafter, it was appropriate to do it on that timeframe. But I do absolutely accept it has to be in place, there has to be some clear guidelines just to get that assurance that people are looking for. Obviously, at the moment, we have still got the main helpline that is in play.

2.17 Senator S.W. Pallett on behalf of Deputy S.G. Luce of St. Martin:

So that we can engage with Members that are not here, I hope it is in order that I ask the Deputy of St. Martin's question that is on the screen?

The Bailiff:

Yes, you can ask that as your question.

Senator S.W. Pallett:

We all know how busy our General Hospital was before this crisis started, it is clear our health services will be stretched to the limit in the coming weeks and months. The Chief Minister has recently been approached by the private sector, who are ready and prepared to convert the Radisson Hotel into an emergency field hospital. This can be done using the Island's practice nurses, retired practitioners, dentists, dental nurses, receptionists from closed practices, volunteer porters, the T.A. (Territorial Army), Honorary Police and the wider general public, all without taking anything away from what the States, or the Health Department, are already doing. Why has he not immediately

accepted this offer, especially given that many other jurisdictions are frantically building additional emergency hospitals?

Senator J.A.N. Le Fondré:

Yes, we have had an offer that has come in, which has been very welcome. We have a number of offers that do come in from individuals, or ideas from individuals. It has been sent through to the relevant team who are looking at it. I have asked again in the last day or so where we are on that. One of the key messages is to make sure that the right facility is in the right place. Part of that is around absolute distance from the hospital. That is as far as I go, as a layman; I believe that is about access with equipment and things like that. In terms of the various stages of planning, this area is in that next stage of planning. It is actively being pursued and we have to make sure we get the right solution, rather than the first one that has been presented to us. It does not mean necessarily that we will not go to there, it does not necessarily mean, at this stage, as of this time and today that we will be going there. It is being evaluated. Do not forget that we have had a variety of other measures that we have been dealing with, as well, particularly bringing the G.P.s in as added resource into the system.

[11:45]

These are all landing on similar officers to make sure we get ... so it is a case of prioritising which bit of work we need done first.

2.17.1 Senator S.W. Pallett:

I can certainly understand the need to ensure that any field hospital, or extra resource needs to be located in the right position, but in terms of dental practice nurses, dentists, for example, could the Chief Minister update us in regards to how those negotiations are proceeding, because they are clearly a resource that we could use within any future hospital?

Senator J.A.N. Le Fondré:

There was a meeting with the dental practitioners last night, I have not had the update from it, I expect to get that sometime during the course of this morning.

Senator S.W. Pallett:

Could he update Members when he has that?

Senator J.A.N. Le Fondré:

Assuming that matters were concluded as opposed to being ongoing, absolutely.

2.18 Deputy G.P. Southern:

I am not quite sure who might answer it, because it is fairly general. The Taxation Officer this morning suggested a U-shaped recession with the recession going on until well into 2021. Has any estimate been made of possible effects on jobs and then obviously on taxation and social security contributions resulting from what is going to happen to the job market?

Senator J.A.N. Le Fondré:

Essentially, if you look at the planning on how we are handling this event, this crisis, we are obviously dealing with the earlier stages and making sure we have got everything in place, got the right measures in place, got the right laws going through to give us the relevant powers to deal with situations that one can envisage in the next few weeks. We are also now looking at what we will call the recovery side, in other words how do we come out of this, how do we get Jersey up to the best place it can be at the end of this crisis? There are differing views as to whether it is a V-shaped recovery, a U-shaped recovery, or an L-shaped ... I do not think L-shaped is a recovery. W, thank you, I think that involves a cat.

Deputy G.P. Southern:

It is a recession.

Senator J.A.N. Le Fondré:

But the point is there are some initial pieces of work that are being done and I keep making the point that because, overall, we do have small teams within the whole Island that, for example, officers have been focused on the business support packages and the income support packages, or the individual support packages that Members were briefed on today. Therefore, the initial figures we have been getting have been at very high level. I do not have those details precisely with me, but I expect those to be refined over the next few days when we get them to an absolute form that is reasonable and is reasonably stable, because assumptions change almost daily, then either myself, or the Minister for Treasury and Resources, or the Assistant Ministers for Treasury and Resources, will very much give Scrutiny a briefing; there is no question on that. But Members do need to know the financial envelope we are operating in. I think the simple point is we do not have a bottomless pit, we do have to make sure we have got absolutely the resources that Deputy Pamplin talked about for dealing with the health issue. We have put big packages in place for dealing with the kind of big issues; we are going to have some individual bits, we know that. We have then got to make sure and keep an eye on that we do have to have some financial resource left to go into the recovery stage.

2.18.1 Deputy G.P. Southern:

Can I put in a plea that it is not just Scrutiny, that the Assembly learns these details and that you have clearly said this will be probably available in a matter of weeks, rather than months?

Senator J.A.N. Le Fondré:

It will take a while to bring together, but as soon as I have got something that is reasonably stable, if that makes sense and to be put into a presentable format, I will arrange for a briefing for Members. I do not want to give a commitment today, it will be on Wednesday next week, because we have a lot to do between now and over the next 5 to 10 days, I would suggest.

2.19 Senator K.L. Moore:

It is a question for the Minister for Social Security. Firstly, at the end of last year we were told that the balance of the Social Security Fund was almost £2 billion and I would like to know what the current balance is, please, Minister. Secondly, when does the Minister propose to bring to the Assembly updates to the Employment Law, so that, for example, the redeployment of staff will be lawful under the Employment Law, as it currently is not?

Deputy J.A. Martin of St. Helier (The Minister for Social Security):

Thank you, Senator. You are lucky, because I have got the Social Security Fund debate this afternoon. At the moment, the Social Security Fund has £1.98 billion in it, that is the current figure. Sorry, when am I going to change the Employment Law, so people can be deployed under ...

Senator K.L. Moore:

Yes, at the moment a person working for a particular employer cannot be redeployed to a different place of work, if the law is followed correctly.

Deputy J.A. Martin:

There has been a lot of talk about if people are on the scheme and if somebody else ... I have not been told it is not legal and at this time it probably will be needed. As long as it is followed properly, is it getting paid on one scheme? I do not know when I have time to bring a change of Employment Law through a Regulation. I have asked all my officers if it can be done.

The Bailiff:

I think that was a supplemental, so thank you, Senator. We have time for one, possibly 2 questions, if they are quick.

2.20 Deputy K.F. Morel:

For the Chief Minister. Does the Chief Minister agree that one of the ways the Government of Jersey's States-owned entities and arm's length organisations can continue to support local businesses is by ensuring that they continue with contracts, or to offer new contracts to local businesses only? Will the Chief Minister commit to the Government of Jersey operating a Jersey businesses first policy, as you go through this crisis?

Senator J.A.N. Le Fondré:

Insofar as it is absolutely appropriate, I believe we should be doing that. I will not give 100 per cent commitment, because I do not know what the anomalies will be. For the sake of argument, we need to get some specialists in to deal with some of the Island's reservoirs, or the sewerage plant, urgently that could not be done on Island; we would need to do that. But my absolute preference is exactly in the direction that Deputy Morel is talking about. But what I will also say is at the moment we are in extraordinary times and when I say "business as usual" I do not think we are in business as usual. When, as we start emerging out of that, I think that is going to have to be a priority, because it is going to be around the recovery stage and rebuilding the economy and we do need to be supporting local businesses.

2.20.1 Deputy K.F. Morel:

Supplementary, it is part of the first one: will the Chief Minister commit to not ending contracts that are currently in process, that are currently being delivered, because of this crisis? Will the Chief Minister commit to not ending those contracts which are currently being undertaken and have already been awarded?

Senator J.A.N. Le Fondré:

If we are contractually committed to something, we are going to have to honour that contract, no question on that. But I go back to the point: we are in extraordinary times and we have got to make sure that ... I cannot give an example, but if we had a choice between 2 contracts and one is not a priority, let us say, around the health or education of Islanders and one is something that is far more ancillary, I do not know what the position would be on the ancillary contract *versus* ... but we would want to be making sure that we are protecting the health of Islanders.

The Bailiff:

I am afraid that brings the conclusion of the time set aside for questions. Can I just mention to Members, I could be mistaken, but I see Members using mobile devices in a way which suggests they may be taking pictures, or they may be recording somebody speaking? Obviously, we are sitting in the States Assembly; that is equally forbidden in this room, as if it were in the Assembly proper. I do not know if anybody is doing that, so I am just reminding Members that it would be wholly inappropriate to take any pictures with mobile phones, or anything like that.

STATEMENTS ON A MATTER OF PUBLIC RESPONSIBILITY

3. The Minister for Infrastructure made a statement regarding emergency parking arrangements

3.1 Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):

Hospital workers, police officers and volunteers are being given permits to enable them to park free of charge. As the Minister for Infrastructure, I am issuing more than 650 parking permits, so that

staff at the hospital, States of Jersey Police and Salvation Army are able to park close to their work. From Saturday, 28th March, parking will be restricted for the public, particularly in Patriotic Street Car Park. Jersey's front line workers and volunteers are key for the management of COVID-19 and these parking permits will make it a little easier for them. We are all grateful for the long shifts and challenging work that they undertake and I think Islanders will welcome the provision of this support. A total of 500 permits will be issued to all hospital staff, including maintenance teams, so that they can access Patriotic Street Car Park free of charge. While the visitor parking and ground floor disabled parking will remain open for all users from 8.00 a.m. on Saturday, 28th March, the rest of Patriotic Street Car Park will be reserved solely for hospital workers. The move will mean that health workers, who park in Patriotic Street Car Park will be segregated from the public, thereby reducing the risk of infection. Anyone who has a vehicle currently parked in Patriotic Street, which they cannot move, because they are, for example, in self-isolation, is asked to contact Parking Control on 448669 for a special provision to be made. A further 150 permits for Green Street Car Park are being issued to Police Officers, who are required to take their personal protective equipment home daily, in case they need to respond to a call from home. The Salvation Army, which has set up a food bank in Minden Place, has also received 7 permits for its volunteers.

The Bailiff:

There now follows a period of 15 minutes for questions to the Minister on the contents of the statement. .

3.1.1 The Connétable of St. Helier:

Can I commend the Minister for the steps that he is putting in place to make these parking spaces available? Could I ask him 2 further questions on the matter of parking for our essential workers during the pandemic? First of all, could he update the Assembly on his plans, which we have worked on together, to help those who are carers to be able to park, when they are providing their care, without risking getting a parking fine? This is a matter I know that several States Members have been pursuing, even before the current problems arose. Secondly, could he give a statement of what his parking control officers' policy is when it comes to giving parking fines? There are many people who are concerned their vehicles are left, they overstay their welcome in the car parks, what will happen to them if they get a parking ticket, which they are unable to deal with, simply because they are self-isolating, or for other reasons, prevented from getting to their car in time?

Deputy K.C. Lewis:

I thank the Constable for his comments. My Department has been working in association with the Constable of St. Helier and the Parish of St. Helier. In addition, I have also relaxed parking restrictions for carers, by instructing Government parking officers to allow motorists with St. Helier carers' permits to park on the street, free of charge obviously, subject to safety conditions. Regarding anyone who, for whatever reason, has left their car and they may be self-isolating and cannot return, if they dial 448669 and speak to our parking control officers, they will receive a sympathetic hearing.

3.1.2 Deputy I. Gardiner:

Thank you to the Minister that he indicated the negotiation with St. Helier. Can the Minister please give the details of what parking restrictions that may be waived for the St. Helier residents?

[12:00]

I will give 2 examples that I got, specific cases, one lady parked with a 3 hours permit, she is self-isolating and she will not move the car. She lives in Town. She always parks at work during the day and coming back at night. A similar case ...

The Bailiff:

I am sorry, Deputy, excuse me a moment. Could someone please go and tell people to be quiet out there, because of the meeting of the Assembly?

Deputy I. Gardiner:

There are St. Helier residents who own cars, they work out of Town, so they do not require parking in Town during the day and they do not have residential permits. Would the Minister consider to give special residential permits, or temporary permits, for St. Helier residents who own the cars and need to stay at home and need to park?

Deputy K.C. Lewis:

One further thing that I am arranging, normally at the beginning of April we start charging for additional car parks, which I believe it is the lay-bys off the dual carriageway 5, 6 and 7 and all the other car parks around the Island, normally start to charge from April onwards. This will be suspended. If anybody needs to park up their car and leave it for some time, lay-bys 5, 6 and 7 will not be charged, off the dual carriageway.

3.1.3 Deputy I. Gardiner:

Would the Minister give extra considerations for people, who do not live next to Elizabeth Avenue and they will need maybe their cars, to give special arrangements for St. Helier? Because, it is usually St. Helier residents' problem with the parking to accommodate during this time, to waive 3 hours parking with a special permit, for example.

Deputy K.C. Lewis:

Yes, indeed, I am more than happy to discuss that with parking control officers and, of course, the Constable of St. Helier.

3.1.4 Deputy G.P. Southern:

I thought it was clear on the statement, but then you started to talk about carers and St. Helier permits. We seem to have got 2 types of permit, one your permit and one St. Helier permit. Can the Minister inform Members whether domiciliary carers, who need to park near, or close to, or in people's homes will be able to park free of charge?

Deputy K.C. Lewis:

The permit will be issued by the Parish of St. Helier, which my officers will accept.

Deputy G.P. Southern:

OK, it is now clear.

3.1.5 Deputy J.M. Maçon:

I support and congratulate the Minister for bringing this forward; it is a good scheme. But just a query in my head, has this been run past the clinicians, because, obviously, we know our medical staff, for example, are going to be at a higher risk of exposure to the virus? Say, for example, pressing buttons in the car park, somebody touching handrails, they are also going to be at a higher risk of infection. Can the Minister explain why a cluster system of car parks around the hospital was not chosen, or will the Minister consider this further?

Deputy K.C. Lewis:

I am not quite sure ...

Deputy J.M. Maçon:

Was clinical advice sought on this?

Deputy K.C. Lewis:

Yes, it was just to have all the clinical staff together, obviously they are used to having everything scrupulously clean and the risk of infection will be much reduced if all the hospital staff are in, for instance, Patriotic Street together, that they obviously do lots of cleansing and handwashing and not having members of the public touching handrails, so it will be a lot cleaner environment for them.

3.1.6 Deputy J.M. Maçon:

OK, thank you. Will the Minister commit, particularly for Patriotic Street, to go through regular intensive deep cleaning?

Deputy K.C. Lewis:

Absolutely, yes. I am not sure whether we will be doing that, or the hospital at the moment, but there will be deep cleaning, yes.

3.1.7 Deputy R.J. Ward:

I would just like to say to the Minister thank you for implementing this rapidly, because it was much needed. I would just ask one slight thing, that parking control perhaps take a really common sense and lenient approach to other tickets they might issue. For example, if the pass is not displayed, people are very busy and in other situations. If people do get a ticket, ring up and are in a particular situation, that that is looked upon appropriately by parking control and some common sense is shown in the current situation.

Deputy K.C. Lewis:

Absolutely, I agree with the Deputy and a common sense, lenient, approach will be taken. The officers are well aware of the emergency that we are facing at the moment and will act accordingly.

The Bailiff:

Does any other Member wish to ask a question of the Minister? Very well, thank you very much, Minister.

PUBLIC BUSINESS

The Bailiff:

Before we start Public Business proper, all of the items listed for emergency debate have been lodged over the last few days and notice has been given that a Proposition will be made through Standing Order 32 so that they can be listed for debate at this sitting. Senator Gorst, if you would like to make that Proposition.

Senator I.J. Gorst:

Yes, as earlier this week, as you have just pointed out, Sir, we were very grateful to States Members for lifting that Standing Order and allowing the emergency legislation to be debated and we make the same request of Members this morning.

The Bailiff:

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak on the Proposition? All those in favour of adopting the Proposition kindly show. Those against? Very well, that Proposition is adopted.

