

# STATES OF JERSEY

## EXTRAORDINARY SITTING OFFICIAL REPORT

THURSDAY, 2nd APRIL 2020

<b>COMMUNICATIONS BY THE PRESIDING OFFICER.....</b>	<b>5</b>
<b>1.1 Welcome to His Excellency the Lieutenant Governor .....</b>	<b>5</b>
<b>1.2 Voting.....</b>	<b>5</b>
<b>1.3 Changing order of Order Paper.....</b>	<b>5</b>
<b>PUBLIC BUSINESS.....</b>	<b>5</b>
<b>2. Draft Social Security (Amendment of Law No. 12) (Jersey) Regulations 202-         (P.31/2020) - as amended (P.31/2020 Amd.).....</b>	<b>6</b>
2.1 Deputy J.M. Maçon (Assistant Minister for Social Security - <i>rapporteur</i> ):.....	7
2.2 Deputy J.M. Maçon: .....	7
2.2.1 Deputy R.J. Ward of St. Helier:.....	7
2.2.2 Senator I.J. Gorst: .....	7
2.2.3 Deputy M.R. Le Hegarat of St. Helier:.....	9
2.2.4 Connétable R.A. Buchanan of St. Ouen: .....	9
2.2.5 Deputy M. Tadier of St. Brelade: .....	10
2.2.6 Deputy G.P. Southern: .....	11
2.2.7 Deputy K.F. Morel of St. Lawrence: .....	12
2.2.8 Deputy L.B.E. Ash of St. Clement: .....	13
2.2.9 Deputy G.J. Truscott of St. Brelade:.....	13
2.2.10 Deputy J.H. Young of St. Brelade:.....	14
2.2.11 Deputy K.G. Pamplin of St. Saviour:.....	15
2.2.12 Senator S.C. Ferguson:.....	16
2.2.13 Deputy J.A. Martin of St. Helier: .....	16
2.2.14 Deputy S.J. Pinel of St. Clement:.....	16
2.2.15 Deputy J.M. Maçon:.....	17
<b>3. Draft Marriage and Civil Status (Amendment of Law No. 2) (COVID-19 - Temporary         Amendment) (Jersey) Regulations 202- (P.36/2020) .....</b>	<b>19</b>
3.1 Connétable L. Norman of St. Clement (The Minister for Home Affairs): .....	19
3.1.1 Deputy K.F. Morel:.....	20
3.1.2 Deputy M.R. Higgins of St. Helier: .....	20
3.1.3 Deputy R.J. Ward: .....	21
3.1.4 The Connétable of St. Clement:.....	21
3.2 The Connétable of St. Clement:.....	22
3.2.1 Deputy M. Tadier:.....	22

3.2.2 The Connétable of St. Clement:.....	23
<b>LUNCHEON ADJOURNMENT PROPOSED .....</b>	<b>23</b>
<b>LUNCHEON ADJOURNMENT.....</b>	<b>24</b>
<b>4. Draft COVID-19 (Screening, Assessment and Isolation) (Amendment) (Jersey) Regulation 202- (P.38/2020).....</b>	<b>25</b>
4.1 Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services): .....	25
4.1.1 Deputy K.F. Morel:.....	26
4.1.2 Connétable A.S. Crowcroft of St. Helier: .....	26
4.1.3 Connétable M.K. Jackson of St. Brelade: .....	26
4.1.4 Connétable C.H. Taylor of St. John:.....	26
4.1.5 Deputy J.H. Young: .....	27
4.1.6 Deputy D. Johnson of St. Mary: .....	27
4.1.7 Deputy K.C. Lewis of St. Saviour: .....	27
4.1.8 Deputy M. Tadier:.....	27
4.1.9 Deputy M.R. Higgins:.....	27
Mr. M.H. Temple Q.C., H.M. Attorney General: .....	28
4.1.10 Deputy R.J. Ward: .....	28
4.1.11 Deputy I. Gardiner of St. Helier:.....	28
4.1.12 Deputy K.G. Pamplin: .....	29
4.1.13 The Deputy of St. Ouen: .....	29
<b>QUESTIONS.....</b>	<b>31</b>
<b>5. Questions to Ministers without notice .....</b>	<b>31</b>
5.1 Deputy M.R. Higgins:.....	31
The Deputy of St. Ouen (The Minister for Health and Social Services): .....	32
5.2 Deputy L.M.C. Doublet of St. Saviour: .....	32
5.3 Deputy C.S. Alves of St. Helier:.....	32
Senator J.A.N. Le Fondré (The Chief Minister): .....	32
5.4.1 Deputy C.S. Alves: .....	32
5.5 The Connétable of St. Helier: .....	33
The Deputy of St. Ouen: .....	33
5.6 Deputy R.J. Ward: .....	34
5.6.1 Deputy R.J. Ward: .....	34
5.7 Deputy I. Gardiner: .....	34
5.7.1 Deputy I. Gardiner: .....	34
Deputy J.H. Young (The Minister for the Environment):.....	35
5.9 Deputy S.G. Luce of St. Martin: .....	35
Senator J.A.N. Le Fondré (The Chief Minister): .....	35
5.9.1 The Deputy of St. Martin:.....	35
5.10 Deputy K.F. Morel:.....	36
Deputy J.A. Martin (The Minister for Social Security): .....	36
5.11 Deputy M. Tadier:.....	37
5.11.1 Deputy M. Tadier: .....	37
5.12 Deputy K.G. Pamplin: .....	37
The Deputy of St. Ouen: .....	37
5.12.1 Deputy K.G. Pamplin:.....	38
5.13 Connétable D.W. Mezbourian of St. Lawrence:.....	38
Deputy K.C. Lewis (The Minister for Infrastructure):.....	38

5.14 Deputy L.M.C. Doublet: .....	38
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture): .....	38
5.14.1 Deputy L.M.C. Doublet: .....	39
5.15 Deputy M.R. Higgins: .....	39
The Deputy of St. Ouen: .....	39
5.16 Deputy G.J. Truscott: .....	39
Senator I.J. Gorst (Assistant Minister for Treasury and Resources - <i>rapporteur</i> ): .....	40
5.16.1 Deputy G.J. Truscott: .....	40
5.17 Deputy R.J. Ward: .....	40
Deputy J.A. Martin: .....	41
5.17.1 Deputy R.J. Ward: .....	41
5.18 Senator K.L. Moore: .....	41
The Deputy of St. Ouen: .....	41
5.18.1 Senator K.L. Moore: .....	41
5.19 Senator S.C. Ferguson: .....	42
The Deputy of St. Ouen: .....	42
5.19.1 Senator S.C. Ferguson: .....	42
5.20 Deputy R.E. Huelin of St. Peter: .....	43
Senator S.Y. Mézec (The Minister for Children and Housing): .....	43
5.20.1 The Deputy of St. Peter: .....	43
5.21 Deputy J.H. Perchard: .....	43
Senator J.A.N. Le Fondré: .....	43
5.21.1 Deputy J.H. Perchard: .....	44
5.22 The Connétable of St. Helier: .....	44
Senator J.A.N. Le Fondré: .....	45