4. Draft COVID-19 (Enabling Provisions) (Jersey) Law 202- (P.29/2020)

The Bailiff:

The first item accordingly is the Draft COVID-19 (Enabling Provisions) (Jersey) Law P.29, lodged by the Minister for Health and Social Services and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft COVID-19 (Enabling Provisions) (Jersey) Law 202-. A Law to enable the States, by Regulations, to make any provision necessary or expedient as a direct or indirect result of the outbreak of COVID-19 in Jersey or its aftermath. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

4.1 The Deputy of St. Ouen (The Minister for Health and Social Services):

This draft Law was a key piece of public health legislation, which will ensure the Assembly can take all necessary actions to protect the people of Jersey as best we can against the effects and the impact of COVID-19. The draft Law would, if adopted, enable the States to introduce any emergency legislation that may be required to manage this public health crisis and protect Islanders to the greatest extent possible. It is necessary for 3 reasons; firstly, it allows the States Assembly to approve any legislation as and when it is required to manage the COVID-19 outbreak up to 31st December this year. Secondly, it enables this public health related legislation to come into force without any unnecessary delay caused by waiting for Privy Council approval. Thirdly, it ensures the Assembly maintains a proper democratic oversight of the legislative process throughout this crisis. It will allow the Assembly to make Regulations on any matter where it appears to the Assembly that it is necessary and expedient to respond to COVID-19 and its impact in Jersey. This will allow Members to make Regulations to amend any Law, or other enactment, or provision, that may be amended by a Law, also to confirm ...

The Bailiff:

I am sorry, Minister, I have to ask you to stop ... we are in quorate.

Deputy R. Labey:

Sir, I think Deputy Alves has just gone out to get some quiet in the corridor outside.

The Bailiff:

Yes.

Deputy R. Labey:

It is very loud from where we are sitting. I do not know if they can hear us out there. But they are very present, audibly present, in the corridor.

The Bailiff:

Yes. If we had an usher, unfortunately we do not, I would send word out again. Before we continue, if a Member could go and say everyone in the corridor is very clearly audible here and it is disturbing the business of the Assembly. Communicated with remarkable clarity, thank you. Yes, Minister, if you would like to continue.

The Deputy of St. Ouen:

It is a matter of regret to me and I think to other Members that are present that this most significant piece of legislation is being presented and we fall in quorate. But to continue, what we would be allowed to do by this Law is to amend laws, to confer a power, or to impose a duty on a Minister, to make, by any Order, any provision that may be made by the Regulations. Also to establish bodies corporate, corporation sole or other entities, also to impose duties, or confer powers on any person, including other entities. Also to create offences, or amend provisions creating offences and also to make transitory, saving, supplemental, incidental or consequential provisions. It is important to emphasise that this power to make Regulations and any power to make Orders conferred by those

Regulations is narrowly drawn, so that it can only relate to Jersey's response to and its management of the COVID-19 pandemic. The process does not, therefore, lend itself to the possible and likely need to pass key primary legislation urgently needed to deal with the extraordinary circumstances in which the Island currently finds itself. I hope Members will agree that the States Assembly must have the powers that it needs to be able to pass the sort of legislation required to address the challenges we may face in the teeth of the COVID-19 pandemic and we must be able to implement those measures quickly. On a further practical level, there is also a risk to the timetabling of future Privy Council meetings. The next meeting is scheduled to take place on 15th April, but the dates of future meetings are currently unknown, which is itself due to the pandemic and its impact on the United Kingdom. We must avoid a scenario where key legislation and the powers needed to protect our Island cannot be enacted, or significantly delayed, due to the temporary absence of Privy Council meetings. Almost certainly, we will need to make changes to primary legislation to manage the outbreak in coming months. There is, therefore, a power that we need in reserve to be available when necessary. No definite decisions have been made as to how these powers might be used if the Assembly approve this Law, but 2 examples are, firstly, to amend statutory requirements under the Mental Health (Jersey) Law for 2 doctors to give an opinion supporting the compulsory detention of a person on grounds of their mental health. This similar requirement has been relaxed in the U.K. as a result of COVID-19 and we may need to follow suit, if there has been a shortage of medical practitioners. I hope that might not be necessary. We would need to undertake to give it very careful consideration and, of course, that consideration would be on the floor of this Assembly when Regulations are brought forward. A second example would be the need to legislate to enable the courts to function in different ways throughout this crisis. For example, Jurats, many of them are in the at-risk categories in relation to COVID-19, as well as taking steps to enable proceedings to be dealt with remotely, provision may also be required to ensure that court decisions can continue to be made, if we need to mitigate risks to the health of members of the judiciary. Those sort of changes cannot be made ourselves, it would need changes to primary law, needing the approval of the Privy Council in normal circumstances. There are safeguards in the draft Law before you. It is of note that the Assembly approved similar powers when it adopted the European Union (Repeal and Amendment) (Jersey) Law 2018. This was put in place to enable Jersey to react quickly to and prepare for changes in the relationship between the U.K., Crown Dependencies and the E.U. (European Union), so there is a modern precedent for something along these lines. In this instance, the powers are focused on the present situation and they are limited to address the immediate public health challenges it presents. The legislation is also time-limited. The power to make Regulations will expire on 31st December 2020.

[12:15]

If and only if it becomes necessary, the Assembly could seek to bring forward another piece of primary legislation to extend the period, but this itself would be subject to Privy Council approval. As the draft Law only has any utility if there is an ongoing outbreak of COVID-19 in Jersey, there would be no point in extending these provisions in other circumstances. Finally, among the safeguards, the States Assembly is required to approve all legislation which is introduced under the powers provided under the draft Law before Members, including the duration of that legislation. In summary, this draft Law will allow the Government and the Assembly to be able to respond quickly and effectively to changing circumstances during what is an unprecedented period of uncertainty and threat to public health in the Island. It ensures that democratic oversight of legislative changes continues throughout this public health crisis and that the draft Law does not have a long-term impact on the established processes that are in place for the approval of primary legislation in Jersey. I will ask Members to adopt the principles.

The Bailiff:

Are the principles seconded? [**Seconded**] Does any Member wish to speak?

4.1.1 Deputy K.G. Pamplin:

I again stand to rise on behalf of the Health and Social Services Scrutiny Panel and leading the scrutiny of all legislation coming from the Minister's Department. Comments have been shared with Members this morning but, again, as we are working in extraordinary times, for Members' benefit but also for the benefit of reassurance to the public that the democracy of Scrutiny is working as fast as everybody else. The Panel would like to thank the Department of Health and Community Services for sharing the draft Law with us and prior to its formal lodging. We would also like to thank Law Officers and Legislative Drafters for making themselves available to the Panel to answer any queries we had in respect of the draft Law. In addition, we would like to thank the Minister for Health and Social Services and his officers for briefing the Panel on the draft Law, as well. We thank them for all that. As the Minister outlined in the report that accompanied P.29, if adopted, the draft Law would enable the Assembly to introduce any emergency legislation by Regulations to manage the effects and impacts of COVID-19. It will also give the Assembly the ability to confer Order-making powers on Ministers to make specific provision to address the effects of COVID-19. This is to ensure the emergency legislation can be enacted as quickly as possible. The Panel was advised, at the end of February, the Privy Council announced that, as a result of the impacts of coronavirus, it was, as the Minister indicated, having difficulty in conveying future meetings following the next scheduled meeting in April. The Panel was also advised while the number of changes can be made under existing legislation, the powers currently in place do not allow for primary legislation to be amended, unless a declaration of state emergency is made. Also, however, the Panel was advised that any Orders made by the Council could be annulled by the Assembly under the Subordinate Legislation (Jersey) Law 1960. However, this would remove the power of the Assembly to consider any draft legislation before it was enacted. The report of the Proposition explains that, if approved, the draft Law would provide an alternative approach that would maintain greater control for the States Assembly over the legislative process; a very important point. We were further advised that the objective of the draft Law would be not to have to rely on a state of emergency before making important decisions for the health of Islanders. As we know, speed is of the essence here. Article 3 of the draft Law states that, if enacted, the power to make Orders and Regulations under the Law would expire on 31st December. We queried the expiry date of the draft Law and whether the powers could be extended, if necessary. We were advised that it was decided that it would be best for the ability to bring forward regulations under the draft law to be time-limited, given the extraordinary circumstances. Therefore, if it was decided before the expiry date that the powers need to be extended, then a further draft law would be brought to the States Assembly for approval, further advising that an expiry date forces a decision point and allows the States Assembly to put measures in place to review them when the time is right; again, a very important point for all of us to note. The Panel was advised that the safeguards had been put in place within this draft Law to ensure that it could not be used to impose, or increase, taxation, impose a penalty of imprisonment for more than 4 years for a criminal offence, impose retrospective legislation and amend the draft Law, or the Human Rights (Jersey) Law 2000; these are really important points that are covered. During the briefing that we had, we did query whether the safeguards around taxation included G.S.T. (goods and services tax) and income tax. It was advised to us that a distinction would be drawn between G.S.T. and income tax but the intention was not to use the powers under the draft Law to amend either of the taxes. We were further advised that the draft Law has been proposed as a result, again, of the public health concern and not a matter of taxation. Of course, the Scrutiny Panel will be reviewing this and working with the Minister and his colleagues as we see fit if any Amendments need to be brought forward. Therefore, in conclusion, the Panel has reviewed this draft Law, albeit briefly given the current circumstances, understands the rationale for the introduction at this stage. The Panel supports the enactment of the draft Law in the context of the current pandemic and recommend that Members support the Proposition.

4.1.2 Senator S.Y. Mézec:

When this draft Law was first pitched to me, I was extremely sceptical and Ministers will confirm that I made several challenges to it and, in the interests of democracy, want to make those challenges that I made clear. My position is that Jersey's success is fundamentally built on the balance we have between our autonomy to be self-governing with the wider protection we get from an association with a greater country. Crisis or no crisis, I think that that balance should not permanently change. I think that cutting out the Privy Council is very significant and it is an important loss of safeguarding. But I will be voting in support of this Law because of 2 safeguards that I think have been put in place that make it worthwhile and relax me, compared to how I felt when I first had discussions about this. Those 2 safeguards are the facts that in this Law it is specifically confined to matters to do with COVID and it explicitly prohibits other areas from being changed under the provisions of this Law. The second is that they are time-limited in such a way that we cannot unilaterally extend that time period. It would have to go back to the Privy Council and the Ministry of Justice, of course, would have their say on it, as well. Were those safeguards not there and were this to be something that could be utilised in other ways, it would be a step towards independence for Jersey. I certainly would not have agreed to it, but I am now confident that because those safeguards have been put in that it is the right thing to do for Jersey, because of how fast-moving this is and because of, potentially, the unforeseeable changes we may need to bring in the interests of protecting people in Jersey is a very significant measure. I hope Members understand the gravity of it. It is important that we approve it but it is also important that we recognise those safeguards that have been put in place. Frankly, I would argue that if they become unnecessary, they should be repealed earlier.

4.1.3 Deputy G.P. Southern:

To clarify in my mind, which is practically frozen at the moment, what we are talking about today is the passage of an amended law which will go to the Privy Council on 15th April, as I understand it, which enables Ministers to bring Regulations, which in turn they allow them to make Orders but only if the Regulation has been agreed by the Assembly in order that Ministers may act on Orders. I think that is the essential bit of what we do; it is the difference between a Regulation and an Order. A Regulation must come to the States and get assessed; an Order need not and often is not brought to the States at all. That is very important that that sequence is kept and I just want to confirm that I have got an accurate view of what that sequence is.

4.1.4 Deputy R.J. Ward:

I think most of the things I had in mind have been covered. There was just one question I would ask and I think it is a principle; does the Minister think that by taking this action it temporarily and specifically may help to avoid the need for an Emergencies Council, which is perhaps more draconian than this Law itself and the declaration of a state of emergency? That, I think, is an important point to make, if it is the case.

4.1.5 Senator I.J. Gorst:

I just wanted to perhaps respond to certainly Senator Mézec and others. It can be seen that this piece of enabling legislation is removing the need for this short period of time for Privy Council approval. Perhaps, I think, it is more helpful to think of it that we have been informed by the United Kingdom that the Privy Council may not, in actual fact, be able to sit because of the effect of the COVID-19 virus on the functionings of the processes themselves. Therefore, the fact that that uncertainty exists without this piece of enabling legislation, it means that our own self-government, which has been successfully in place for over 800 years, is not able to act in the timely manner that Islanders expect of us during this particular crisis. Rather than us taking powers on to ourselves, as some have indicated and seen it as, it is a pragmatic and speedy solution to a normal constitutional process, potentially being removed from us and I think it is absolutely right and proper that we take this decision today and that we approve this legislation. As Deputy Ward asks about the declaration, in effect, of a state of emergency, a number of these emergency pieces of legislation will, I believe,

allow the Assembly and Ministers and the Government to act in a way and act speedily so that we, hopefully, will be able to put off the point at which we might need for His Excellency, as he is the one responsible in the Emergency Law, might need to declare a state of emergency. That is why these important pieces of emergency legislation are being brought forward today, so that we have other and additional powers in our armoury, as an Assembly and Government, before we get to that point.

The Bailiff:

Does any other Member wish to speak on the principles? I call upon the Minister to respond.

4.1.6 The Deputy of St. Ouen:

I thank Members for their contributions. I thank the Scrutiny Panel for its consideration of this piece of legislation, I acknowledge at very short notice. I thank them for being ready to meet and discuss these issues. May I just give one point of clarification? I think Deputy Pamplin spoke about the distinction between G.S.T. and income tax in the discussion about whether these Regulations may impose tax-making powers. I think that discussion was around the distinction between tax and social security because G.S.T. and income tax are taxes and certainly this law would not allow any increase, or amendment, to those taxes. We determined in our discussions, so far as we could, that social security is not treated as a tax but this is perhaps a side issue, but I think that was the result of our discussions. I entirely understand the issues raised by Senator Mézec and I think they would be shared by most people here, including myself. The important thing is that this is not constitutional change. This is purely a public health measure and that is the only purpose it is being brought forward.

[12:30]

We recognise the importance of safeguards and they are the usual safeguards that have certainly formed the bedrock of our Island for centuries. It is not wished to change that at all by this. As Senator Gorst has correctly said, this is a response to a situation that is arising when the Privy Council could not sit and we need to continue to exercise democratic process in this Island. Deputy Southern, I can certainly give the assurance that this Law would empower the States only to make Regulations. All Regulations must be agreed by this Assembly. The Law does not give Ministers any Order making powers. It is for this Assembly, in the Regulations it might pass to decide whether Ministers should be given Order making powers and, if so, what those powers should cover. To Deputy Ward, I would certainly also wish to avoid a declaration of a state of emergency and I believe if we would pass this measure this would help, because it would give us flexibility in dealing with this crisis because we would have more in our armoury; this is a public health measure. I thank Senator Gorst for his contribution, I do agree. I recommend the legislation and I would ask for the *appel*.

The Bailiff:

The *appel* is called for.

POUR: 34		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Ouen				

Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

I am assuming from what has been said there is no desire to call this into scrutiny.

Deputy M.R. Le Hegarat (Chair, Health and Social Security Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Very well, how do you propose them in the Second Reading, Minister?

4.2 The Deputy of St. Ouen:

There are only 3 Articles. Article 2 is the substantive provision that sets out the powers of this Assembly to make Regulations. I think I would like to take them together, that is the wish of the Assembly, unless there are questions.

The Bailiff:

Very well, so you will take them *en bloc*. Are they seconded *en bloc*? **[Seconded]** Does any Member wish to speak in the Second Reading? All those in favour of adopting the Regulations in the Second Reading kindly show. Those against? The Articles are adopted. Do you propose them in Third Reading?

The Deputy of St. Ouen:

I do, Sir.

The Bailiff:

Are they seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the law in Third Reading kindly show. Those against? The law is adopted in Third Reading. Is the adjournment proposed?

LUNCHEON ADJOURNMENT PROPOSED

Deputy R. Labey:

Sir, just before proposing the adjournment, I wonder if, given the circumstances and apologies for not speaking to you about this prior, but do we need an hour and a half for lunch in these circumstances, unless you have to go back to your Chambers, or whatever, Sir? I would think that we can self-distance successfully here in this room, when we are in the corridors it is much more difficult. The shorter time we do it the better. I would propose a lunch of 45 minutes.

The Bailiff:

Is that proposal seconded? **[Seconded]** Does anyone wish to speak on it? No. Yes, Senator Gorst.

Senator I.J. Gorst:

Sir, I simply counter-propose. If we are not able to go back to our offices and some Ministers have meetings, I am happy to change that. But I certainly, if I am to stay here to have my lunch, do not require 45 minutes; half an hour is absolutely ample.

Deputy R. Labey:

In which case I amend my Proposition, if I am still allowed to do that, to 30 minutes, Sir.

The Bailiff:

I think in these unusual circumstances I will allow an amendment to 30 minutes. Is that seconded? **[Seconded]** Does anyone wish to up the ante, 15 minutes? **[Laughter]**

Deputy R. Labey:

Five.

The Bailiff:

Rush out, grab a sandwich and run back, it is entirely in your hands.

Deputy R. Labey:

I think the Greffe have provided sandwiches, Sir.

The Bailiff:

Very well. Those in favour of adopting the Proposition, show, please. Very well, we stand adjourned and we will be back in 30 minutes.

[12:35]

LUNCHEON ADJOURNMENT

[13:13]

5. Draft COVID-19 (Schools and Day Care of Children) (Jersey) Regulations 202-(P.30/2020)

The Bailiff:

The next item of business is the COVID-19 (Schools and Day Care of Children) Regulations, lodged by the Minister for Education and I ask the Greffier to read the citation.

The Greffier of the States:

Draft COVID-19 (Schools and Day Care of Children) (Jersey) Regulations 202-. The States make these Regulations under the Order in Council dated 28th March 1771.

5.1 Deputy J.M. Maçon (Assistant Minister for Education - *rapporteur*):

These draft Regulations will enable the Minister for Education to determine that schools and children's day care premises shall not be open during the coronavirus outbreak, including all Government of Jersey schools, colleges, private schools and day care providers. The coronavirus pandemic is requiring all of us to make difficult changes in our lives and everyday things which we take for granted. This is clearly illustrated in the decision taken last week to close the Island's schools. We know only too well the impact that this is going to have on parents across the Island, but it is essential action to protect the health and welfare of our community.

[13:15]

As of Monday, the majority of schools and colleges have been closed and students have been asked to study from home until after the Easter holidays, at the earliest. We are monitoring the situation closely to determine whether it would be necessary to extend this period beyond the Easter holidays. The Regulations are intended to provide the statutory powers for the Minister for Education to do this and specify the period during which schools and childcare settings will be closed as a result of the coronavirus pandemic. While the Minister has powers under the existing laws, the 1999 Education Law and the 2003 Day Care of Children Law, to direct the closure of Government schools and to impose conditions on the registration of private schools and day care premises, it is prudent to make statutory provision for the period of coronavirus outbreak, particularly when the schools and childcare settings may be required to close for a long period of time. The Minister's decision to close the schools is not taken lightly and we are aware that it gives a rise to a range of implications for children and young people and their parents and carers and families at this time. The Regulations require the Minister to make alternative arrangements for children's education during, as if they had been in full-time attendance in education in school. Our Department is in contact with the schools about alternative arrangements for students to access their education during these unprecedented times. I am proud of their efforts that our head teachers, teachers and lecturers are making to ensure contingency plans are in place for students' learning. I would just like to again reiterate that point to say how thankful we are for the professionalism and consistency of dedication from our professional staff. They are seeing other public sector professionals commit to their duties and they want to do their part for it as well. We are focusing particularly on making alternative childcare arrangements for some essential workers and ensuring the support of vulnerable students and Members will have been aware of that announcement earlier this week. I would just like to thank our Scrutiny Panel for how quickly they have turned around their comments; they have made some perfectly valid points. While we will be continually developing points around this, that is to be shared with the Panel, so they are absolutely aware about what we are doing. I would just like to thank them for their turnaround and we look forward to utilising the technology to keep them abreast of everything that we are doing. I would like to propose the Regulations in First Reading.

The Bailiff:

Are they seconded? [**Seconded**] Does any Member wish to speak?

5.1.1 Deputy R.J. Ward:

I will be very brief, I just need a reference to look at. We had a very quick look at the Regulations. We put the comments paper around and I will not go through it all, but I refer to Paragraph 5 of the reference paper, which is the most important part. Article 12(1) ensuring that a child received instruction in accordance with any alternative arrangements made by the Minister requires guidance from Regulation 3 part 6. We do note the exceptional circumstances, but the point that we have made as a Panel, which is supportive and understands the need for this change, is that that guidance needs

to be forthcoming and clear as soon as possible and whether that guidance puts any parents under conflict of Article 12 of the Law if the children do not receive the full curriculum, or the full delivery of arrangements because of the situation of parents. We do not want parents to be put in a situation where they feel under pressure, or that they may be in trouble, in inverted commas, for their delivery of whatever happens at home, because we recognise the difficulty that that would make for some parents, particularly those who may have trouble accessing all of the online work that is set, or even hard copies, or even have time in the current economic and employment context of the Island, where they may be struggling just simply to put food on the table, for example. The details of those current rules and the arrangements we have asked for detail on, which I think is very important and we are very pleased that we will have regular meetings with the Minister and officers to ensure that there is clarity that goes forward with regards to that guidance. I do refer you to the comments paper and I would ask you to read through and if there is anything I have missed I am sure other members of my Panel may fill in the gaps.

5.1.2 Deputy L.M.C. Doublet:

I was pleased to see this legislation coming through and providing some clarity, especially for the private schools and nurseries. If Members have the comments open, there is on page 3 a list of our main concerns. Deputy Ward outlined some of them and we had quite a robust discussion among the Panel about this because, to varying degrees, Panel members have received phone calls and communications from parents. I myself have received a significant volume of these from parents who are really worried, people in different circumstances that are concerned that they cannot deliver the materials to their children on different days. For example, different family dynamics, such as if you have a large number of children that you are trying to home school, situations where parents are both working from home, there might be behaviour issues from the children. What I wanted from the Assistant Minister is a reassurance that parents do not ... although parents should, of course, try their best and prioritise their children's learning, in fact what they should prioritise before learning is physical and mental well-being and positive family dynamics and that parents will not be criminalised or penalised in any way if, with good reason, they cannot deliver the entire curriculum to their children. Also, point 5 on page 3 of our comments, I am quite concerned about the varying degrees to which different families are able to deliver the curriculum. We have quite an unequal system at the moment, which, of course, we have sought to rectify through the Pupil Premium scheme and that work has been really important over the last couple of years and I think it is successful. I am concerned in that some families have significantly more resources at their disposal to home school their children and some families do not have this. Different family set-ups, for example, where you have got one high-earning parent, who is still able to earn that money and you have a parent who is stay-at-home ready and waiting to fulfil this home school capacity, I think there are going to be some inequalities in terms of educational outcomes between different types of families and different demographics. I really would like to know what steps the Minister and Assistant Minister are going to take to minimise these inequalities. I think, generally, just some reassurance for parents that they should be prioritising well-being and the learning comes if they have the capacity.

5.1.3 Deputy K.F. Morel:

I would like to speak primarily as a parent and from my personal experience of these last few days and I want to start by acknowledging the incredibly difficult situation that I appreciate the Education Department and all the teachers in schools are facing at the moment. I do know they are working incredibly hard to try and overcome them, but this legislation does raise a number of issues about the ongoing welfare of our children. Speaking from personal experience, my daughter now has not seen another child for a week. She has not had the opportunity to play. She has not had the opportunity to encounter other people of her age, except, obviously, thankfully, at the end of a video screen on her devices, but that cannot go on for too long. At some point, we have to allow our children to mix with each other again. Otherwise, we are denying them a vital part of their development. My

daughter is a teenager in the early part of her teenage years. Socialising is extremely important for children of that age and, to be honest, of any age and while I appreciate there is no easy answer, the longer this kind of no schooling goes on, the longer we are stunting our children's development at the social level, as well as at the education level. This is not to offer criticism. I am in no way criticising here. I am just trying to raise issues in which I would like to see a way forward being planned out by the Education Department, so we can see the way forward for our children. At the level of education, as Deputy Doublet has said, there are kind of, sadly, differences in standards that I can see are happening already. With regard to my daughter's education, she is being amazing and she is sitting herself down. She has 2 parents who are fortunate enough to be working in this environment and who are able to work remotely in the main, so she is leading her own education right now but there are times - and there have been plenty of times in the past week - where teachers have not provided work for her to do. The number of times she said: "Oh, this subject ..." She was expecting the subject teacher to provide matter for her online and it has not been there and I am sure, while that is only from my family's experience, that that is going to be happening across the Island. So, online education has plenty of holes in it and I appreciate it is because this is an untested system. It is not something we expected to be doing even 2 months ago, but we do need the Education Department to find a way to ensure that all children are being provided with all lessons throughout the day every day of the school working week because, at the moment, they are not. I would just like to hear from the Assistant Minister for Education as to how this future of the education of our children ... which is likely, at the end of the day, to go on beyond the end of the Easter holidays and into the summer term, how the Education Department plans to deal with the lack of social life that children are having and the holes in the education that are developing and growing rapidly every day. Thank you.

5.1.4 Senator I.J. Gorst:

I was prompted to speak listening to the last speaker, because, of course, he raises excellent points which were touched upon at the earlier sitting this week about the immediate decisions that we are faced with as a Government and as an Assembly in regard to health and trying to slow down the spread of the virus in our community and therefore limit the number of fatalities. But in making those decisions, which the Minister and Assistant Minister has rightly made about the education of our children - it was the right decision on health grounds - it presents us with other challenges and other unintended consequences. I know that he and the Minister are thinking about these challenges and working on those challenges and I want to just say thank you to them for their appropriate consideration of them and the work that they are doing with their officers. I think the last speaker called on personal experience and, of course, it is fair to say that there are differing levels of support to children from different schools. After all, some of us choose the schooling of our children for different reasons and therefore in this period we would expect different provision but, for my part, the school under which the Minister and Assistant Minister are responsible that my daughter attends, I have nothing but praise for the work that the teachers have been providing: for the online assistance; for the constant communication that she has with her school class teacher. So, I want to praise the Minister and the Assistant Minister and I want to praise those teachers at that particular school and I know that the Minister and Assistant Minister stand ready to work with their officials with any school which may be struggling immediately with what is required during this period. Therefore, I would say to parents to bear with their school, work with the Department and I think that that section of the issues that we face can be overcome. The others that the Deputy touched upon about social contact, basic human need for social contact, it is fair to say we are all struggling with it and we will continue to struggle with it and this is why, as the Chief Minister said earlier, the various elements of testing that the Government is looking at will be critical to how we come out of this health section of the crisis and to how we overcome those particular concerns, but I want to thank the Minister and the Assistant Minister for the work that they are doing. Thank you.

[13:30]

5.1.5 Deputy K.G. Pamplin:

I am pleased to follow the previous speaker and speaker before that. Again, I rise to the Minister for Education and Assistant Minister for Education to thank them for their work in these extraordinary times. Again, speaking as a parent with 2 children in this system, I have been going through the Regulations. Could he just outline what support is going to be provided to parents in terms of the emotional support that they are going through, because I am very anxious, as I think others are starting to talk about: "Are we doing the right things? What is the impact going to be?" So, maybe working with Senator Pallett with his role with responsibility for mental health, designing some sort of communication package for families, whatever their family support is, because it is the parents that are taking on all these responsibilities on top of all their other anxieties and I just think that would be a welcome addition to the good work that they are doing. Thank you.

The Bailiff:

Does any other Member wish to speak on the principles? I call on the Assistant Minister to respond.

5.1.6 Deputy J.M. Maçon:

I thank Members who have spoken and I have a group comment that I want to make, picking up on Deputy Doublet's point. The first point has to be the message to parents is: do your best. At this time, it is not going to be easy. This is unprecedented and absolutely the point that Deputy Doublet made is the well-being of your child has to be paramount. You cannot be a good learner if you are not settled and if you are not happy. That is absolutely the key point that I would want to make and while these Regulations do put a duty on parents, I can reassure the Deputy that it is not fair to parents to be overbearing and those parents who are looking after the well-being of their children, that is exactly what we want them to be doing. Deputy Morel made some very important points and our system is not designed for this. He has mentioned some very good points. There are students who learn at different rates, who can progress through work more quickly, or more slowly, than others, especially if they have parents who themselves are not the best when it comes to helping with education. What I can say and I have already seen, is teachers who themselves have gone into isolation have been posting on Facebook, have been posting on social media that if anyone needs help and support at this time, they are willing to do so. What I will do on behalf of the Deputy is ask the Department to go away to collate that and maybe offer that to parents, so they have someone if they do need extra work, or extra support and that they will have people to contact. Although what I would say is that the contact and relationship with the school should continue, although the Deputy is looking for something a bit more practical and I hope that will give him some assurance in that way. The Department is reviewing this continually and work as to how we support students going forward is definitely going in a phased approach, so it is something which the Department is actively working on. I would just add, for better or for worse, we do have the Easter holiday coming up so that, in some ways, takes a little bit of pressure off but, again, it puts other pressure on, because parents will want their children to be doing work to kind of busy themselves, rather than necessarily going out and socialising. The Deputy makes, I acknowledge, a difficult point. We are, by definition as human beings, social creatures. It is what we like to do, to interact. It is important for our mental and social well-being. It has to be said, though, the health concerns have to take priority. They have to be the most important thing that we are considering at this moment and I will take the points away to ask officers to develop this scheme, but the Deputy is right in raising it. Deputy Morel raised the point that his particular child was not getting enough work. We have been contacted by other people who have expressed the view that their child has too much work on the other hand so, again, what I would urge parents to do is if they feel that that is the case, please keep those communication links with your teachers open going forward, because we are getting it from both angles at the moment and it will depend on individual children and their year group, so it will vary. I thank Senator Gorst for his helpful contribution and I think all of our staff will appreciate those words at this time and, as for Deputy Pamplin, I will have further conversations with him and Senator Pallett in order to see what

we can do. I hope that answers Members' concerns, although I think maybe Deputy Doublet would like a point of clarification.

Deputy L.M.C. Doublet:

The question I had is about how the Assistant Minister will seek to minimise the inequalities between educational outcomes as a result, either at the time of this crisis, or once it has passed.

Deputy J.M. Maçon:

So, one of the points is some of the most vulnerable children we have already made spaces available for at schools, so that some of those inequalities do not exist. Of course, while we have made those offers to various key workers, not all of them have taken them, so they have made that choice not to take them for their own reasons. What that means is during the next phase of offers, we can continue that process to look at: "Right, where is the next level of need?" Officers are cognisant of the inequalities that the Deputy has raised. We have had conversations and I will update the Deputy as and when we know more about exactly what we are doing. I am sorry I cannot offer more at this time, but with that, Sir, I maintain the principles.

The Bailiff:

Very well. Those Members in favour of adopting the principles kindly show. Those against? The principles are adopted. I am assuming that, Deputy Ward, you are not calling this matter in.

Deputy R.J. Ward (Chair, Education and Home Affairs Scrutiny Panel):

No, Sir.

The Bailiff:

Very well. How do you wish to deal with the matter in Second Reading, Assistant Minister?

5.2 Deputy J.M. Maçon:

I will take them *en bloc*. I will just give a quick explanation to the Regulations. Regulation 1 is an interpretation and Regulation 2 enables the Minister for Education, by notice, to require the Government of Jersey provided schools, non-provided schools and children's day care premises to close for the period of the coronavirus outbreak. The Minister may require the closure to apply to all schools and day care premises, specific schools and day care premises, or specific specified persons. The Minister may specify circumstances and exemptions where premises are not closed to specific persons, for example, for the purposes of students taking exams, although I think we have passed that hurdle. Regulation 3 provides the Minister may determine alternative arrangements for education for children who ordinarily attend provided schools that are prevented so at this time. The Regulation prescribes that while the standard of instruction may not meet the same standard as required under Article 13 of the Education Law, which deals with the education otherwise in a school, the Minister will nonetheless establish arrangements to ensure that the children will receive education as if they were in full-time education. Regulation 4 provides that this Regulation will expire on 30th September. There is a power for the Minister to suspend the Regulations before that date, should the threat posed by the coronavirus abate and the closure of schools and day care premises are no longer necessary. The Regulations come into force the day after that they are made and I propose the Regulations in Second Reading.

The Bailiff:

Are the Regulations seconded in Second Reading? **[Seconded]** Does any Member wish to speak on the Regulations in Second Reading?