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY ..... 45**

**6. The Minister for Economic Development, Tourism, Sport and Culture made a statement regarding the application of the Control of Housing and Work legislation during the coronavirus crisis ..... 45**

6.1 Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture): .....	45
6.1.1 Deputy I. Gardiner: .....	46
6.1.2 Deputy K.F. Morel: .....	47

**7. The Minister for Economic Development, Tourism, Sport and Culture made a statement regarding the application of the Control of Housing and Work legislation during the coronavirus crisis ..... 47**

7.1 Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture): .....	47
7.1.1 Deputy J.M. Maçon: .....	48
7.1.2 Senator K.L. Moore: .....	49
7.1.3 Senator K.L. Moore: .....	49
7.1.4 Deputy R.J. Ward: .....	49
7.1.5 Deputy R.J. Ward: .....	50
7.1.6 Deputy K.F. Morel: .....	50
7.1.7 Deputy K.F. Morel: .....	50

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS..... 51**

8. Deputy R. Labey (Chair, Privileges and Procedures Committee): ..... 51  
8.1 Deputy K.F. Morel:..... 52

**ADJOURNMENT..... 53**

[11:00]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

### **1.1 Welcome to His Excellency the Lieutenant Governor**

On behalf of Members, I would like to welcome His Excellency the Lieutenant Governor to the meeting this morning. We do not expect a foot stamp, but I would like to welcome him nonetheless.

### **1.2 Voting**

I would like to indicate to Members how we propose to vote when votes come to be taken going forward during the course of this session. Where it appears that this is not likely to require the *appel nominal* then we will simply ask people to indicate on the chat whether they are *pour* or *contre* or indeed abstention. It will be quite simple. People can just type P if they are *pour*, C if they are *contre* and A, obviously, for abstention. We will then do a very quick count to indicate whether it has been passed and what we will take to be a standing vote. In the event that the *appel* is called for then the same process will apply. Members should indicate on the chat whether they are voting *pour*, *contre* or abstaining. That, however, will be allocated against their names, so there will be a record kept of who voted in which way. That might inevitably take rather more time, because it has to be done, in effect, manually from those on screens elsewhere but that seems to be an appropriate way of making a distinction between a standing vote that can be dealt with relatively quickly and an *appel*, which might take a little bit more time.

### **1.3 Changing order of Order Paper**

I would be grateful if Members could also indicate whether they wish to make a change to the order of business. The reason that I suggest this is that it is always possible that this meeting may encounter difficulties as it progresses and it occurred to me that it may be more helpful were we to take the Propositions first, so that if we did encounter a difficulty later on at least necessary legislation would have been considered and, if appropriate, passed, by the Assembly. I wonder if Members could, if they wish to say anything about this then please do indicate. But otherwise if people will give a rough indication on chat... **[Comments provided via the chat function]** The universal feedback that I think to prioritise the business of the Assembly accordingly, of the votes in, as approving that course, therefore what we will do is when I have gone through the formal parts of the Order Paper we move straight on to Public Business.

## **PUBLIC BUSINESS**

**The Bailiff:**

We now move on to L, which is Public Business. Before we start Public Business, of course as we have done on the last 2 or 3 occasions, we need to agree, if Members are willing, to lift Standing Orders, so the Propositions can be listed for debate. Chief Minister, do you wish to make that Proposition?

**Senator J.A.N. Le Fondré:**

Yes.

**The Bailiff:**

Yes, we can hear a voice but only very faintly. Could you pause a moment please? Chief Minister.

[11:15]

**Senator J.A.N. Le Fondré:**

Yes, I would like to make that Proposition. I am using Richard Renouf's [the Deputy of St. Ouen's] laptop.

**The Bailiff:**

Yes, we can see you, Chief Minister. Are you making that Proposition?

**Senator J.A.N. Le Fondré:**

Yes, please, Sir.

**The Bailiff:**

Is the Proposition seconded? **[Seconded]** Does any Member wish to speak on that Proposition? In answer to Deputy Morel's question, the Proposition is the normal Proposition at the beginning of these meetings at the moment which enables things on the Order Paper to be taken, notwithstanding the fact that the lodging period has not been met. Or, to put more briefly, as Deputy Ward has just said, the one to cut the lodging period. Does any Member wish to speak? It has been seconded. If people would indicate on the chat. I am getting nothing there. Accordingly, would Members please indicate whether the Proposition is adopted or rejected in the normal way? Thank you. Members have voted to adopt that Proposition.

**2. Draft Social Security (Amendment of Law No. 12) (Jersey) Regulations 202- (P.31/2020) - as amended (P.31/2020 Amd.)**

**The Bailiff:**

Accordingly, the first item of Public Business on the Order Paper is the Draft Social Security (Amendment of Law No. 12) (Jersey) Regulations, lodged by the Minister for Social Security. You will recall that the principles were adopted by the Assembly on 27th March and then the matter was called in to Scrutiny. We resume, therefore, consideration of the Regulations. Minister, there is an Amendment lodged by the Health and Social Security Scrutiny Panel to Regulations 2 and 3. Are you minded, can you indicate, to accept those Amendments?

**Deputy J.M. Maçon of St. Saviour:**

I believe the Minister for Social Security is having some technical difficulties. I wonder if we can move to another Minister, so we can try and resolve that?

**The Bailiff:**

Is the Assistant Minister capable of dealing with this matter?

**Deputy J.M. Maçon:**

Yes, I could do, Sir.

**The Bailiff:**

We will deal with you, Deputy Maçon, as the *rapporteur*. So, the first question is: are you minded to take the Amendments proposed by the Health and Social Security Scrutiny Panel? Do you accept them?

**Deputy J.M. Maçon:**

So, yes, looking at the emails overnight that have come in, I think the Minister is minded to accept the Amendments.

**The Bailiff:**

Shall we take Regulation 1 first and then deal with the 2 Amendments? Do you propose that Regulation, Assistant Minister?

**2.1 Deputy J.M. Maçon (Assistant Minister for Social Security - *rapporteur*):**

Yes, Sir, as laid out, I so propose.

**The Bailiff:**

Is Regulation 1 seconded? **[Seconded]** Does any Member wish to speak on the first Regulation? There is no Amendment to the first Regulation. Can I ask that if anyone wishes to speak and they are indicating that on the chat, rather than simply say “yes” because that could be a response to an earlier question could we please just say: “I want to speak” or something along those lines, so that we know that there is a desire to speak. I will ask the question again. Does anyone want to speak on Regulation 1? Those Members in favour of adopting Regulation 1 kindly use the way that I suggested for the *appel*. Simply put *pour* or *contre* but it is not registered against anyone’s name. There appears to be a unanimous vote for, to the extent that those who put their vote in thus far. Do you wish now to deal with the other Regulations, Assistant Minister? Regulations 2 and 3?