5.2.1 Deputy R.J. Ward:

I just want to mention something about Regulation 3, if I may, to support it in some way and I am repeating this, but I think it needs to be emphasised that the Regulation says: “While the standard of instruction may not meet the same standard as required by Article 13.” I think there is a very important point here that what we are uncovering here is the complexity, the difficulty, the work that goes on in our schools, the dedication of teachers, the dedication of schools to provide what is such an integral part for our children and we are now starting to see that up close and personal. I think it is really important that we recognise an understanding that in that Regulation, of course we will not be able to have that same level of education, because you simply cannot without that day-to-day work. In the background, I know that teachers are working very hard to provide work to plan ahead as to how they are going to recover that time of learning, to look ahead and think about how they will plan for next year and plan for assessment, which is an ongoing process that happens in schools all the time. I think it is very important for this Assembly to recognise that, perhaps, at last our schools are working incredibly hard to provide this level of education and when they are not there, there is a huge gaping hole in our society and that needs to be recognised. I will say the difficulties with online teaching that is going on are due to an ongoing lack of investment that has happened for years and years and our schools are in a second-class position too often, not all the time, but too often. This crisis has emphasised that and perhaps this is a learning part that we need to take away as an Assembly and as a society for our schools in the future should this happen again so I think Regulation 3 need to be looked at and understood very carefully. Thank you.

The Bailiff:

Does any other Member wish to speak in Second Reading? I call on the Assistant Minister to respond.

5.2.2 Deputy J.M. Maçon:

I thank Deputy Ward for his comments and I absolutely agree with the points that he was making. Just 2 points to interject. It is just to remind that we do have the Youth Service currently offering the Y.E.S. (Youth Enquiry Service) Programme, so for those Members who are concerned about mental health support, there is that going on. I forgot to mention that, of course, we do have the Family Hub that was launched Monday, which again provides all that extra support as well, so please forgive me if I forgot them. It has been a rather busy time with a lot going on. I maintain these Regulations in Second Reading.

The Bailiff:

Those Members in favour of adopting the Regulations in Second Reading kindly show. Those against? The Regulations are adopted in Second Reading. Do you move in Third Reading, Assistant Minister?

Deputy J.M. Maçon:

Yes, Sir, I move these Regulations in Third Reading.

The Bailiff:

Are they seconded? **[Seconded]** Does any Member wish to speak in Third Reading? All Members in favour of adopting in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading

Deputy J.M. Maçon:

May I thank Members for their support?

6. Draft Social Security (Amendment of Law No. 12) (Jersey) Regulations 202- (P.31/2020)

The Bailiff:

The next item is the Draft Social Security (Amendment of Law No. 12) (Jersey) Regulations, lodged by the Minister for Social Security and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Social Security (Amendment of Law No. 12) (Jersey) Regulations 202-. The States make these Regulations under Article 50 of the Social Security (Jersey) Law 1974.

6.1 Deputy J.A. Martin (The Minister for Social Security):

The Treasurer, supported by the Council of Ministers, has requested this Amendment to the Social Security Law, which we are doing by Regulations. These Regulations are quite simple. They make a small change to a part of the Social Security Law that removes the obligations to pay the States grant for 2020 and 2021. The States grant helps to create a regular level of the total income in the Social Security Fund each year and Members may remember, as part of the Government Plan debate last year, we agreed to restrict the value of the States grant to £65.3 million in 2020 and 2021, with an increased figure in 2022 and the value returning to its underlying formula led in 2023. Suspending the grant for 2020 and 2021 means the Minister for Treasury and Resources will have an extra £65 million this year and next available in the Consolidated Fund and it will give the Minister greater flexibility to allocate funding during this pandemic. The payments of the grant into the Social Security Fund will start again in 2022. I am glad to answer any questions that Members have and I propose the principles.

The Bailiff:

Are the principles seconded? [**Seconded**]

[13:45]

6.1.1 Deputy K.G. Pamplin:

Again, I speak on behalf of the Health and Social Services Scrutiny Panel, who have been scrutinising our relevant Ministers in these Propositions coming forward. However, at this point, we have to be honest and say we have not been able to get thorough scrutiny on these Regulations. It is regrettable, but I would rather be honest than not. We have, however and I have, as I am sure many Members have, been looking at this in great detail, so all I ask is for the Minister to outline what the potential impact is to be down the line in the future by not paying these monies into the account for future pensions. All I have to say at this stage is that is my main concern. Thank you.

6.1.2 Deputy G.P. Southern:

It is interesting to follow on from the head of the Scrutiny Panel, who has said himself that they have been unable to examine this in any depth whatsoever and I think that is highly relevant that that has not been allowed to occur and perhaps what I am about to say will make sense in that context. The Minister for Social Security asks the Assembly to sanction the removal of the States grant supplementation to the Social Security Fund for the 2 years 2020 and 2021. Supplementation, as Members will know, is that that taxpayers' money is paid into the social security fund to top it up for the low earning workers who do not pay the full value and Article 3 of the Social Security (Jersey) Law says the following: "There shall also be paid into the Social Security Fund, out of monies provided by the States, in such manner and such times as the Minister may determine; amounts the total of which for any year is equal to the sum required for supplementing earnings related contributions to the extent specified in Article 9." Note it says: "Shall also be paid." The Minister has the power to say: "Let us not pay it" but this Assembly controls whether that happens. What it will affect is that this will reduce the income for the fund by £130 million and this money will remain in the Consolidated Fund under the control of the Minister for Treasury and Resources. I am standing here today to urge Members not to allow this move. I believe it may well be unsound fiscally and I believe it undermines the confidence that the public have in the manner in which the Social Security

Fund is run. The Minister herself, in the 2017 Annual Report, describes her role as responsible for a compulsory contributory insurance scheme. A compulsory contributory insurance scheme. Elsewhere she says: "It is ring fenced" so the question is why is it ring fenced? Why does this Minister for Social Security have responsibility for this fund when almost all the other funds that we have control of belong in the remit of the Treasury? The answer is that that was done deliberately, because social security is there to provide stability for our society, to ensure that we end up with a pension, to ensure guarantees in our pensions, so we do not have a penurious old age. It also pays for our statutory sick pay when we are ill, or for that matter, when we are in voluntary isolation. It is the fund that gives us absolute security. It is unlike the taxation, which might end up anywhere. This is ring fenced to deliver a pension and other benefits to everybody. The question is: ring fenced from whom? Unfortunately - and it is not directed at the current Minister for Treasury and Resources, but any Minister for Treasury and Resources - it is ring fenced from the predations of the Minister for Treasury and Resources and protected from the general tax spending, let us say, on a steam clock, or perhaps £26 million to spend on preparing the way for a new hospital without laying a single brick. There is a great temptation for any Minister for Treasury and Resources to see the Social Security Reserve Fund, with its £2 billion, as a cash cow to be spent in the here and now and this is an exception, a very big exception, but it is spending some of the pension fund on the here and now. It is one of the automatic checks and balances built into our system by our forebearers. They did it deliberately. We, I believe, must pay special attention to protecting our pension fund. We have already seen - and the Minister for Social Security has mentioned - previous Ministers for Treasury and Resources release some of this funding when we froze the States grant which was heading towards £80 million annually at £65 million for the 3 years 2016 to 2019, saving the Treasury some £50 million - which no doubt went somewhere, but we do not know quite where - by deferring repayments to 2022 and beyond. What we saw on Wednesday was a rapid and, I believe, too rapid, acceptance that we must do something and I urge Members not to do this particular act in a hurry. We saw on Wednesday the transfer, or appropriation, of something like £400 million from the Strategic Fund to the Stabilisation Fund, another £100 million out of the Consolidated Fund, arranged financing in the year to be £0.5 billion, £500 million, outstanding financing increased to £0.5 billion, £500 million and the possibility of the loans guarantees, or indemnities, to £200 million. If Members add that up, they will see that it comes to the best part of £2 billion. The Treasury has already claimed and said that it may wish to spend up to £2 billion and yet, we are told, still feels the need to grab £130 million out of the Social Security Fund, which I am suggesting we should not be doing. As it happens, we have a recently published Actuary Department report, dated 6th March 2019, relatively recent, which suggests a number of reasons why we should not be acting hastily, but we should take our time. That report takes into consideration several assumptions; primarily around the ageing of the population and the number of pensioners that we are going to have to pay and secondly the potential population itself as it rises, whether that is through 325 inward migrants a year, 700 or 1,000. Those assumptions are made, but there are other assumptions. The Actuary's Report says in section 5: "Illustrative effects on the central results of variations in the assumptions. The results described in section 4 are dependent on a number of assumptions which have been made with regard to the future experience of the fund. These assumptions include: demographic assumptions, such as the future fertility and mortality rates, the future levels of migration" as I mentioned and secondly - and this is an important one - "economic assumptions, such as the future rate of return on the investments of the fund and the proportions of the population that contribute to the fund; benefit assumptions, such as the expected numbers and amounts of awards of old age pensions." It carries on in 5.2: "The projections are also sensitive to other possible future events, which are not the subject of explicit assumptions, for example a change to the benefit or contribution structure, or external events that mean other chosen assumptions are incorrect." Careful with this one: "Or external events that mean other chosen assumptions are incorrect." External events like the arrival of COVID, which was completely unseen and could not be assumed as part of the calculation that the actuary has made, but nonetheless has arrived. That makes a big difference to our fund and what we might do with it.

It carries on at 5.3: “For these reasons, there is considerable uncertainty about the future progress of the fund. While the assumptions adopted form a reasonable basis for the review, in practice the fund’s experience and hence its financial progress, will be different.” There is a warning from the actuaries to say: “We have made a whole set of assumptions” some of which, as we have seen, are quite large and we must be very careful with our fund lest we spoil it. As I mentioned earlier and as outlined in B.27 of the Actuary’s Report, it says: “However, an exception to the normal approach has been adopted for the M.T.F.P. (Medium Term Financial Plan) covering the years 2016 to 2019. For these years, the States grant has been fixed in cash terms at the 2015 level of £65 million for all years. For this report ...”

The Bailiff:

Deputy, could you move a bit closer to the microphone. We are not picking it up.

Deputy G.P. Southern:

Sorry. “For this report it is assumed that, in line with current legislation, the States grant will revert to the formula described in paragraph B.26 from 2020.” As we have heard today, that is not going to happen. The original plan was to pay that back in stages and not increase it until 2022 and beyond. But that has just been thrown out the window by this Proposition we are debating today, which says do not even give us the fund. So, that has gone by the board; another assumption gone by the board. What we have seen in addition is that contributions by employees have been removed. Credit will be awarded, but credit is not real cash and there will be some £65 million not coming into the fund through that mechanism. Employers’ contributions have also been suspended, so there is another significant amount of money which will not be paid into the fund in the first 6 months of this year and we are talking about an extra perhaps £24 million to £30 million there. We heard this morning from the Minister for External Relations, acting as the Assistant Minister for Treasury and Resources, that we cannot say what is going to happen in terms of employment, or contributions to the Social Security Fund, or indeed taxation.

[14:00]

What we can expect is that contributions will go down. We are about to go into recession, whether it is a U-shape, an L-shape, but certainly a substantial recession. So what will happen to contributions? They will be, I believe, very much reduced. At the same time, if the job market does stall, then we will be talking about benefits going up, so contributory benefits will certainly be going up while income is going down. Again, that is a major change to our fund. What we did hear this morning was about investments and equities and it is significant in this case that equities constitute 68 per cent of the assets of the fund; 68 per cent, significant amount, amounting to £1.2 billion. We just heard this morning that the bottom has fallen out of the equities market. We are talking about losses of up to a third. There may be some recovery, but significant losses to this fund. What I am suggesting is that, at this moment in time, without scrutiny, without the information we need, which may arrive within weeks, we should not be taking action today to significantly reduce the Social Security Fund. If we do, I think we will be undermining the faith that our population has in our ability to make sure that we are covered by the benefit system and the benefit system works. The Minister glibly states that all will be well, because we have got £2 billion in the Reserve Fund, but £2 billion actually significantly may not be an ample cushion as it sounds. I urge Members to vote against this particular reduction in the Social Security Fund.

6.1.3 Deputy K.F. Morel:

I have a great deal of sympathy with the previous speaker. That does not mean that I will necessarily be voting against this, but what it means is I genuinely understand the concerns that Deputy Southern has raised. I understand that, essentially, what we are doing here is using money that was earmarked for the future and for Islanders in the future; we are going to be using it today. That does raise

questions and obviously it is saying that today's need is greater than the future need, but reading through previous actuarial reports and reading through the way that the Social Security Fund is intended to be used, one of the big concerns is obviously Jersey's ageing demographic; something which is growing every day. It is precisely for that reason that the States of Jersey supplements contributions by paying in. That supplementation has not grown over the years, from the Medium Term Financial Plan it is £65.3 million every year. It is £65 million, so inflation has not been factored into the amount that we are paying into the Social Security Fund in the first place, meaning quite simply that we are not paying enough into the Social Security Fund. But I will get to the point which is really my great concern, due to the lack of scrutiny - and that is not a criticism of the Scrutiny Panel - but my great concern about this Proposition before us is that there is not a single mention in the report, or in the actual legislation itself to suggest how the Minister for Social Security intends to make up for the shortfall once this crisis has passed. I find that lack of even an acknowledgement that this money will need to be made up to be greatly concerning. I appreciate that bringing up a detailed plan for how those funds may be reintroduced to the fund in the future ... time may not have allowed for such a detailed plan. But to (1) acknowledge the need to do so and (2) to give us, as States Members, the comfort of understanding the Minister's thinking on how this may be made up in the future I believe are 2 great items of information that are missing from this Proposition. It is because of that, that I am sitting here undecided as to which way to vote on this Proposition. I also spoke to Members outside, Ministers, *et cetera* and quite rightly they were saying how cash is king right now and this is £65 million of cash that we can use. But by doing so we are denying people of the future the benefits that they are entitled to and that they are paying for at the moment. So I ask the Minister if she would like my vote then when she responds would she please give us an indication of how she, as Minister, intends to ensure that the £130 million of funds are going to be placed back into the Social Security Fund once this crisis has passed. Because, not to do so, I believe, is negligent and the fact that it is missing from the report and the Proposition is, in itself, in my view, negligent because, as an Assembly, how are we to understand the thinking behind this Proposition. It is one thing just to say we will take the money; it is another thing not to tell us how the Minister is going to replace that money. So, I really do ask the Minister, if she wishes for my vote, would she please give us an indication of how she intends to make up these funds from 2022 onwards.

6.1.4 Senator K.L. Moore:

I will be brief and not go over the same ground covered by the previous 2 speakers, who made some very excellent points. I simply wanted to make sure that the Minister for Social Security provides us with an up-to-date figure of the balance of the Social Security Fund. This morning, when I asked her, I told her that I was aware that the fund at the end of last year was worth £1.9 billion and I am afraid that she only repeated that figure. But, as Deputy Southern has just reminded Members, the Social Security Fund is 68 per cent stocks and equities; therefore, one can only assume that that figure is much lower today, because of the decline in stock markets of the last couple of weeks. It was really troubling, I have to say, to hear the Minister for Social Security call this small change. As previous speakers have mentioned, we are very aware as States Members of the recent actuarial reports and the fact that those reports have - at least the last 2 reports - indicated that it is a fact that, in the near future, from about 2030, social security contributions will necessarily have to rise and, therefore, what the Minister for Social Security is asking us to do today will have an impact and hasten the increase of contributions, therefore placing a greater burden on future generations. The decisions that we are making now - and I absolutely understand that these decisions have to be made in order to protect Islanders and to look after the lives and livelihoods of our Islanders - but we must also balance that with the burden that it places on the future of the Island and its Islanders. So, personally, I hope that the Minister will consider delaying this debate, perhaps until next week, so that we can ensure that Scrutiny have the proper time to be adequately briefed and to reassure themselves of the many questions that remain outstanding, because, as the previous speakers have also raised, there remain more questions than there are answers.

6.1.5 Deputy M.R. Le Hegarat:

The previous speaker has probably already taken what I was going to say, but what I would point is that yesterday we did get a brief in relation to the health changes and we were able to comment on them. We did not get a brief in relation to the proposal by Social Security and it would be beneficial for us to have that brief, in order that we can scrutinise. What I was going to suggest - and my Panel would agree - if the Minister was willing to defer this matter until next Thursday - and of course they are already asking Members and telling us that we will meet next Thursday - that can we delay this piece of legislation until that time, so that we can have a brief from Social Security on this matter and fully be aligned as to what the state of our financial position is in relation to this fund and any delays and the purposes for those delays. We will do that scrutiny by next Thursday, so we would propose a reference back.

The Bailiff:

That is an entirely different thing. You are either inviting the Minister to withdraw and re-lodge next week, or you are formally proposing a reference back under the Standing Orders and we will need to make sure the proper ... it is not a reference back really, it would have to be a reference back for specific information and things of that nature. I am assuming, from the Presiding Officer's point of view, that you are merely asking the Minister at this point to withdraw and to bring it back next week.

Deputy M.R. Le Hegarat:

That is affirmative, Sir.

The Bailiff:

Yes, thank you. Does any other Member wish to speak on the principles?

6.1.6 Senator I.J. Gorst:

Sorry, I am not quite sure of the protocol in this building and slipping out to the back corridor to have a quick conversation with the Minister does not seem possible. We have heard a lot from business and we touched on this subject earlier this week that certainty around cash was critical to their continuation; and so it is in Government. I said to Islanders yesterday and I think I said to States Members this morning, income tax receipts will be down in 2020, social security contribution levels will be down in 2020, the Fiscal Policy Panel made that absolutely clear. We have been working in Treasury looking across the reserves to see where liquidity is and this is a straightforward matter and I implore Members to support the Minister for Social Security, because the Treasury Department needs cash. Whether it is today, or whether the Minister wishes to defer it until next week - that is a decision for her - but I implore Members to support this proposal, because Senator Moore is right, the £1.9 billion, nearly £2 billion in the Social Security Reserve Fund was as per the valuation at the end of 2019. So, of course, as Deputy Southern alluded to, with the stock market crash over the period of the current crisis that figure is lower than it was. We in Treasury are doing the work to look at the valuations, the advisers and the independent advisers are starting that work and we have got some provisional figures around the value of the funds currently and importantly the liquidity of the funds currently.

[14:15]

The points I would make are these; that there is liquidity in the Social Security Reserve Fund to continue paying Island pensioners and to continue paying sick pay and that is absolutely important for ongoing confidence in the Government. When we come to Treasury matters, it is slightly more nuanced and more difficult, because we will have less income coming in. Members will be aware, from looking at the accounts, that the tax income comes in during the year and we pay it out to staff and for all of the liabilities that we have to meet. It is that issue that as we are paying out - as we announced yesterday - an extra £100 million over the next 3 months, during the course of next week

we will be paying about £6 million out to businesses on what has become known as the £200 per person per week scheme. That is an extra £6 million that we had not budgeted, we did not have in the budget and we are having to find the cash for, day in and day out. At the end of this week, beginning of next week we will have the salary bills to pay of all of the emergency services, the essential workers and all other workers, as well. It is critically important that the Treasury officials and the Treasury team have this cash. I cannot stand here and guarantee without this particular measure that we would not have to go to the Stabilisation Fund and realise, during the course of this year, some of those lost positions. If Members do not support this proposal, as I say either today or next week, that is the position, the only other option that will be available to the Treasurer and the Treasury team. I do not think for a minute that any Member wants us to do that. Of course, we know from the actuarial review that there was something that we call break even contributory rates; that breakeven rate, that is money being paid out in benefits to contributions was 9.9 per cent. We all know in this room that the contribution rate is 10.5 per cent and that what that means is that there was in the fund the equivalent of 7.6 years' worth of benefit payments. Those years' worth of payments is based on the assumption that there are no contributions going in. So, if right now everyone stopped making contributions, we could still pay 7½ years' worth of pension benefits out of that fund. So, it is not fair to make the scaremongering that Deputy Southern made when he said he was very worried about this particular measure. In fact, what I am learning as this debate goes on is that there is always 2 sides of an argument and I am absolutely delighted that today we have heard a Member of the Assembly criticising Government for moving too quickly. That makes a pleasant change from what, outside of this room, I seem to be constantly bombarded with. So, I did say that the funds were being revalued and the initial up-to-date revaluation that our advisers have estimated in regard to the Social Security Fund is that it stands today at about £1.68 billion. Now, that is not a surprise to me, bearing in mind the movement in the markets, but I do not think any Member of this Assembly, or any Islander, cannot think that that is anything other than a fantastic buffer and it has been achieved by difficult decisions of the past. We all know about the decision that Senator Le Sueur made, when he was involved at Social Security, in increasing the contributions. So, for me, it is a straightforward issue. The Treasurer and the Treasury team need cash at the end of the month to pay the bills that are now due and the new liabilities that we have rightly taken on, on behalf of Islanders and helping them to keep their jobs. It was Deputy Morel that reprimanded the Minister - I think somewhat unfairly - that she had not put in her proposal today any explanation of how she was going to refund this £130 million that in effect will not be contributing towards the future value of the Social Security Reserve Fund. She will need to think about that, but before we, as Members, get terribly excited, we stand able to make these big and bold decisions that Government has made over the last number of days because of the brave decision of our predecessors. But be in no doubt, once the health element of this crisis is drawing to a close and we find ourselves in a deep recession, like the rest of Europe and we have got borrowing of £0.5 billion and we have got the other borrowing on our balance sheet and we have increased liabilities because of the right decisions that we have made, we in this Assembly, over the course of the next 2 years, are going to have to continue making brave but difficult decisions. That will involve how we are going to refund this money to the Social Security Reserve Fund, because the Deputy is right, in effect we are not contributing at the levels we should do for future payments. We are going to have to ask ourselves and bring forward measures to repay the £0.5 billion of borrowing and we are going to have to refresh and take measures to rebuild the Rainy Day Fund and to rebuild the Stabilisation Fund and, at the same time, spend more money in growing the economy. This is not a short-term crisis. The health element we hope can be limited in its duration, but the recession and the recovery period of this crisis will go on for months if not years. The F.P.P. (Fiscal Policy Panel) said that if we support the economy now, we hopefully in 2021 can see some of that growth back into the economy, but it is by no means certain. I have said before and I will say it again, because this is where the crisis becomes personal, we face the challenge in all of our decisions around this crisis of wanting to protect the elderly and the vulnerable in our community. For most of us in this room, that means parents and grandparents, or in-laws. We want

to see them get through this crisis and survive; we do not want them taken from us. Yet we know, from looking at the statistics elsewhere, for some of us that will be a sad reality and at the time when we are distanced from each other, we are going to have to find a way of coming together through that and supporting each other. Yet, at the same time, we have young children, or we have grandchildren, we have nephews and nieces and we do not want them to have their future robbed from them in the decisions that we are having to make today, because that would be wrong of us, as well. These are finely balanced, complex and difficult decisions because, of course, we should be protecting our vulnerable and helping people stay in work, but we should also be making decisions to ensure that the privileges that we have enjoyed in our generation are available to our children in the future. Members of the public can criticise Government all they like, but these are the challenges that we are wrestling with. I say this in this context, because the certainties that Deputy Southern outlined to us about the actuarial reviews, about the special protection for the uses of funds; the world has dramatically changed and how we navigate this change and how we use our resources wisely and how we provide cash to the Minister for Treasury and Resources so that she can use it wisely are really important. Because, if we have to get into a position of realising lost positions and having a fire sale of our equities in the Strategic Reserve, we will be robbing our children of what we have enjoyed and taken for granted. It is not something I am prepared to do and I do not think it is anything that any Member here is prepared to do. But when the Minister does come back with the proposals that talk about refreshing this fund, they will be difficult, they will be hard, but I, for one, will be supporting her and I support her today.

Deputy G.P. Southern:

I did not want to interrupt the last speaker, but I do object to being called a scaremonger when I stuck to the facts as closely as I could in the actuarial report.

6.1.7 Senator J.A.N. Le Fondré:

I absolutely agree that we will need to refund the Social Security Reserve Fund if this measure is approved. No question. But I think there is also terminology of we are in a crisis, we have been taking swift decisions. I do like Senator Gorst's comment that it is probably one of the first times we have been criticised for taking decisions that are too swift. But we are not in certain times. I must admit I was leaning towards, perhaps, we give Scrutiny another few days and come back on Thursday, I fully admit that, but on reflection we do not know where we will be next Thursday. The reason I say that, we know that this wave is starting to increase, we know that we are trying to prepare for it as much as possible and to get as much certainty into the picture as soon as we can. We also know - and I alluded earlier today - we will make mistakes, we will get stressed, but we have got to keep a pace going. We will be making decisions, sometimes with incomplete information. That is the nature of the times we are in. So, where will we be next Thursday in terms of will this Assembly be meeting virtually? We do not know. It will depend on how the data comes back, it will depend potentially on how many more people have died, it will depend on the spread of the virus in the Island. That is why we are trying to bring as much of the emergency legislation through as soon as we can. That is the reason I think sticking to it today is preferable. It is a matter for the Assembly, it always is, but that is always the cautionary note.

[14:30]

It is about the cash burn that we are going through. It does not mean we are in difficulties, but it means we are trying to make sure we have got everything lined up that gets us through these few months. This is one of those measures. It has been done before and the fund itself is strong. In fact, I will pay absolute tribute to the former Senator Terry Le Sueur who, under his custodianship, has put us in the position where we have the luxury of making this decision today to basically be able to divert some of the cash that was allocated to go into the fund to more critical purposes that we need over the next few months. Do not forget and it is not meant to be pulling at the heartstrings, but it is

about paying the wages of front line staff who will be caring for the vulnerable as things get harder. It is just about making sure that we have pulled in all the levers that we possibly can at the most early stage. Pensioners, from the point of view of receiving their pensions, will be fine. This decision will have no impact on people who are receiving their pension today. I think, finally, I will just make the point we are starting to and we are going to have to put a lot more effort after these next 2 or 3 weeks on then preparing for the recovery. That is where Senator Gorst has alluded there are some very tough decisions that we will be having to make later in the year and in next year. But this is about getting through the next few months; it is about getting the cash into the right place, as early as possible. It is a matter for the Assembly whether they want to take the decision next week, in other words put it off for today, or not. On reflection, I think we have to make this today. This is about clearing the decks, about getting all the jobs out of the way that we can and then focusing on the other legislation that we have to do when we need to do it. On that basis I would hope that Members will agree to carrying on with the debate and hopefully that we support the Minister. I certainly support the Minister in arriving at a conclusion today, if possible.

6.1.8 Deputy S.M. Wickenden of St. Helier:

I am going to have to try and reiterate some of the stuff that really is going on, which is we know right now that we are getting less tax in because of what is going on right now and nobody wants to be in the position, but we are where we are. We are getting less income from the services that we provide, because less people are using them. We have deferred G.S.T., so we are not taking money out of the economy to help businesses. We are deferring social security for the same reason. But we still have to pay staff wages; that is all of our hardworking civil service and public services that we provide around the Island and those wages still have to be paid. We all want to make sure, as we are doing now, that we are supporting businesses financially during this hard time, we are supporting employees financially during this hard time, we have got financial support for the unemployed. Members are asking for even more spending, more, we are not giving enough, we are moving too slow, but now we are moving too fast. If we want to make sure we meet all of these requirements and we get the money to the people that I know everyone in this room wants to help to make sure that there is no hardship within this Island, we have to make the tough decisions and have to have the money in the right place. This proposal is about making sure that we have the funds to be able to give the support to our Islanders, to our staff, to the unemployed, to the needy; we have to make sure that the pot of money is there to pay for it. This is what we are trying to do and I know it is unpalatable, I know maybe there is not enough information that would normally be required for Scrutiny, but we are in a very unusual time right now and we know that we are going to need this money, so please can I just implore Members to vote for this, so we can be in the place where we can do all the things that Members want us to do. We can support Islanders, we can support businesses, we can support the unemployed; this is how we are going to do it. It may be slightly uncomfortable; the whole situation we are in is uncomfortable, but this has to be done, so we can move forward and make sure that nobody in our Island has hardship and nobody goes without. I implore people to support this Proposition.

6.1.9 Deputy R.J. Ward:

I have listened intently to some of the quite emotive speeches that we have had, but the questions remain and these are questions to the Minister for Social Security, which do need to be addressed. This is setting a precedent in a ring-fenced fund which does change the nature of that. Also, there seems to be an argument that the £65 million now and £65 million that will not be paid in next year is needed for an immediacy which seems to be ranging from the end of this month to the next 3 months to the next few months after that. There has not been any real scrutiny in what is going on in this situation for such an important thing and I really do understand the difficult times that we are in, it is a difficult time and I fully understand that. But there is a very important principle here that we need to look at as to whether we are going to rush everything through this Assembly; and we have

all had to make brave decisions in the last few days about what we would support and what we would not support with things that have not been easy to support, because they are not ideal. But we have done that because of the need that we share. I would like to know whether a delay of one week would make the significant difference - and I say “the” significant difference that seems to be suggested here - or whether this is a political convenience to get this rushed through today, without the scrutiny there. I will say the reason why it is important to have some sort of measure of how the money would be replaced now, some notion of that, is because there are ways to replace this money, which could mean the imposition of very regressive taxations into the future, which have a disproportionate effect on some sections of our population. If we are taking decisions now that may have that effect long term, those decisions have significant long-term effects, just as much perhaps as some of the decisions we are making about how we support our economy at the moment. I think we have to move away from some of the quite emotive statements that have been made about people not ... the needs they have at the end of this week. I am afraid there is no evidence that that will happen if we delay this for a week and that Scrutiny has a good look at this and comes back with some information for us. So, I am minded to encourage that we ask for a movement back, so that there is a bit of time. Even though this is a difficult time, we cannot just rush everything through this Assembly, particularly in this situation. So, I am concerned about some of those areas and I would like to know what that difference of one week would make and if you can convince me that it is absolutely essential, then I would not support that delay; however, I am not convinced of that.

6.1.10 Senator L.J. Farnham:

I just wonder if it would be appropriate to ask the Chairman of P.P.C., is he here? I wonder, given the fast-moving nature of the coronavirus situation how this Assembly will be able to congregate in a week from now and I wonder if that might be ...

The Bailiff:

The debate is on the principles of this legislation, Senator, I am not sure it can move into different areas as to how we can congregate, or not, as the case may be. It is a matter for the Minister to decide whether, or not, she wishes to proceed.

Senator L.J. Farnham:

The reason I raised it, I mean, Senator Gorst alluded to the very large and important decisions we are having to make in extraordinary circumstances and I would hate to see these decisions compromised because of uncertainty ...

Deputy R. Labey:

Would the speaker give way?

Senator L.J. Farnham:

I certainly will. I have raised my point. I would have raised it from my seat in the old Assembly.

Deputy R. Labey:

I was going to ask, I know there is not Arrangement of Public Business for me to propose at the end of the sitting, but I was going to ask that we have a conversation about how the States continues to work going forward. I have got some proposals and something to impart to the Assembly at the end of the meeting, if that is acceptable.

The Bailiff:

Members will be aware there is an extraordinary sitting of the Assembly again Thursday next week, just in case people did not know that. Very well, does any other Member wish to speak on the principles?

6.1.11 Deputy G.J. Truscott of St. Brelade:

I too have been listening intently to the debate and I do share Deputy Southern's concerns, being at Social Security for roughly 4 years and appreciate the doubling of the numbers of the over-65s between now and 2030. We have had actuary reports, we have had 2 in recent times, all pointing to a strain on the fund, if things do not go according to plan. I think that, for everyone, will be of great concern. I am minded and I would like to support the Minister and I appreciate the Government's real ... it is a rock and a hard place again, is it not, we find ourselves in? Plainly, we do need the money but I think it is important that we just ... if the Minister was to come back and just put some meat on the bone for us, so at least we can fathom out what it is going to look like, what are the implications 10 years down the line of this type of action. Because, once you have lost money from a fund, it is so much harder to put something back and I think that is a big issue. I mean, I was working out, I think we have lost a quarter of the fund, Senator Gorst mentioned £1.6 billion, that is from the experts, it is off his mobile phone, but even if it is at 30 per cent, £2 billion, we are looking at roughly £0.5 billion possibly by the time this is all over. That is going to be so difficult to put back, so I would ask the Minister to come back in 5 days, give us more information, make this a more comfortable decision for us to make. We realise the urgency of it, we really do; do not get me wrong. While I am on my feet, I have had reservation, as I have made it clear, over my time. I was on the Advisory Panel for Treasury in my last term and I was always uncomfortable and it was great while the market was always going up every year, but there is a point where you should do a bit of creaming at the top, taking some profit. I just wonder again whether we should look at our strategy going forward. Even gold has proved a particularly good haven at this time, so it is something perhaps Treasury could look at as well. So, I would, as I say, ask the Minister to come back in 5 days.