**Deputy J.M. Maçon:**

Yes, Sir. Does that mean the Amendment has been incorporated?

**The Bailiff:**

Yes, you have accepted the Amendments and we will take them as amended. That is what the vote would be on.

**2.2 Deputy J.M. Maçon:**

Just to explain to Members, if they have not had a chance to see the Amendment from Scrutiny, they did raise some concerns about the cashflow. So, just to explain for Members, it is deferring the States grant to the Social Security Fund. We had it for 2 years, the Scrutiny Amendment restricted it for one year. So while that does provide some immediate cashflow for 2020, it means that we would need to come back if we require more in 2021. So, for example, for economic stimulus, *et cetera*. Just to explain what that does, we did send information to Scrutiny but I think with the timeframe that perhaps was not communicated as it was, so we did have an emergency briefing with them yesterday to go through their concerns. Of course, the issue is now, of course, we do need to get cashflow out into the economy in order to support people as quickly as possible. I thank Scrutiny for arranging that briefing as quickly as possible. So the Regulations, hopefully, if I have understood it correctly, should cover those matters and so I propose.

**The Bailiff:**

Are the Regulations 2 to 3 seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Again, I would remind you if you do please just type “speak”.

**2.2.1 Deputy R.J. Ward of St. Helier:**

I just wanted to double check the meaning of this, because it is a slightly strange format. So, the money for Social Security would only be taken in 2020 and then you will have to come back to the States Assembly for any monies to be taken from 2021 and I would just like to know the format of that. Would that be another Amendment, another Proposition? Just to double check the check and balance has been put in place.

**2.2.2 Senator I.J. Gorst:**

Just to respond initially to Deputy Ward and to clarify to Members, this is not money being taken from the Social Security Reserve Fund. This is liquidity not being placed in for the period of 2020. Although both the Minister for Social Security and the Minister for Treasury and Resources, for whom I apologise, are having problems with their technology this morning and although they have been understanding towards Scrutiny after unfortunately placing Scrutiny in a difficult position with regard to providing time for a briefing - both Ministers and myself have apologised to particularly the Scrutiny Chair for that issue - it is quite clear to me that in accepting this Amendment, the Government will need to ask Members next year to defer that payment in 2021. We had a very good conversation with Scrutiny earlier this week, but I just want to reiterate a couple of the points that were made during that hearing. This crisis, as we have said before, is at this moment in time a health crisis. But the F.P.P. (Fiscal Policy Panel) very clearly have said it will develop into a recession and we must do all that we can now to support the economy and businesses and jobs if we are to come out of that recession during the course of 2021. I make no apologies for saying the world has changed. The finances of the Island have changed. What we hoped for and what we agreed on in the Government Plan at the end of last year we must draw a line under it and we must accept that those proposals, those spending plans, those high and lofty aims are going to need to be reviewed, as the Treasury Department seeks liquidity across its assets in order to pay front line workers, in order to meet the liabilities that we have. As we have said before, we know that income tax will be down, G.S.T. (goods and services tax) will be down, social security contributions will be down. The money coming into the Government will be reduced and therefore we have to find a way of reducing the outgoings of Government, but also making sure we do have the resources to stimulate the economy when we get into the recovery phase. Government has already started working on a recovery plan. So any Member that thinks we will just revert next year to the same old processes of delivering a nice Government Plan that is going to have extra money for everybody's political aims, I am sorry, that is not how we in Treasury and, I think, Islanders, are seeing this crisis. So, the Ministers have, I think in an understanding manner, accepted the Amendment of Scrutiny but I, for one, do not have any doubt whatsoever that we will be coming back to the Assembly next year to ask Members to defer this payment again. Let us remember, again as I said to Scrutiny, one of the only financial certainties that we have going through this crisis is that there is £1.6 billion and that is after the stock market crash, in the Social Security Reserve Fund and that will continue paying Islanders' pensions and their sick pay. That is about the only certain thing that is financially certain at this time. We have got a fantastic reserve built on the brave decisions of others in the past and we are going to have to get ourselves into a position of making brave decisions for the future. I accept where we are. The Minister has accepted this Second Reading, as amended by Scrutiny, but I say to Members, be in no doubt whatsoever the world has changed, our finances have changed. We will use our resources to support Islanders in this difficult time, but the difficult decisions ahead we should metaphorically be preparing ourselves for drawing a line under the Government Plan and all that it promised and all the hope that it provided. Going back to square one and asking ourselves what is absolutely necessary to live within our means and, at the same time, where are we going to find the money to stimulate the economy out of the difficult economic situation that we are going to find ourselves in. The F.P.P. said that the economy could contract by 6 per cent during the course of 2020. That is right now. Scrutiny, just on a point of clarification, said we should wait until there has been an economic forecast, or an economic piece of work and, as I said to Scrutiny earlier this week, of course there is that economic piece of work attached to the F.P.P. letter to the Minister for Treasury and Resources, so that is available. I can understand that perhaps one of the things that they are looking for is an income forecast, but let us be absolutely clear; that income forecast will not make for happy reading, because of all the issues that I have just outlined. Ministers and the Members will need to balance.

[11:30]

Spend now allocation of liquidity and liquid resources to that spend now and at the same time borrowing and at the same time preparing ourselves for the recovery plan, which will again require



hundreds of millions of pounds to be spent on the economy. So, this might seem like a prudent sensible Amendment, but to my mind it will mean that we need to spend more time on persuading Members what is, for my mind, patently obviously before our eyes. We are in a crisis. We start from a really strong financial position, but we should not waste that and we are going to need to use our resources very prudently, very carefully but the priority of the use of those resources has got to be supporting Islanders.

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

Can you put me on your list of people wishing to speak?

**The Bailiff:**

No, Deputy, I am taking the list of people who want to speak coming up in the chat, but I have now noted that Deputy Alves has indicated you wish to speak, so I have got you on the list now.