6.1.12 Deputy J.A. Martin:

I appreciate everybody's concern. I would just like to read you and this is from the Treasurer, Richard Bell and he needs money, he needs cash. It says: "It is a critical component in reducing the liquidity gap in general reserves. It is that, that will be paying staff, in particular those fighting the coronavirus [and he has put it in big letters] NOW. Whereas the payments [he is talking about that I want to transfer] will just sit in the Social Security Fund for the rest of the year." So, around the table I know they are desperate to get some cash, because there are things that are moving. Somebody has asked the Minister for Health and Social Services this morning: "Can you guarantee it is not the lack of money that is not getting us the right health gear?" We had an option on Tuesday, somebody could supply us with ventilators, but we need to have money. We need to have money. I get the feeling that we are sitting in here today and it is like a sort of virtual reality States sitting; nobody seems to really know what is going on over there. I was told the Government has been acting too slow, I have not done anything and 2 weeks ago, on Wednesday, the biggest debate that you were having was on buses for under 21s. A whole day, 6 hours, nobody running around saying: "Well, what are we doing with that coronavirus? It might come here, you know." Nobody. Me too. Suddenly, business, we have been too slow to get a scheme. Under 5 years, what are you doing? We are seeing thousands of unemployed, we need money. Income support had £1 million in reserve, that is an average 100 people.

[14:45]

The only person I do apologise to in here today is Deputy Le Hegarat and her Panel, and I am sorry, this has been going so fast. I did not know officers had not sat down with you, I know they had been to you, but I thought it ... the officers probably did not have time. I know they have been getting these schemes running, they need the money and everyone said: "But surely a week will not matter." Well, if you really can tell me in your own crystal balls, because I have lost mine ... literally nobody saw this coming and you want me to put this off. We might be in lockdown; I do not know. We do not have the cash and that is what we need to do. We read out from the Minister for Treasury and Resources, we need to get it into the pot. Deputy Morel sent me an email and he wants to know

exactly what it is going to do and do not put it just to corona. Everything is corona. We need money; there is more coming. We probably will need a hospital, or something; money. We have got to go out there and get things. If we are fighting with somebody who has got the testing kits, we have got to pay the money but, no, it has not gone through the right process and literally I think that we had better send it back, because it will be fine next week. Two weeks ago we had one case, what have we got, 37 now today ... 46. Two weeks, one case, it was announced before C.P.A. (Commonwealth Parliamentary Association) drinks, even then, that was a Tuesday night, all went into the bus debate the next day. Concern? I was not there, I was not well but, no, I thought: "That is bad" but never saw what could happen in 2 weeks. Fortunately I was off and I kept looking around at what was open in Europe and then Spain got shut down, things were moving. We have no armed police, we have no army, I mean, we have got to take people with us and we have got to spend this money. I do not think you have got a week, but I am going to have to leave it to you, because who knows. Will it be 200 cases? In a week, absolutely. I said 200, the projection is 175 and we need to be ... this is going into the corona fund and if any of you are sure it can wait a week, vote against it, because I maintain the principles and I do not know what it is going to look like in a week. Can we have the *appel*?

The Bailiff:

The *appel* is called for, *appel nominal*. Could those who had voted *contre* please just indicate?

POUR: 31		CONTRE: 3		ABSTAIN: 0
Senator I.J. Gorst		Senator K.L. Moore		
Senator L.J. Farnham		Deputy G.P. Southern (H)		
Senator J.A.N. Le Fondré		Deputy M.R. Le Hegarat (H)		
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Ouen				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Bailiff:

Does the Health and Social Security Scrutiny Panel wish to call the matter in?

Deputy M.R. Le Hegarat (Chair, Health and Social Security Scrutiny Panel):

It is with a heavy heart, but we have no choice. Yes, we are. My apologies; that will be for the next sitting and that will give us an opportunity to feel comfortable with this part of the legislation.

The Bailiff:

Deputy Le Hegarat, you wish to call the matter in for Scrutiny and you are proposing it is brought back at the next sitting, which will be Thursday of next week?

Deputy M.R. Le Hegarat:

That is an affirmative, Sir. I am not comfortable with the fact that we are being told that we will have no money to pay wages next week.

The Bailiff:

No, you are perfectly entitled to do that. That is what happens, it goes and it comes back next week for Second Reading.

7. Draft COVID-19 (Screening, Assessment and Isolation) (Jersey) Regulations 202-(P.32/2020)

The Bailiff:

The next item is the Draft COVID-19 (Screening, Assessment and Isolation) (Jersey) Regulations, lodged by the Minister for Health and Social Services. I ask the Greffier to read the citation.

The Greffier of the States:

Draft COVID-19 (Screening, Assessment and Isolation) (Jersey) Regulations 202-. The States make these Regulations under the Order in Council dated 28th March 1771.

7.1 The Deputy of St. Ouen (The Minister for Health and Social Services):

The draft Regulations before the Assembly today provide legal powers that will bolster this Island's response to COVID-19. They are powers to compel people to be tested, or to self-isolate, powers to hold people if they are unwell and, most significantly, powers to prohibit people from being in a public place, more readily expressed, particularly in the U.K., as the power to make people stay at home. These are far-reaching powers and I am sure that only a few weeks ago none of us would ever have envisaged a need to impose such restrictions on our community, but now these Regulations are needed in these unprecedented times. I will describe each power as I speak, but before doing so I want to set out some background information, which I hope will assist in understanding the effects of these powers and the measures we are taking, to ensure that we are proportionate and still working to safeguard civil liberties in the face of a most urgent crisis. First and foremost, it is important to recognise that these powers only relate to COVID-19. They are of limited duration and during that period they cannot be used to compel, or require, people to do anything except in relation to COVID. These are not policing powers, or state of emergency powers, they are public health powers. For example, the Regulations only allow me as Minister to bring forward an Order compelling people to stay at home if the risk to public health justifies it, not for any reasons of civil disturbance, or any other matter. The Regulations will come into force tomorrow, if the Assembly chooses to adopt them, except for the stay-at-home power, which must be triggered by Order, in consultation with the Medical Officer of Health. All the Regulations and any Orders made under them will expire on 30th September this year, unless this Assembly, being the check and balance in this matter, decides that new Regulations are needed to deal with any ongoing situation. However, at any point before 30th

September, I can suspend all, or any, of the Regulations on a permanent, or even a temporary basis, allowing for the powers to be dialled down as soon as possible or, if needed, dialled up again. We are working to develop processes that allow us to review the requirements for these powers on an ongoing basis until 30th September. So, this approach is different to the U.K.'s approach. Their emergency powers were drafted to last up to 2 years, but subject to a 6-monthly review. Ours are drafted and will only last for 6 months at which point, 30th September, or the meeting before that date, this Assembly could decide whether it wants to enact new powers should that ever be necessary at that time. The Regulations will apply to everyone in Jersey, except where some people are exempted by Order from some of the requirements, for example we know we will need to exempt essential workers. We are currently working to determine exactly who is and who is not an essential worker. The Regulations apply to children and to vulnerable adults also. Where a child is being required to do something, such as to submit to COVID testing, their parent, or the adult who is responsible for them, will need to take reasonable steps to ensure their child's compliance. If the parent chooses not to do so, the parent may have committed an offence, but this will depend on a range of factors, such as the child's age and whether the parent can realistically be expected to get the child to comply. I understand that; I am a parent. The associated fine for such an offence is a sum, which is up to a maximum of £10,000, but we must remember fines expressed in that way are needed to be considered as the reasonably worst case we can consider. I cannot conceive that parents struggling to ensure a child's compliance would, I hope, ever be brought into a prosecution process. The Regulations are deliberately not prescriptive about matters such as the child's age, because we all know that children respond and behave in different ways. The Children's Commissioner has been consulted and I understand she has no objection to these Regulations. As to the more vulnerable members of this community, for example those with learning difficulties, it may be difficult for them to comply with the Regulations. For the avoidance of doubt, no one is going to force the screening and assessment requirements on those who are scared, or unable to consent, nor will we seek to criminalise them, but if we believe they are ill, or may put others at risk, we will take steps to ensure their safety and the safety of others, just as clinicians, police officers and social workers, currently do on a day-to-day basis. The powers set out in these Regulations will be exercised by enforcement officers and/or health officers and collectively in these Regulations they are referred to as the authorised officers. An enforcement officer will, in most cases, be a police officer; however, in the event that COVID-19 places pressures on police numbers, enforcement officers may also include Prison, Customs and Immigration officers; that is people with the right professional background and training to enforce. Health officers will include paramedics, environmental health officers, people appointed as health inspectors, or doctors acting under the direction of the Medical Officer of Health.

[15:00]

As I speak, work is underway to issue guidance to all those officers concerned. The Regulations provide that any person can ask me, as Minister, to review a decision to impose any restriction, or requirement, on them. For example, if a person is told to remain in their home for 48 hours pending testing, I can be asked to review that decision. The Regulations give power for me to revoke, or to vary, or to maintain that decision. That is a power that I take very seriously and I will be establishing a process to enable those reviews to happen in the most efficient way possible. I anticipate at the moment it is likely to include establishing a dedicated review group, similar to tried and tested arrangements we have in H.C.S. although not in cases of such urgency, but we do have reviews, for example, when considering if a non-resident should be provided free non-emergency hospital care. Obviously, any decision taken under these Regulations is also subject to possible judicial review through the court process. I will briefly describe the most significant powers set out in the Regulations. Regulation 4 sets out that any person, who has arrived in Jersey from an infected area, must self-isolate for 14 days. The starting point here is that anywhere outside of the Bailiwick of Jersey is an infected area; that is the whole world around us. But, as the course of the pandemic changes, I can by Order declare which countries should be treated as infected areas, so that travel

from countries that may have come through the pandemic need no longer trigger self-isolation. A person can self-isolate at home, or in another suitable place, such as a hotel, but anyone who lives with them must also self-isolate for 14 days. This would include anyone who shares rooms with them, such as a shared bathroom, or a shared kitchen, but it would not include, for example, another resident of the hotel if there were no shared facilities between those guests. We will publish guidance as soon as we can to help people determine where they can self-isolate. Importantly, the requirement to self-isolate for 14 days is backdated to anyone who arrived in Jersey on, or after, 20th March, so a week ago today, Friday, 20th March. This means that a person who arrived in Jersey on that date, who has chosen not to self-isolate to date under the advice we have given must, if this Regulation is approved, self-isolate until Friday, 3rd April. They will commit an offence if they do not, for which they can be fined up to £1,000 if they do not self-isolate unless they have a reasonable excuse. For example, a reasonable excuse would be that they have no food and no means of getting food except by going outside. Government is taking steps to ensure people in self-isolated situations can have a means of accessing help should they run into dire situations like that. In some circumstances, people can also be given written permission not to self-isolate, such if they can evidence - and we hope people will in the future - that they have had and come through COVID-19 and they no longer represent a public health risk. If needed, I can also exempt certain categories of essential workers from the requirement to self-isolate, or I can increase, or decrease, the 14-day period to better respond to an evolving situation on the advice of the Medical Officer of Health. Regulation 5 sets out that any person in Jersey may be prohibited from going to or remaining in a public place. This effectively means that people will be required to stay at home, except perhaps for those few instances where people might have access to private land around their home. This is a significant power, which, as I have previously stated, can only come into effect if triggered by an Order. I can only make that Order if satisfied that the risk to public health has reached such a level that it is necessary to do so. Furthermore, each Order can only last for up to 14 days. I can make subsequent Orders, but every time I do make an Order, this Order can, in the usual way of Orders, be subject to annulment by a Proposition brought to this Assembly. So, in that way, this Assembly will have oversight of that position. Some people will be exempted from the requirement to stay out of public places, including essential workers who must be able to travel to and from work, or work in a public place. It will be an offence for a person not to comply, for which they can be fined up to £1,000. But, again, the offence does not bite if they have a reasonable excuse for not staying at home. Again, guidance will be published, setting out what might constitute a reasonable excuse. The guidance could say, for example, a person may go food shopping if essential to do so. I will issue fresh guidance as the situation changes, so that precautions can be dialled up or dialled down. The guidance is non-statutory; this is very deliberately, so as it allows for a flexible rapid response, which strikes a balance between COVID risk and people's need to be able to move around. I do want to emphasise to Ministers that while I am talking about offences and enforcement, I fully realise we cannot enforce our way out of a public health crisis; it is not anticipated that this is a public order measure. The enforcement officers, the health officers, will be working to preserve Islanders' health and we will be looking at how to enforce any Regulations through that lens. It is a public health measure. Regulations 6, 7 and 8, have been developed with consideration to the U.K.'s emergency powers and they set out requirements related to screening and assessment and the outcomes that may arise. They only apply when it is believed that a person may be infectious and that it is in that person's best interest, or for the protection of others, or for the maintenance of public health. So, in summary, a person, when instructed by authorised officers, must go to a place where they can be screened, or assessed. That could be in a person's home, in a quiet side room in a public building, the hospital, or any other suitable place. Once there, they are required to submit to the screening or assessment requirements. Depending on their circumstance, that could include providing a biological sample, or answering basic questions such as about their travel history, or the state of their health. If necessary, they can be required to stay in that place, remembering we anticipate it will usually be their home, but stay in that place for up to 48 hours while screening or testing arrangements are made. For

example, if a biological sample is needed and that can only be taken by a health officer who might not be immediately available to take that sample. If the person, who has been given that requirement, refuses to stay put, or there are grounds to believe they might not, they can be kept there by a police officer at an appropriate place for up to 24 hours. A person will commit an offence for which they can be fined up to £10,000 if they do not do as instructed, unless they have again a reasonable excuse not to act as required. If a person has been found to have COVID-19, or the test was inconclusive, or if the results are not ready, or if there are reasonable grounds to believe the person is infectious, they might be clearly unwell, but due to staffing pressures it has not been possible to test them, there are a range of additional requirements or restrictions that may be imposed and this could be so that the person has to undergo further tests or being told that they cannot go to work for up to 14 days, even if they are an essential worker, or being told that they have to stay put at home or in hospital up to 14 days because they have COVID-19. So, those are very significant requirements and they must be considered within 48 hours to check if they remain necessary. That initial period of up to 14 days can then be extended for an additional 14 days, if there are reasonable grounds to suspect that the person may still be potentially infectious. However, there are further safeguards built in to that second 14-day period, if it is extended, the safeguards are that it must be reviewed every 24 hours and it must be revoked if it is no longer necessary. I believe the likelihood is the initial 14-day period will rarely be extended, but it may prove necessary in extreme cases of prolonged infection, or where it is not believed the person will comply with directions to keep themselves or other people safe. Under Article 13 of these Regulations, a person who obstructs an officer from exercising a power under these Regulations, or absconds, or provides false or misleading information could receive a fine of up to £10,000, or be imprisoned for up to 6 months. Those are the principal powers in this legislation and they are set out in Regulations as opposed to primary law and because of that they do not require a full statement of compatibility with the European Convention on Human Rights, but Law Officers have nevertheless considered the human rights implications and that is given in the report accompanying these Regulations. In short, because these powers will only exist to address a very real public health crisis and because they are a temporary measure, they are deemed to be proportionate in the circumstances. That does not mean that as an Assembly we want to impose these powers on our community. I, and I am sure all of us, will feel a very real sense of disquiet requiring people to do such things, but in the interests of the public health, the whole population of our Island, I would ask Members to be brave and make this far-reaching decision to protect ourselves. I recommend these Regulations to the Assembly and I propose the principles and call for the *appel*.

The Bailiff:

Are the principles seconded? [**Seconded**]

7.1.1 Deputy K.G. Pamplin:

It cannot be understated what we are doing here today with these powers. If you had said to me during the election campaign this is where we would be almost halfway through this Assembly, I would not have believed it. Again, however, as leading the Scrutiny response of these Regulations, I stand here on behalf of the Panel. Starting, we would like to thank the Department of Health and Community Services again for sharing the Regulations with us prior to formal lodging. I would also like to thank the Law Officers and the Legislative Drafters for making themselves available to the Panel. They sometimes do get a lot of stick out there, but they were available to us over the weekend at any hour. The level of work that they are going on is unprecedented; that cannot be understated. They took all our inquiries and questions in good faith and understood the process of Scrutiny and again I would like to stand here and thank the Minister for Health and Social Services, who is doing extraordinary work making himself available to all of us under unprecedented times. I would like to thank him again.