**2.2.3 Deputy M.R. Le Hegarat of St. Helier:**

I speak on behalf of the Health and Social Security Scrutiny Panel in relation to the Amendment P.31/2020. It is important to put this into context. On Friday, 27th March the Proposition was lodged. P.31/2020 was presented to the States seeking to defer grant payments to the Social Security Fund for the years 2020 and 2021 in support of anticipated requirements in response to the coronavirus outbreak. The principles were agreed. The Proposition did not benefit from advanced briefing and we, as a Scrutiny Panel, take collective responsibility for this regretted omission resting between Departments and the Panel. However, despite no advance briefing, Friday's debate provided ample opportunity to consider the facts. Unfortunately, substantive detail was lacking, some contributions emotive and at times information capable of being misinterpreted. This is why we felt that we had to call this in. Following the briefing with Social Security and Treasury, we fully supported the deferment of the 2020 grant, however we did suggest that we would like to know how things were going over the next 6 months. So that is why we asked and I think Senator Gorst said we are asking for an income forecast, however, we may have got the incorrect wording for that, but we felt that the Treasury would be in a better position to provide the States Assembly with evidence that supports the need to reduce the overall income into the fund. I apologise if we have misunderstood. However, I do not think at this time that that is unreasonable. The current virus outbreak is clearly an extraordinary event that demands an extraordinary response, but sound financial management balanced against the Government's other priorities and supported by facts is also required. We are told the Social Security Fund is healthy and this is what it appears to be. Those who have witnessed pension age increases might be concerned about the recession and whether it will remain the case in the event commitment to repay is honoured, so I would therefore like to say that this is why we brought this Proposition. We are grateful to the Treasury and Social Security for accepting our Proposition, but we fully support the idea that we do need to have some idea moving forward of how we are going financially.

**2.2.4 Connétable R.A. Buchanan of St. Ouen:**

I have some concerns about this deferral, not least because of the very difficult underlying market conditions that exist at the moment. Yesterday we saw the banks, almost without precedent, not pay any dividends and that is simply to increase liquidity that they have at their disposal to deal with this forthcoming crisis. To think that we will be able to make an accurate forecast if conditions in the next 6 months is perhaps not a likely scenario, because we just do not know where this is going to end, because we do not know when we are going to come out of lockdown. Until we come out of lockdown we do not know what our economy is going to look like, or indeed what is left of it. The big concern I have is if I was Treasurer I would be very concerned about my liquidity management and the availability of external sources with liquidity. From a States point of view, internal liquidity is by far and away the cheapest form of liquidity and the most accessible. We might think that we

might like to borrow from the marketplace, but market conditions in 6 months' time could preclude us from doing that because simply all the liquidity will have been soaked up for other purposes. So, I do have some concerns about postponing this for 6 months to make a decision about 2021. Not least because it does not give the Treasurer much certainty in how he can plan his liquidity going forward. I do not really think we are going to be in a stronger position to make any prediction about what our economy will look like at that stage, simply because we do not know how long the virus pandemic will last. I would ask the Assistant Minister for Social Security, in his summing up, to give us some view of what the Treasurer thinks about this Proposition and whether he is content to rest as it is, or whether he has concerns that it does not give him enough certainty in managing his cash reserves. With that I will conclude.

### **2.2.5 Deputy M. Tadier of St. Brelade:**

First of all, thank you Sir and the Greffe staff for making this possible and also if I can just thank the Scrutiny Panel for doing such a quick and efficient job in their turnaround. I know these are very difficult times for all sections of the Assembly and of Government, so we do all appreciate that, I think. My concern is to address some of the comments that Senator Gorst highlighted. I agree with some of his analysis, but not necessarily with the conclusions. I think it was absolutely right that the Scrutiny Panel did call this in, because while we have an immediate issue to resolve there will be a much more longer term issue that needs to be looked at. It seems to me that Senator Gorst is getting the Island ready for a protracted period of austerity even after the initial problem has been resolved. I do agree that, for example, we are not going to go back to normal. We perhaps talk euphemistically about when things go back to normal, but I do not think things are ever going to be quite the same again, because what this crisis has shown is that while there is definitely a health crisis that is foremost in our minds and taking up our attention quite rightly, this issue is clearly highlighting the economic divide that all of us, I think, have known exists in the Island for quite a long time. The solution to where this money is eventually found from and when the fund is replenished, I think it is quite right that we do not rush into that, because we need to have a tough talk about that. My concern is that when we hear phrases like "brave decisions will need to be made" and "difficult decisions will need to be made", I have heard that before in the past with the introduction of regressive taxation, for example, G.S.T. We were told that we needed to take tough decisions and we will be faced, if not now, at some point in the next year, or we can kick the can down the road about when we need to make that decision. We can choose to go down a regressive route of taxation, a regressive method of refunding the fund that we are taking the money from, or we can look to change our system slightly to make sure that we are all in it together, because we know that this crisis is not affecting people equally across the board. We are seeing people that rely on weekly, monthly wages being affected the most, but there are many individuals in this Island who are very secure, because they own their own homes, they may not have mortgages; they may have properties which have been in the family for generations; they might own multiple properties. We need to make sure that when we are asking for people to dig deep into the future, that we are not affecting those with the least ability to pay. So I do support this Proposition, because it gives a breathing space for us as an Assembly to look at the good work that has been going on. I do not accept the fact that the whole of the Government Plan needs to be thrown out the window and that we need to draw a line under it, as was suggested by Senator Gorst. Those aspirations remain completely true and just as relevant, if not more relevant, as they were in the past. We need to build a more equal and fairer society. We need to be looking after the children. This crisis has shown again that it is really important to put children first. I do not want to draw a line under that, because it has absolutely shown that while some children are able to stay at home if one parent works and the other does not, if you have 2 parents who are both working, if you have very vulnerable children, whose home life is not secure and they are being obliged to forego school - because as the Children's Commissioner said, some of those feel safer in those schools - then I do not want to be drawing a line under the very good work that has been done in the Government Plan. So, I would say we need to keep the aspirations of the Government Plan, the very

laudable aspirations and we need to find a new economic model, which works in the post-COVID world. That is all I have to say. I want to commend the work of the Panel again and, of course, the Minister for Social Security and all the staff there, but let us try and think out of the box when we finally do come out of this crisis, which is not just a health crisis, but it is also showing the underlying cracks which already exist in our broken economy.

[11:45]

### **2.2.6 Deputy G.P. Southern:**

I have contributed to this debate, because I think there are some principles that we need to take a look at first and to argue that all Scrutiny was trying to do was say where is the evidence on which you are basing this change to the Social Security Fund. That is an important point to note. We believe the evidence was not shown and the fact is that while we are making dozens of decisions pretty much correctly in a hurry, because of the state of the crisis that we are in, often it is the case that a hurried decision, hurried politics is often poor politics and bad decisions are made. This is one issue where I think the principles of what we have should be stuck to. So, what we have got is a Minister for Social Security who is in charge, is responsible for a ring-fenced fund and one has to ask ring-fenced against whom and why? The answer is because Treasurer after Treasurer, when making decisions, has had half an eye on this particular fund. It is a fairly fluid fund, it is accessible and it is quite big, because we decided to build the Social Security Reserve Fund up over the years to ensure that we have a safe future for pensions and other benefits as we go through things. It is very tempting for the Treasurer when we are in crisis ... and we have seen it happen already where the payment into the fund has been (a) reduced to £65 million from what it should be and (b) we are having difficulty paying it back. It has been, if you like, raided in order to help the Treasurer over a financial problem. That is why it is not under the Treasurer's remit, it is under Social Security remit to make sure that this particular benefit, ring-fenced as it is, goes towards pensions and not spending on roads, on health, on elsewhere. I think it is important that we note that principle and we take our time over this, because it has been a very rapid decision and obviously the evidence is not there to say this is a safe decision to make and is absolutely solid because it has been made in such a short time. What we are saying then is have half of the money you wish to spend as you wish, but within 6 months come to us with the economic forecast and the estimates of where we are, what sort of recession we are in and how much we need. Come to us within 6 months and make the case, give us the evidence that says the right thing to do is not to add money to this fund, but to take it out and spend it elsewhere. We do not know at this stage - and nobody can say - whether the F.P.P. are correct in saying this is likely to be a sharp, short V-type recession or whether it is a U type or, heaven forfend, an L-shaped recession, which goes on for a substantial amount of time. We cannot say that yet, but in 6 months' time we should be able to do some estimates which suggest where we are going and how much we need. At that stage we are saying then, by all means come to us, come to the Minister and say: "I want to spend this money somewhere else" and that is the important thing and the correct thing to do. Otherwise, if you cannot make that case and it still looks like we are in trouble and we do not want to endanger our pension fund, then that is the right decision to make and can be made 6 months down the road when we have got something at least to go on, because the reality is we just need to look at this. What is going to happen to our pension fund in the near future? We know exactly what is going to happen. Employment will go down, inevitably. That will mean that benefit payments are likely to go up. As people get anxious and depressed, at the very least we are going to see an increase in sickness payments. Contributions obviously will go down, as the economic market weakens and employment weakens and people are earning less all over the place for a variety of reasons and tax will also go down. When we look at this fund that is so healthy, the final nail, if you like, would be because dividends and yields from our investment have been very high for the past few years and we are doing very well, thank you. Well, that is extremely unlikely to happen in the near future. So all of those factors that suggest that all of our reserve funds are going to be struggling, especially our pension fund, all of those reasons suggest that we should leave well enough alone at the moment, not

make this move and look at it in 6 months to decide what is the correct direction. I think the Scrutiny Panel, in calling a halt to this and saying: “Go some of the way down what you want, but leave the other decision for 6 months” is a wise decision to make. I look forward in the future to re-debating this and seeing how we do and where we end up and how we cope, not only in the Social Security Fund, but elsewhere.

### **2.2.7 Deputy K.F. Morel of St. Lawrence:**

I just want to say a few things. First of all, as I said in the last sitting on Friday, the Minister for Social Security and the Minister for Treasury and Resources and the Treasurer are making a rational decision to use money that is available to them that would not have been spent on supplying goods and services, let us say, to Islanders. In this case, it is funds that are going into another fund and so asking to use these funds is a rational thing to do and I do understand that. The problem - and where I think questions do arise - is that while we heard the Assistant Minister for Treasury and Resources just now referring to deferring payments into the Social Security Fund, what we have not heard at all at any point whatsoever, either from the Minister for Treasury and Resources, the Assistant Minister for Treasury and Resources, or the Minister for Social Security, is a commitment that that money will be paid at a later date into the fund. The reason this is important and to know for sure that the Minister for Treasury and Resources is going to pay this money into the Social Security Fund at a later date is an important thing for us to know, because it does affect the size of the Social Security Fund and it affects it by a lot more than £65.3 million. Were that money to be paid into the fund today, potentially buying assets at a low price, because we know markets are low, over the course of the next 10 or 20 years those investments would very likely have appreciated to a much higher level than £65 million. So what we are doing by not placing this money into the fund is losing the opportunity to realise the value of those assets. That is now gone, so no matter what we do, unless we place at a future date a higher amount, including a notional amount for investment gain that was lost, we are seriously depleting the Social Security Fund as a result. That is why it is important that we do receive a commitment from the Minister for Treasury and Resources and the Minister for Social Security that these funds will in future be placed into the Social Security Fund. I completely accept that the Minister for Social Security will return next year to ask for the other £65 million, but I also believe that to do it in those 2 *tranches* is much better than the original idea of making the deferral now or making the decision for the deferral now, because it is only a year in the future that we will have a much better idea of our financial position and where we stand. So, I believe the Health and Social Security Scrutiny Panel has made a very reasonable Amendment by restricting the amount that is being transferred ... that is not going to be transferred to just the £65.3 million at the moment. We can come back in a year's time and we will understand more clearly what the consequences of deferring again will be and that will help us make a more rational and better decision as a result. To sum up, I would very much like to see a commitment from the Minister for Social Security, or in fact from the Minister for Treasury and Resources, that in the Government Plan at the end of this year she will outline the timeframe over which she will pay back, or will pay this money into the Social Security Fund. That does not need to say we will do it on 3rd March 2023. What I am saying is she needs to make a commitment that over the next 10 years, or the next 15 years, to provide us with a timeframe for this extra funding being placed into the Social Security Fund. There is an important aspect and this came from a senior Member of the States who, when I was discussing it with them, said that when the Social Security Fund was set up the idea was that it was to be a kind of tripartite sharing of the burden for pensions and health service, *et cetera* and that was a third to come from the employer, a third to come from the employee and a third to come from the State. I have no reason to disbelieve that but I must admit I have not done my research to see what the rationale was back in the 1960s when they set up the Social Security Fund. If that is correct and I believe it to be correct, we can see already that the State is no longer pulling its weight in terms of that sharing of a third to each party. So, that again makes the moral argument, if not the practical argument, as to why the Minister for Social Security and Minister for Treasury and Resources should make these

commitments to repaying, or to paying this money in the future. So, please, in her summing up, would the Minister for Social Security or the *rapporteur* make that commitment and I will be asking the Minister for Treasury and Resources at a later date to make a similar commitment, as well.