[15:15]

Given the unprecedented Regulations that the Minister has talked through, there are some things we would like him to reassure Members today before we vote on this. As outlined in the report, if adopted, the draft Regulations would enable this States Assembly to introduce new powers to impose requirements on people to be screened and assessed for the coronavirus during this crisis. We have discussed in our comments paper, which I hope all Members have received and gone through and I would like to just pick out some things for Members' attention. During the briefing with the Minister and his officers, it was recognised the draft Regulations proposed extensive new powers; that it was also important to note and we were reassured, the Regulations would be bound solely, as the Minister described, to COVID-19 and the response to the virus, as he stated, a public health issue. Regulation 4, which introduces powers relating to self-isolation ... I will pause.

The Bailiff:

We were asked, if the fire alarm went off, to wait for a while, because sometimes they go off incorrectly. As it has gone off immediately, let us assume it was a false fire alarm; please do carry on, Deputy.

Deputy K.G. Pamplin:

I shall carry on. Regulation 4, introducing powers for self-isolation. It is important to note, Members, that due to the lack of powers within our current legislation, the Government has only had the ability to advise members of the public to self-isolate. The draft Regulations, if approved, will introduce the power to enforce isolation and would enable non-compliance to be penalised with a fine, as the Minister stated. We also noted, however, the draft Regulations would not enable prosecution retrospectively, i.e. cannot penalise, or fine, a member of the public for not following advice, if there was not legislation in force at the time, the Minister noted it was 14 days retrospectively as he mentioned. Regulation 5 enables the Minister, by Order to prohibit members of the public from going to or remaining in public places and is comparable to legislation in the United Kingdom. The Panel was advised that this power was different to all other powers contained within the draft legislation, as it can only be enacted once the Minister for Health and Social Services has determined by Order that it shall be enacted. I also noted, while the decision to lock down the Island has not been taken yet, the draft Regulations allow the power to be in place for when that decision is made by the Minister. The Panel was advised the Order brought by the Minister must include details as to who is exempt from the Order and any public places that it does not apply to. Again, a matter of communication we urge is really clear on this. I will not go through all the Regulations, but they were some of the ones that really stood out. A key area we would like to point out, the Panel was advised that the powers contained within the draft Regulations apply to everyone in Jersey, unless they are exempt by Order. This includes children. As the Minister stated, children can be required to be tested under the draft Regulations and it would be the parent's responsibility and here is a crucial point, or another adult who is responsible for the child, including where the child is a looked-after child. So, the States, where we have corporate responsibility for children in care and I am sure the Minister will refer to that when he responds, but that is a very crucial point. We must ensure the child under that is aware. It was noted that, if the parent does not take responsible actions they would be committing an offence. However, crucially again, the Panel would like to point out it was also noted that if the child refuses to comply and it was found that the parent had taken reasonable action, then an offence by the parent would not have been committed. We did raise a question and I was glad to hear it in the Minister's opening speech, about how these powers would be exercised under these Regulations and the issue of the person's mental health. It was advised that throughout the draft Regulations all offences were caveated with "reasonable excuse" and, therefore, if a person did not comply because they did not have the capacity to comply, that would be considered a reasonable excuse. That is a very important point for everybody in our Island to understand. The example we were talking with the Law Officers is anybody who suffers autism, anybody who knows this, if a person cannot respond in a timely way, all things were considered in dealing with due care to that

individual; to use that as one example. So, again, we raised this question regarding a person's capacity in seeking consent for a screening assessment. It was advised that seeking consent under the draft Regulation would be the same as any other medical examination in a person's life. If someone has no capacity then the decision will lay with the lasting power of attorney or equivalent. It was also noted that extensive legislation already exists that addresses this issue of capacity and would still apply to the Regulations introduced under the Law. It is a critical point to get out across our community. Regulation 11 creates a right to review by the Minister if a requirement to impose on a person in order to test whether they are reasonable, or proportionate, measures. Here the Panel was advised that the Minister is currently looking at practical ways of how such a review would be carried out and consideration, as the Minister alluded to, was being given to forming a Review Panel, to assist the Minister making such a decision. We did query whether guidance on how a review by the Minister may be exercised and would it be available for this debate on the draft Regulations. This is a serious point. The right to review, the right to human rights, in that process has to be crystal clear at some point in the future and we welcome the Minister and we urge, as soon as possible, to have those measures presented to us to share across membership here, for our Scrutiny Panel and again for the wider community. These are extraordinary powers, again in extraordinary times; we cannot lose sight of safeguarding and human rights of all individuals with the right to reply. Again, the Panel noted the draft Regulations, if enacted, would expire on 30th September, just after the States Assembly were due to reconvene after the summer recess. It was advised to us that if, by September, Jersey were still in the threshold of COVID-19 pandemic, there would be an option to bring new Regulations, which carried the same powers as under these draft Regulations. We will monitor this very closely because, again, we are in unprecedented times for how our recess will function. As a final comment, the Minister wanted to reassure us and the Panel that his intention, as he stated, was not to impose dictatorial laws, or initiate a police state. An order to stay in a place can only be made on public health grounds and to deal with an emergency. We are grateful for the legal advice we obtained and the further review of the powers that we would be putting, therefore, on the Minister today was under that guise to protect the health of the public and not to deal with the policing matters in general. Therefore, the Panel has reviewed the draft Regulations. I hope Members have taken on board how seriously we took this matter, how quickly and how good Scrutiny can work if we get line of sight of all the information. We are happy, therefore, to recommend to Members that we can propose supporting the Minister with this immense Proposition. I do have one extra thing to add and if the Minister could clarify, the important part is the powers are being entrusted to the Minister and, therefore, we do not want to lose our Minister currently for any reason due to the pandemic currently going on, but in all seriousness, if the Minister was not capable, where does the delegation fall to? You have various Assistant Ministers; I think it is really important that we know, if you are incapacitated for any reason, carry on the legal, statutory, orders of this, who that is, for Members to know.

7.1.2 The Connétable of St. Clement:

Like Deputy Pamplin, I would like to thank the Minister for Health and Social Services, not just for bringing this Regulation, but also for doing an excellent job managing this pandemic, with the support from his medical and administrative teams. No right-minded Minister, no right-minded Government, wants to bring forward legislation, which has such a profound impact on people's liberty. But the fact that we have to do so underlines the seriousness of the threat that we are facing. These Regulations will provide an important weapon in our armoury with which to fight this virus. I wanted to speak in this debate just to make a few short comments on the public order issues raised by these Regulations. As the Minister has explained, the restrictions set out will be enforced by enforcement officers. From a Home Affairs perspective, most of the times these measures will be enforced by the Police, but the Regulations also allow Prison Officers and Customs and Immigration Officers to enforce the measures. Now, it is my hope and I am sure the hope of all of us, that the police and others will not have to use the powers set out in these Regulations. I hope that their mere existence

will have the desired effect. I hope that Islanders will understand what is being asked of them, why it is being asked of them and that they will comply. However, it has been clear to me that we must have these powers in the event that some people do flout the rules, in the same way as some, the minority, have flouted the advice given to date. I know that all the relevant officers in the Home Affairs family stand ready to enforce these rules, to protect the public from this horrible virus. The Police, Prison Officers, Customs and Immigration Officers, are already doing a brilliant job in helping us to manage the COVID-19 outbreak. I know they will continue to do so in the weeks and months to come and I would like to take this opportunity to thank them and all staff working tirelessly in our front line services, including those in the Ambulance Service and the Fire and Rescue Service, for their dedication and commitment to keep Islanders safe. I hope that Members will support these Regulations.

7.1.3 Deputy G.P. Southern:

It is only half ironically that I ask what enforcement is there on me now, because I have been out of my home for more than 2 hours and how will my absence from home be monitored, so that I can meet the limit of 2 hours?

7.1.4 Deputy G.J. Truscott:

I will be supporting these Regulations. This goes back to my school days, George Orwell, *1984*, to a degree and these are very serious measures that we are imposing on our population and I agree with Deputy Pamplin, when he first joined politics he would never have thought he would be here today supporting this type of measure. But we have this coronavirus, COVID-19, it needs its legs cutting off basically and we do need to stomp it out and this is measures that will pre-empt the very imminent, I would imagine, complete shutdown of the Island and I hope it does, because that is what is needed right now; we need to follow Guernsey, all the other Channel Islands and the U.K., in being decisive and stopping this virus in its tracks. I was just wondering; there is going to be an awful lot of monitoring and surveillance to a degree and certainly I have family living in France and France has been under lockdown now for a number of weeks. They have paperwork that they print off the internet and I was just wondering if the Minister will be doing that type of thing, whereas if, for example, you are going to walk the dog you print this form off and you put in the time that you left the house and if you are stopped you are expected to present this piece of paper, so will we be introducing something like that; I would like to hear from the Minister? We have all of our workers, and I have nothing but admiration for everybody, the blue light services, the nurses, doctors, and everyone, all under a great deal of pressure. Will we be able to cope with this type of surveillance going forward? So, if he could answer those questions I would be delighted.

7.1.5 Deputy K.F. Morel:

Before I start, I am going to ask a number of questions and I hope the Minister can respond to my questions, unlike his previous ministerial colleague, who failed to do that entirely. This legislation really gets to the heart of the matter between individual rights and the rights of the State and the rights of the community. It is a devastating and unpleasant piece of legislation to come before us and I believe the Minister knows that and understands that and I am pleased that he is showing the respect for such a piece of legislation that he has.

[15:30]

My questions revolve principally around Regulation 7 and it is a shame that the Minister for Home Affairs has already spoken, because the Minister for Home Affairs may be better positioned to answer some of these questions. Regulation 7 is about the requirement to provide a biological sample. My first question is, am I right in thinking that ...

The Bailiff:

Deputy, I have to pause, I do not think we are quorate. Yes, thank you, please carry on.

Deputy K.F. Morel:

Am I right in thinking that there are no exemptions to Regulation 7? I cannot understand how there could be exemptions to Regulation 7 but, if somebody is suspected of having this virus and they are refusing to be tested, even if they are an essential employee, they will need to be tested and so I would hope that there are no exemptions, but I would like the Minister to confirm whether that is the case, or not. When proposing this legislation, the Minister said - and I paraphrase - something along the lines of scared and confused people will not be compelled. I would like to understand how that is going to be the case and this is where the Minister for Home Affairs comes in, how do both Ministers intend to ensure that this is the case. That when someone is scared, confused, possibly very much misunderstanding the situation, that enforcement officers will not act with excessive force and that enforcement officers will understand that they have to back off, rather than use greater force, *et cetera*. Particularly when some of those enforcement officers, as the Minister for Home Affairs has said, are perhaps not enforcement officers used to operating in a public environment, or used to operating in a way to restrain people, such as Customs Officers, who perhaps are not used to public order type situations in the same way as the Police are. So, I would really like to understand what kind of training is being done and given to those enforcement officers in that area. I would also like to understand whether Regulation 7 enables samples to be taken by force. We heard from Dr. Muscat earlier that often samples have to be taken from the back of the throat, some sort of swabbing. While these Regulations definitely talk about compelling someone to stay in a particular place and they provide a requirement to provide a biological sample, I do not quite understand whether, or not, they provide for a sample to be taken by force when someone is saying no. Is it the case that this Regulation only requires them to stay in that place and possibly to be fined; that I understand. If, however, they are going to be forced to open their mouths and forced to have a swab taken from the back of the throat, then that for me then creates a gateway to further questions, particularly again about the training of those authorised officers who may be undertaking such a function. Just checking through my questions. Yes, equally in regard to the reasonable excuse that the Minister spoke about, how will the Minister ensure that authorised officers do stop when there is a reasonable excuse, such as a person with mental health difficulties, or various conditions, what oversight is going to be in place to ensure that they do not overstep that mark? Those are the questions that I have and I really do ask the Minister to answer these questions.

7.1.6 Deputy J.H. Perchard:

I just have quick plea really for the Minister regarding a definition of the language. So far, in public, the Government have published advice that contains the following terms: social distancing, social separation, self-isolation, home isolation, shielding and household isolation, these are all terms that have been used. I do feel from the feedback I have received over the last few days that the distinction between these terms is not clear to all. Some of the terms are perhaps used interchangeably and, given that we are now embedding at least social distancing into this change, it is really important that there is absolute clarity about the definitions of terms, both in this legislation, but also just going forward for the public. If I might request the Minister to reflect on that and perhaps strip away some of the interchangeable terms and just consistently use 2 or 3 terms to describe the difference between social distancing, self-isolation and whether you want to call it home isolation, household isolation, or shielding; it would perhaps provide some clarity, because, again, people will struggle to follow rules that they do not understand and people will struggle to enforce rules that are ambiguous.

7.1.7 Deputy R.J. Ward:

One question for the Minister is this is, obviously, the inextricable move towards more and more isolation for different groups and I would like to raise a number of questions. I have 20, or so, questions, but I will just ask one, which is that there is evidence that during times of isolation like this and in other areas of the world, there is a real issue regards domestic violence increasing and the consideration of that in these rules and what would be happening in such a difficult situation as we

are in, being very aware. I would like to flag up that issue on the Island for families that may be more isolated by nature of what we are about to probably pass in this Assembly and what action can be taken, or just a reassurance, as well, that issue of increased domestic violence is something that you are very aware of and addressing as part of these rules.

The Bailiff:

Does any other Member wish to speak on the principles? I call on the Minister to reply.

7.1.8 The Deputy of St. Ouen:

I thank all Members for their contributions in this significant debate and again I am sorry to see that we fell iniquate during a very significant debate, when Members ought to be considering how we safeguard and maintain people's human rights, freedoms, but yet introduce proper precautions over our health situation. Deputy Pamplin first of all referenced looked-after children and, yes, the Government would be responsible for its looked-after children and the Children's Service will be ensuring that its officers know that our looked-after children will be kept safe, as far as we can. Deputy Pamplin also pointed out that the Order that I might make, to keep people at home, or away from public places, has to be clear about exemptions and I totally agree. We will be as clear as possible and I do know work is going on as we speak. I do want to put in place, as I have said, a proper process around a review of decisions made by authorised officers and yesterday, yes, the Scrutiny Panel did ask what guidelines and process guidance there may be around such a review and I am sorry that that was just not available, because there has just not been the capacity in those working for us to direct their minds to that with any great time and certainty at the moment. We will do it as soon as possible and we will have a process in place, before that Order is made. I was also asked by Deputy Pamplin about what delegations I have made. I have made delegations of all the Ministers' powers to my Assistant Ministers, but in reality while the Regulations as is expressed, as written, do vest the power in me, we are working together as a Council of Ministers and as the Competent Authorities and we will discuss this together and, of course, always taking the advice of the Medical Officer of Health. May I also concur with Deputy Pamplin? I am very pleased to have worked well in this pressured situation with the Scrutiny Panel and I thank them for meeting us very quickly and for their testing out of what we were trying to do. I thank Connétable Norman for his support and, yes, the marvellous teams in the Police Service and the others who might step up as enforcement officers. Deputy Southern, well, I think I would say 2 things about Deputy Southern. He is one, essential and he is, 2, a worker, so I am glad you are still here and contributing, Deputy. Deputy Truscott asked us about, or he referenced, the paperwork that he knows people take out in France and that is under consideration. We are not exactly sure whether we will be introducing *proformas*. Is the French state not just wonderful in its bureaucracy? I think we will perhaps have to see how the public respond, if there needs to be a form issued that people have to print and take out, then so be it, but I hope we do not get to that. I hope we get a good public response to this, because that is the only way we will defeat COVID. It is not about enforcement and checking your papers. Deputy Morel asked some excellent questions and if I can carefully try and go through them. So, there are no people who might be exempted from testing, even an essential worker can be asked to be tested. People who might be scared, or confused, these are day-to-day decisions that police officers deal with. They will be moving on people who might be in that state, they will be dealing with them in the community and in public places and they do that well. If there is any extra training needed, I know that will be considered, but I do not think there is any extra training. No one is going to be forced to provide a biological sample. These Regulations do not authorise anyone to hold people down on the floor and forcibly insert a swab into their mouth. If people do not have the capacity to give consent and are resistant, they are notionally liable to be fined, but I cannot envisage circumstances in which we would try to fine them. Police Officers are well used to dealing with this. We have to look after the vulnerable in our community. This is about public health, not about police powers. What oversight concerning the authorised officers? The authorised officers are professional

people. Our Police Officers are highly trained. The Environmental Health Officers know their work. G.P.s will also act as health officers and hospital doctors possibly, yes, certainly. They are professional people, but all will receive guidance on their powers and how we would expect to exercise them under the Law. We will be emphasising that we are dealing with a public health emergency here, but the Regulations must only be used in somebody's best interests, or where it is to protect the health of another person, or where it is in the interests of the Island's public health.

[15:45]

So, officers will always consider their actions through that lens. Deputy Perchard, yes, I completely understand the point that you make. We are rapidly trying to learn lots of new terms and comms has been under pressure, but they are doing an excellent job and I commend them, but if we have got our messaging a little wrong sometimes, then we can only apologise, but there is a difference between social distancing, which we are all doing here and isolation. There is a difference between self-isolation and home isolation. So a home isolation is where a household is isolating, but they can sit on the sofa next to each other. Self-isolation means a person in a household must not mix with any other persons in that household. Certainly, we will reflect, we are always reflecting and I think from this point if these Regulations are approved we will have to use the wording in these Regulations, because that is what will be enforceable. To Deputy Ward, an excellent point about the risk of increase in domestic violence and we are aware of that, the pressures that people will have to their well-being and mental health issues. Our mental health teams are being prepared, those working in mental health and in all healthcare areas are acutely aware and the Government is addressing that. I am sure that, as next week progresses and the weeks go on, we will be hearing more about the steps to safeguard people, their safety and their mental health. Wherever we are aware of any risks around domestic violence, I am sure that officers will be aware of that and they have powers to call on people in isolation and ask questions. That is part of the assessment. I think those were the comments. I thank everyone who has spoken and I just wish to reiterate these are extraordinary powers, but they are for public health reasons. We will, if we need to enforce them, do so from a public health point of view.

Deputy G.P. Southern:

A point of clarification, if I may?

The Deputy of St. Ouen:

Yes, I am happy to yield to the Deputy.

Deputy G.P. Southern:

My question earlier was only half ironic. It is my wife who wants to know how you can monitor and maintain the fact that she cannot leave the house for more than 4 hours. How is that going to be done?

The Deputy of St. Ouen:

How is it? Well, Deputy, I am sorry I did not mean to treat your question flippantly. The answer is really we are going to have to ask the Islanders to comply with such things. I cannot ask a Police Officer to watch over your home.

Deputy G.P. Southern:

That is exactly what I thought.

The Deputy of St. Ouen:

Yes and we have seen, have we not, in this last week, just how people are accepting the advice that we have given out and people are staying at home, people who have to be out are social distancing and swerving around each other on the streets? The roads are so much quieter. Only essential work

is going on. I know there have been instances where people have not followed advice, but I think, as time has gone on, people are understanding the seriousness of it and we are getting greater compliance. I hope these Regulations, although needed for enforcement, will also be another step in persuading our Island that we are serious about this, because there is a serious need for all of us to take care of ourselves, to take care of others around us, particularly the vulnerable groups.

Deputy K.G. Pamplin:

Sir, I seek a point of clarification from the Minister.

The Bailiff:

A point of clarification from the Minister's speech?

Deputy K.G. Pamplin:

Yes. I have learnt from earlier and got here quicker. Again, I ask the question about the incapacitation of you as Minister, that who out of your many Assistant Ministers you will bring to any Scrutiny briefings, or any meetings, so an Assistant Minister can be available to us if you are busy as you are going to be more busy in the days ...

The Bailiff:

Through the Chair, please. The use of the word "you" is barely ...

Deputy K.G. Pamplin:

Thank you, Sir. So, yes, can the Minister ensure that any forward briefing with us as a Scrutiny, or Members, accompanies a designated Assistant Minister who, if the Minister is not available, can act in his authority, speaking through him? Equally, a further point of clarification on the point he raised about support that Deputy Ward raised about anything to do with any form of assault. I have had a message from Dewberry House saying they want to reassure people that they are still providing 24-hour support, medical care, and that number is 01534 888333.

The Bailiff:

No. You stood up for a point of clarification of the Minister's speech.

Deputy K.G. Pamplin:

Yes, sorry.

The Bailiff:

You are turning this into a second speech. I am sorry, could you sit down, please? Thank you very much.

Deputy K.G. Pamplin:

No problem.

The Deputy of St. Ouen:

Sir, I undertake to work out with the Scrutiny Panel how we would remain connected with them, should I be indisposed. I have made a general delegation to Senator Pallett and Deputy Raymond, but the Chief Minister can also exercise all powers that a Minister can exercise and I think powers in these Regulations, if I was not available, should be exercised by the Chief Minister. I have heard comments from my left that that is perhaps the right way, but I have not discussed that yet, but it is something we will need to discuss exactly how we might do that. There are mechanisms for ensuring that this will happen and I do not regard this as a piece of legislation that I alone am going to be monitoring. This is a governmental response. It just happens that I am the one who was selected to stand here and propose it, because it is a public health measure, quite rightly. I maintain the

principles. Because of the significance of the powers I would like to ask for an *appel* on each part of the ...

The Bailiff:

I am sorry, they are in a separate category.

The Deputy of St. Ouen:

Yes, you are right.

The Bailiff:

It cannot be each part of each Article, sorry. You have to have the matter dealt with as a whole. It is only the principles. We are not dealing with the individual Regulations.

The Deputy of St. Ouen:

That is true, Sir, so I ask for an *appel* on the principles.

The Bailiff:

An *appel* on the principles. The *appel nominal* is called for.

POUR: 34	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator J.A.N. Le Fondré		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of Grouville		
Connétable of St. John		
Connétable of St. Peter		
Connétable of St. Ouen		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy J.M. Maçon (S)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy G.J. Truscott (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

The Deputy of St. Ouen:

I thank Members for their support.

The Bailiff:

We will now deal with the matter in Second ... I beg your pardon, the usual question is to be asked of Scrutiny. Does the Scrutiny Panel wish to call this in?

Deputy M.R. Le Hegarat (Chair, Health and Social Security Scrutiny Panel):

No, thank you, Sir.

The Bailiff:

Thank you very much. How do you wish to deal with the matter in Second Reading?

7.2 The Deputy of St. Ouen:

I have given a reasonably detailed description of the principle Regulations. Unless Members wish to spend time debating any particular Regulation, I would like to take the Regulations in the Parts under the Law. Part 1 being the interpretation of preliminary provisions, Articles 1 to 3 and seek a vote on that. A standing vote is appropriate.

The Bailiff:

So you wish to propose those by themselves at this point?

The Deputy of St. Ouen:

Yes, Sir.

The Bailiff:

Very well. The Regulations contained in Part 1 of the ... is it just Part 1 you wish to take, Minister, at this point?

The Deputy of St. Ouen:

Part 1 at this stage, Sir.

The Bailiff:

Yes, Part 1, so that is Regulations 1 through to 3. Are those Regulations seconded? **[Seconded]** Does any Member wish to speak on those Regulations? All those in favour of adopting Regulations 1 to 3 kindly show. Those against? Regulations 1 to 3 are adopted.

7.3 The Deputy of St. Ouen:

I would then like to take you to part 2, which is Regulation 4, self-isolation and Regulation 5, the power to prohibit going to or remaining in public places.

The Bailiff:

Are Regulations 4 and 5 seconded? **[Seconded]** Does any Member wish to speak on Regulations 4 or 5? Those in favour of adopting Regulations 4 and 5 kindly show. Those against? Regulations 4 and 5 are adopted.

7.4 The Deputy of St. Ouen:

I would like to take Part 3, which are Articles 6, 7, 8 and 9, those 4 Articles, which are powers relating to screening and assessment, powers exercisable at the screening or assessment, powers exercisable after the screening or assessment and ancillary powers.

The Bailiff:

Are Regulations 6 to 9 seconded? **[Seconded]** Does any Member wish to speak on those regulations? All those in favour of adopting Regulations 6 to 9 kindly show. Those against? They are adopted.

7.5 The Deputy of St. Ouen:

I would like to take Part 4, which are the final provisions, including the right to review and the requirement that these Regulations expire on 30th September.

The Bailiff:

Are the final Regulations seconded? **[Seconded]** Does any Member wish to speak? All those in favour of adopting those Regulations kindly show. Those against? The Regulations are adopted. Do you move the matter into Third Reading?

The Deputy of St. Ouen:

I do, Sir.

The Bailiff:

Is it seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Those in favour of adopting the matter in Third Reading kindly show. Those against? The Regulations are adopted in Third Reading.

The Deputy of St. Ouen:

I thank you severally.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

That concludes the Public Business for the meeting and I invite the Chair of P.P.C. to propose the arrangements for future Public Business.

8. Deputy R. Labey (Chair, Privileges and Procedures Committee):

I do not think I am alone in this room in questioning the ability, or the wisdom, of the Assembly meeting in this way next week and going forward. It seems to me we are on the brink, are we not, I do not have any prior information, but it seems to me we are on the brink of near total lockdown. This just does not seem sensible, but meet we must, because there is important legislation for the Assembly to consider and pass, not least so that our justice system, so the courts, can continue and we have a meeting scheduled for Thursday, 2nd April. I know there is pressure on the Privy Council to meet earlier than 15th April and that might have a knock-on effect with future meetings, future special meetings, of the Assembly. Thanks to your foresight, Sir and the Chief Minister's and especially the Greffiers, we are able to meet digitally, remotely and I think the Assembly is going to have to get their head around doing this to a greater extent.

[16:00]

P.P.C. was able to bring forward legislation that allowed us to be present, but not in the same room, to be present electronically, remotely and I think there is still some confusion among Members about what this entails. I think a lot of Members feel that there needs still to be a physical presence of 25 people in the same room for us to be quorate. That is not the case. We can be quorate with all Members being present remotely and I think we are going to have to get our head around this, because it seems to be the best way forward and the best example to set, as well. It is difficult, because obviously when there is a call to attend a States meeting, we are all aware of our oath and we respond to it, like a call to prayer of the faithful and we will move heaven and earth to get here, but instead of asking Members to please let us know if they cannot attend, I think we should be moving into the

territory where we ask Members please to stay at home and to participate remotely. Now, I suppose it would be ideal if a Member of the Greffe, if a presiding officer and a proposer of each piece of legislation on the agenda were to be in the same room with the rest of the membership of the Assembly taking part remotely, but even then it does not necessarily have to be those 3 people. I know that the Greffier is working on some new functionality with Teams that might make it easier for us to participate in Teams in the normal way and I know that the Members, who have been attending this meeting remotely, have felt very remote and not been able to participate fully and properly and to them we apologise, but it is par for the course with how we are proceeding. Of course, it is not going to be ideal. These virtual meetings of the Assembly will be very different and Members will feel remote and I will work with the Greffier on providing any more advice that we can before we meet again, possibly virtually, or remotely, to assist Members in playing a full part. I just wanted to make that clear to the Assembly, because I do not think continuing physically to be together in such numbers is a sensible way forward next week and going forward. We do not have the legislation yet for Thursday's meeting, but effectively with that I propose the arrangement for Public Business going forward.

The Bailiff:

Deputy Morel had his virtual light on.

8.1 Deputy K.F. Morel:

It is a very analogue light, Sir. Thank you, Chair, for saying that and while in so many ways I do agree in so many ways I have enormous concerns. That is quite simply as someone who has been taking part remotely, I just feel I need to advise the Assembly. Participation is much reduced. The ability to question Ministers, hold people to account, is much reduced, to the point of being almost non-existent. To take such a step has to be done, I believe, only at the very last resort, because once we do try to hold the States Assembly virtually, we will no longer be getting the proper opportunity to challenge Ministers about the decisions they are making. As we have seen today, the decisions Ministers are taking and the Propositions they are lodging go to the very heart of individual freedoms and what it means to be a citizen of this Island and the balance between the Government, the state and the individual. I personally believe that we need to hold off for longer, if that is at all possible, because the moment we take that decision to undertake remote meetings, we will be disenfranchised. That means Islanders will no longer be represented properly and it effectively gives Ministers almost entire control over what happens in this Island, without challenge and without appropriate questioning. I just feel I have to say this before we all charge herd-like and headlong down the same, following the Chair's suggestion, because, at the moment, I disagree. I want to agree, I understand where he is coming from, but I feel it is still slightly too early before we send this Assembly into a virtual world.

The Bailiff:

As a Presiding Officer, of course, the Standing Order that provides for dealing with matters remotely does not come into effect other than in limited circumstances, those circumstances including where it is impossible to form a quorum of the Assembly at a meeting. We are today in the same position as we were in, or almost the same position, other than for the over-65s, as we were in yesterday and it seems to me that it is probably too soon to make any kind of a certain assessment as to how the Assembly should sit on the next occasion. Chair, if I can suggest that we simply adjourn the Assembly to the next date, which is 2nd April, in the morning, and should circumstances change and should it be necessary for us to be in this position that will obviously happen in the intervening period. If Members agree then ...

Deputy R. Labey:

Yes, absolutely, Sir. That is the plan, but I think my point was that we might have to change the culture and that Members should prepare for that. Of course, I did make the point that Members are not going to feel as though they are participating as much as they should be, but we are in an emergency situation, passing emergency legislation for 3 or 4 months and we have a responsibility too to set an example. This is a large public gathering of the kind that we are asking our population not to make. We also have a responsibility to those in the offices that we might be returning to and to our families to not take the virus anywhere else, so there is a bigger responsibility too. As I said, the Greffier is working on more functionality for Teams and he will update us with that in the course of the week. I know he is going to do that on Monday. That is it.

The Bailiff:

Very well. Do you wish to ask something or say something, Deputy?

8.2 Deputy R.J. Ward:

Yes, just quickly. I think we are realistically going to come to a situation where we cannot meet in this way and it does not set a good example for the rest of the population. One of the things we have to do is take a responsibility individually to try to do everything we can to get our remote access working and if that means us all referring in some way over the next week or so to the I.T. (information technology) people to help us out, we all need to do that. We managed to run our Scrutiny meetings by Teams, but that is only 6 or 7 people. I think the most we had was 9 at one time. Having 49 people on Teams is going to be very difficult, but we do need to try to address, in some way, that sort of virtual meeting, so that we can continue to engage and I do share the concerns that have been voiced there in terms of emergency situations. That is the point I would make to the Chair of P.P.C., as well.

The Bailiff:

These are exceptional times. Would it be of any assistance to Members if the Greffier now explained the up-to-date position with regard to remote access? Yes, if you would, Greffier.

The Greffier of the States:

What we have done up to now is we have let Members, who are not present, sign in to a Teams chat where they can provide questions and contributions that we put on a screen, but they are not part of the meeting, they are not present, so it is not like how we would run the meeting if we had to do it entirely remotely. The Standing Order allows us to do that in the circumstances that the Bailiff has set out. There is a part of Teams that we have not used, which allows a meeting to be set up and run by a director, who is effectively the Presiding Officer, which allows people to be queued up to come in and speak, so it is not reliant on text, as and when they are required. That, I believe, can be live-streamed and recorded, so we can have it transcribed by Hansard, so we are going to give that a test on Monday within the staff who, obviously, are all working remotely to see how that works, but that is how we envisage running a remote meeting, if we have to do so. So, it will not be like this, but nor will it be like what Deputy Morel experienced this week, which was really a very stripped-down, basic, version of how people absent could contribute where there was a quorate meeting. That is what we are going to work on and if that works out and we get ... we have got some advice, as well, from Digital Jersey who are helping us with this, so it is not just me and hopefully during next week we will be able to give some guidance, so that if and when the Bailiff agrees that we need to do this, we can do it and it will work as well as it can. It will not be the same as a proper meeting of the Assembly, I get the point that Deputy Morel is making, but nor will it be the experience he had, which was really quite different to what we have in mind.

The Bailiff:

Is the adjournment then ... it is proposed? **[Seconded]** Then the States stands adjourned until 2nd April.

ADJOURNMENT

[16:10]