### **2.2.8 Deputy L.B.E. Ash of St. Clement:**

I am pleased to follow the last speaker, because he makes a good point on the money being finally paid into the social security area. The Minister has already said that our aim will be to do this by 2022. That is our aim. At the moment, with things as they are, I think it would be wrong of us to give any specific commitment to definitely doing that, because we do not know where we are going to be then, but our aim is 2022. When we look at these situations we are in a war here. It might not be a conventional sort of war that has been fought before with soldiers and tanks, but it is a war nonetheless and it has similar impacts. We even have a front line. People are describing it as a front line of our doctors, our nurses and I would like to take the opportunity to pay great tribute to our supermarket workers. I think they have been absolutely fantastic. They are in there dealing with the public every single day and fair play to them, fantastic effort. But we have got a front line. We have also got a front line of troops. We have also a humanitarian aspect, people without jobs looking for money, which again we have to fund. Now, as the Treasury Department, I feel we have really stepped up. We have looked everywhere for funding and I will come on to why certain things have had to be done, but we have found various routes of funding. This particular thing we are debating here is merely another one of them. Now, the big question that many people have asked is: why do we not use the Rainy Day Fund? Well, technically we will be, but we do not want to liquidate areas of that at the moment, because of where equities are trading. Now, if members of the public are watching, to put this in basic terms, if you have a house worth £500,000 at the moment, it probably would not be easy to sell, because people cannot get out to view it, the courts are not functioning as normal, conveyancers are not there, so you would find it pretty difficult. But if someone rang you up and said: "I will buy that house off you now, £400,000, we will sort it out later" you would say: "No, I do not think I will do that." Why? Because it is the wrong price and that is exactly the same that we are dealing with, with equities. They are trading at the moment at the wrong price. Well, they are trading at the right price, because that is where markets are sending them, but in our view they will bounce back and in the view of the experts that we have been given. Again, there are no certainties but generally equities trade well and they are solid investments. Why do I feel that our equity portfolio will bounce back? It is partly because people will chase yields. When this is over, banks will be paying ... well, if we go the way that European money went and still is, we may even see minus interest rates, so people will move their money from bank accounts into equities again to chase the yield.

[12:00]

But coming back to what I am saying, we need every bit of money that we can get, every bit of liquidity, because when we are paying people - and it is great that we can pay people 80 per cent of their salaries, we can order ventilators, we are trying, as we heard earlier, to get more and more testing kits - the one thing we do not want to be found wanting here is lack of money. I can assure you at the moment the Treasury has got the liquidity there to make sure all the medical supplies come in and to make sure all the people who need to be paid will be paid. But when we are looking to the States to be accommodating, to help us with this, we do not expect to be thwarted.

### **2.2.9 Deputy G.J. Truscott of St. Brelade:**

I do not disagree with the previous speaker. I think the Government are going to need every penny, going forward, that they can their hands on. First of all, I would like to thank the Scrutiny Chair and her Panel for the good work that they have done. I think for me what this has brought about is a sensible holding position and who knows what the next 12 months will bring. I think it is a case of letting the dust settle, so to speak. The world economy plainly will be in recession going forward.

There is even talk of a potential world slump and I do not want to be too dramatic over that, but I think it is important to emphasise that this is a very dark, difficult time that we find ourselves in. So I have no issue about diverting the £60 million plus to help boost and bolster our economy, without doubt. I think it is just sensible for the Assembly to wait for the dust to settle. As Deputy Ash just explained, it could all bounce back quite quickly. If a vaccine, for example, should be found then things could change dramatically. Just back to my point, I think let us leave the additional money going forward. Once we have got the full facts in front of us, once we can see the impact of this on our economy, I think then we can make the decision and I think that is just the sensible way forward. So, for me I would just again like to thank the Panel for their work and try and help support them.

**2.2.10 Deputy J.H. Young of St. Brelade:**

I certainly agree. I am grateful very much to the Scrutiny Panel for bringing this issue to our attention. It is a really important one, because there is not any doubt that the Social Security Reserves Fund is a vital piece of our armoury, not just to make sure our long-term pensions are provided for, for the very long term and it is the wisdom of past politicians and their officers who put that in place. But equally I accept the reality that in terms of meeting the immediate financial crisis, we have no choice but to look at giving preference to releasing liquid assets, rather than fire selling assets in the Strategic Fund in order to do so. So, I think that is definitely a key factor that should help us decide on this Amendment. I see both sides of the issues. I agree very much with the Constable of St. Ouen. The question is I really cannot see that we are going to be in a position in 6 months' time, or maybe even longer - fearfully, if that is the case but certainly not in 6 months - to be able to plan financially reliably for 2021. Of course, as well, obviously at the moment we are all concentrating on the crisis, but the crisis will end at some point and we will have to have an exit strategy and the world is going to be very different. I hope it is not an austerity-driven world, as kind of we were ruled up for by Senator Gorst. That scares me and I certainly am not party to abandoning our aspirations for a decent, fair society. So, I think we will have to look at our tax and spend policy to make sure it is fair and so what we have got here ... and Deputy Morel has said we can look at this in 6 months and we have got the effect of a third contributions: a third comes from the State, a third comes from employers and a third comes from employees. I think it is inevitable that all of us, as taxpayers and businesses - and I know there should be no exceptions to that - will need to pay their way fairly in future to make sure that we have a decent and a fair society and the services we need. But I cannot see us being able to make those decisions as early as 6 months' time. I just think it is going to be too difficult and we do need to give the Minister for Treasury and Resources and we do need to give the Treasurer the tools to be able to at least plan how we can access our liquid assets and minimise the fire sale and the long-term losses that could otherwise take place. I think, on balance, that means me not going along with the Amendment. As I see it, it does not rule out the opportunity ... and if I am being too pessimistic and it is possible for us to have a decent plan in 6 months' time, we should still bring forward proposals to do so, but I think saying at the moment that, no, the door is closed to that money transfer is going too far. So, I think, on balance, it is 2 sides of the equation but I think on balance I do not go with the Amendment and I think we should stick with the Minister's proposals.

**The Bailiff:**

Deputy, I should explain that the Amendment has been accepted by the Minister, so we are voting on the Regulations 2 and 3, as amended, not on the Amendment itself.

**Deputy J.H. Young:**

Thank you, Sir, for that clarification. I will consider what I am going to do, in that case. Obviously I accept the principle very much that we need to have this provision to our liquid assets, but of course I have not had the advantage of seeing the actual wording in the Amendment, so I go on your guidance.

**The Bailiff:**

Well, it is not my guidance. It is merely the fact that the Amendment has been accepted. Very well. We have an indication that Deputy Martin would like to speak. I do not know if that is possible at the moment. Deputy Martin, are you online and able to speak? Then I next have Deputy Pinel, who has indicated, who may be in the same difficulty. Deputy Pinel, are you able to speak? While we try and fix that, does any other Member wish to speak on Regulations 2 and 3?

**Senator S.C. Ferguson:**

Yes, I would like to speak too, Sir.

**The Bailiff:**

Yes, Senator. If you are able to indicate an intention to speak on the chat then I can call people as they are indicating. I have noted you would like to speak, but I am calling on Deputy Pamplin.

**2.2.11 Deputy K.G. Pamplin of St. Saviour:**

Thank you Sir, St. Saviour calling. As Vice-Chairman of the Scrutiny Panel, I am obviously going to cover some of the points that Members have been raising about our work, which we are very pleased the Minister has accepted. Last year, the Scrutiny Panel, as part of our Government Plan Scrutiny work, was very much drawn to the attention that part of last year's plan was to reinstate the frozen grant of returning the grant from the States Fund to the Social Security Fund. I am going to quote from our Hansard of a hearing we did with the Minister where it was confirmed in that hearing that that grant was going to be written into law, there was a fixed amount of money for next year and the year after it will go up by £4 million, which is halfway to where it should be and the last year of the term would hit its full ... so that is in the law. I am quoting again from that meeting that we held that the can - of reinstating this grant - had been kicked down the road. There was a very specific legal requirement being presented to the Assembly last year that it will have to be the full amount of money in 2023. That was what happened during the debate on the Government Plan and the Assembly approved those Regulations to re-establish the formula to set the level of the States Grant into the Social Security Fund for 2023 and future years. As we are all hearing, for 2020 and 2021 the value of that grant to be reinstated was to be at its value of £65.3 million and for the year 2022 the value of the grant was set at an intermediate value of £76.14 million. We had a sense during that Scrutiny process of how important it was that this grant was reinstated to the Social Security Reserve Fund, mainly because it had been frozen for such a period of time. So we were very privy to the point of why this grant needed to be reinstated and that point was made to us very clearly during our scrutiny of the Government Plan last year. So, obviously, when going through the emergency Regulations that were being introduced to us, as soon as we saw this as a Panel, because of our previous scrutiny, we wanted to bring it to attention. As the Chair [of the Health and Social Security Scrutiny Panel] said, due to the extraordinary times that we are under, trying to regulate and scrutinise all the things coming in very fast, it was proving difficult to do. I am grateful that we were able to do the work that was needed, because I think I have made the point clearly how important this grant is to the Social Security Fund, that we have complete recognition that in this moment of the crisis, having this cash available to the Treasury is important. However, we felt after the discussions that this was a sensible motion to see where we are so we can equally understand what the cash, what this money is going towards, because that was not coming so clear. Yes, we understood that the Treasurer needed the money in this moment, as Deputy Ash has outlined, but we should have a better understanding, so for the next *triage* of £65.3 million, what that money will be going to. I think that is what we are asking for, just some more clarification of where that money is going and I think when Members have that, when we have that plus some reassurance about how we get the Social Security Fund to the level it should be for future years, we appreciate that is going to take a bit of time. It was really important to do this work and we cannot stress enough how grateful we are for this interaction and to go forward that we continue down this path because, yes, we have got to be mindful of this crisis in this moment, but if we are not careful we will lose sight of the future impact down the line.

That is our responsibility to generations to come, so I thought that was really important and again thank the Minister's team for accepting this Amendment and that is all I have to say.

**The Bailiff:**

We will try now to bring Deputy Martin, who has previously indicated a desire to speak. Deputy Martin, are you available? I think someone will need to give instructions to Deputy Martin.

**2.2.12 Senator S.C. Ferguson:**

Obviously, I am a little twitchy, because raiding pension funds is very much the Maxwell approach and not something I really approve of. However, I do admit that in times like this we will be looking to raise as much cash as possible. Like Deputy Ash, I agree with him, it is not a time to liquidate equities. It would have been helpful to have been given an estimate of cash raised and the proposed uses of that cash summary, a sort of "where gone" statement. We are grown up and the population is grown up and I think we need a little more openness on this. As a postscript, I would recommend that we do not purchase any Chinese goods, either now, or later, after the crisis.

[12:15]

The World Bank has just issued an *aide-memoire* on financial management during a crisis. It says there will be decisions to be made on the basis of incomplete information. Provided that proper records are kept, it will be something that we can look at afterwards and say: "We did this right, we did this wrong, OK", part of the wash up. But, on this basis, I would like to see a summary of the expected cash flows and the eventual repayment plan, because we have got to think not only of the present but also of the future.

**2.2.13 Deputy J.A. Martin of St. Helier:**

I am sorry, I came in and was slightly confused. I thought the Amendment had not been read as amended and I have been following as much as I can. I just wanted to point out the things I have heard. The fund is secure. It will have no effect on the fund over the next 20 years and maybe have limited effect into the next 50 years, because it is only 8 per cent of the fund. On why this was money that we had still sitting in the bank to come across to the Social Security Fund, it was easy money and I say "easy money", it is very unlikely that it is going to be ... we need to spend, we need to have money in the bank for the multi-million pound schemes that we have set up and going forward. I did apologise to Scrutiny quickly last week and again I apologised in the room when we came that maybe I should have got officers to go and explain the whys and wherefores. There will still be questions. I cannot give the guarantees that Deputy Morel was looking for in the future. It is just so uncertain, but we are doing the best financial management and I ask people, especially Deputy Young, do not vote against the whole Proposition, because you do not like the Amendment. I fully understand your sentiments, but it would not be helpful. That is all I need to say.

**2.2.14 Deputy S.J. Pinel of St. Clement:**

Good afternoon, Members. Can you hear me?

**The Bailiff:**

Well, I do not think you will get an answer that way, Deputy. I would just talk in the hope that we can hear you. I can hear you.

**Deputy S.J. Pinel:**

OK. I think I totally agree with what Deputy Martin has just said and with what the Assistant Ministers for Social Security both have said. As Members will know, after 6½ years in Social Security, I am fiercely protective of the Social Security Reserve Fund. We cannot predict the future. Therefore, in answer to Deputy Morel's question, I could not in all honesty promise what we are going to be doing in 6 months' time. However, I will ensure, to the best of my ability, to maintain



the strength of the Social Security Reserve Fund, but cannot commit to an actual date. So I will be voting with the amended Proposition on the basis that we can work for the near future without involving liquidating equity, which would be a huge shame, in fact a disaster at the moment and we will move forward on that front.

**The Bailiff:**

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

**2.2.15 Deputy J.M. Maçon:**

I thank Members who have spoken and I thank my colleagues Deputy Martin, Deputy Ash, the Minister for Treasury and Resources and the Minister for Social Security for their contributions. Just to confirm for Deputy Ward that now with the Amendment, yes, this is an automating power. It will still require any Regulations for 2021 to have to come back to the Assembly now that it has been amended. Deputy Tadier talked about the competing philosophies, about what we will do in the recovery phase. Let us get to that first, I think. Of course, what we are looking to do is unleash the liquidity now in order to pay for today's demands, which will be supporting those most in need through the changes of the social security other systems, *et cetera*. But as Deputy Martin said, we do have funding to guarantee pensions for over 6 years and the fund is looking strong for certainly longer than that. Deputy Southern was quite right to point out that in tomorrow's world there will be escalating spending pressures. Undoubtedly that is going to come along and, therefore, should we look and get some analysis to consider in future, but now that we have accepted the Amendment, we will obviously do our best to provide. Deputy Morel has heard from the Treasurer. Can I just assure him and other Members, there is no one keener than the Minister for Social Security in order to get money back into this fund? All Ministers for Social Security and the previous ones, are keen to continue to provide that pressure to the Treasurer in order to top up the fund. Of course, it is essential but for today, in order to release liquidity, this is where we find ourselves. I do not know, the Deputy may not have had the advantage of reading the Scrutiny hearing because of the short turnaround, but within that hearing the Minister for Treasury and Resources did give the commitment that plans were going to be put in place in order to repay this money to the Social Security Fund. As Deputy Pamplin pointed out, already in our figures we had pointed out an increase through base, *et cetera*, of the value of that amount. So it is already in our thinking and, of course, we will have to re-examine those figures for the future. What a delight it was to hear again from Senator Ferguson. We have not seen her for a while, so I welcome her back to the Assembly. She made some incredibly good points and I am sure the issue that she raised around Treasury figures and where they have been spent will have been noted by our Treasury colleagues. The Constable of St. Ouen asked about whether the Treasurer supports this or not. Ideally, the Treasurer would, of course, have liked 2 years comfort to play with but, of course, this is better than nothing from his point of view. So I hope for this Proposition that Members are able to support it. We will need to look again at this and probably in the next Government Plan, that is where we will have this particular debate. So, I thank Members for their contributions and I would like to maintain the principles in second reading.

**The Bailiff:**

The vote is on, therefore, the Regulations 2 and 3 in Second Reading. We can take this on a standing vote, by which I mean if people would simply vote *pour* or *contre* or A for abstention and that will be counted up as quickly as possible by the Greffier. An *appel* has been called for, in which case for those who are registered, their votes will now be registered against their respective names, which will take a short while. The matter is being still counted at the moment, for those who think we have gone suspiciously silent. If an *appel* is called for, which it has been in this case, the Greffier has to not only note how many votes there are but who has voted in which way and that is taking a little while to cross-reference on the chat facility. I can announce to Members that the Regulations have been adopted in Second Reading.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (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 of St. John				
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:**

It will take a little while for us to be able to give the precise numbers and if people want indications to who voted what way that will have to come, I am afraid, a little bit later, but the votes have definitely amounted to the Regulations being adopted. So, moving on, Assistant Minister, do you propose the matters in Third Reading?

**Deputy J.M. Maçon:**

Yes, thank you, Sir. I would like to propose these in Third Reading.

**The Bailiff:**

Are they seconded? **[Seconded]** Yes, they are seconded. Does any Member wish to speak in Third Reading? Very well, we will try to take this on a standing vote if we can. Could Members indicate if they are in favour of adopting the Regulations in Third Reading, or against? Very well, the Regulations have been adopted in Third Reading.

**3. Draft Marriage and Civil Status (Amendment of Law No. 2) (COVID-19 - Temporary Amendment) (Jersey) Regulations 202- (P.36/2020)**

**The Bailiff:**

The next item is the Coronavirus: waiving Control of Housing and Work provisions while the Island's economy is significantly ... no, that will move on to the end. That is Deputy Gardiner's Proposition and that will move to the end until after the Minister for Economic Development, Tourism, Sport and Culture has made his statement. We now come on to the Draft Marriage and Civil Status (Amendment of Law No. 2) (COVID-19 - Temporary Amendment) Regulations, and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Marriage and Civil Status (Amendment of Law No. 2) (COVID-19 - Temporary Amendment) (Jersey) Regulations 202-. The States make these Regulations under Article 82(2) of the Marriage and Civil Status (Jersey) Law 2001.

[12:30]

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

To respond to the current situation, the delivery of primary care by G.P.s (general practitioners) has changed significantly and one of the key processes that has changed is the formation of what we call a Community Death Certification Team, which is a team of doctors whose major responsibility during the coming weeks will be to certify deaths that occur in the community. Now, under the current Law, this team of doctors would be what is called, under the Law, unqualified to certify almost all the deaths that they are asked to. That is because to be qualified to certify there are 2 criteria. One is that the doctor has seen the patient in the last 28 days and also has viewed the body after death. When a death is recorded by an unqualified doctor, the death must be referred to the Viscount by the Superintendent Registrar. The Viscount, quite understandably, has concerns that all deaths certified in Jersey will, therefore, need to be referred to him, or her, causing a significant strain on resources and large delays in the registration of the death and subsequently the burial and cremation. It has been recommended to me that the Law is temporarily amended to allow the timely registration of deaths to continue without delay during what will be a very difficult few months. The Regulations would, if adopted, remove the criteria from a doctor to have attended a patient in the 28 days prior to their death. This would mean that a doctor would be qualified in relation to a death if they had viewed the body after death. The doctor, of course, would still be required to certify, using all the information available to him to the best of their knowledge and belief, the cause of death. Clearly, these doctors would have full access to the medical records of the deceased and they will, before doing this work, have special training from the Viscount, the Superintendent Registrar, medical referees and forensic medical examiners and, therefore, will be well versed in gathering the evidence that they need to produce the certificates. If the doctor cannot certify the cause of death, as now they would consult with the Viscount for a second opinion and together agree. If that could not happen and it was necessary for further investigations, they would move to the inquest and

post-mortem stage. These time limited Regulations are a pragmatic response, I suggest, to deal with the operational changes to how doctors have to certify death in Jersey in the coming months. I move the principle.

**The Bailiff:**

I have a note of a point of clarification from Deputy Ward. Do you have a point of clarification, Deputy?

**Deputy R.J. Ward:**

Yes, Sir. Thank you. I may want to speak later, but if I can ask for a point of clarification. The Scrutiny Panel produced a comments paper and in part 5 we talked about 5 dedicated doctors being trained, that came from a Scrutiny briefing. I believe your report says there are 4 doctors being trained. This might be our error. If it is, I apologise, but just to clarify the number of doctors that would be on the Panel for the Assembly's benefit really.

**The Bailiff:**

Are you able to clarify that, Minister?

**The Connétable of St. Clement:**

I understood it was 5, but I could be wrong. I will get that checked and get the information to the Deputy.

**The Bailiff:**

Thank you very much. Does any Member wish to speak on the principles?

**3.1.1 Deputy K.F. Morel:**

It is just to ask for information from the Minister. I do understand the purpose behind the Regulations, but I just wanted to ensure that with regard to training and with regard to undertaking the certification of death that obviously it is extremely important for public health reasons to always have an accurate assessment of the cause of death. During this period, if somebody has coronavirus at the time of death that does not necessarily mean that coronavirus caused their death and there may be another unknown, underlying condition. Or there may be... I am trying to put this delicately, but there are a number of causes of death that can be unseen from the outside, if you understand what I mean and could be the cause of death, while the patient also has coronavirus. I just wanted to make sure, would the Minister please assure the Assembly that there will be no... I don't know if saying pressure placed on the certification team... I do not mean that being external pressure. I just mean that being pressure placed on themselves to jump to the conclusion that coronavirus was the cause of death, just because the patient had coronavirus. It remains extremely important that Jersey understands exactly why every person who dies died, in order to make sure that there is not another public health problem being developed underneath the cloak of coronavirus, so to speak. I hope I have made myself understood, but if the Minister could please provide that clarification and that assurance that there will not be any kind of jumping to the conclusion that coronavirus was the cause of death.

**3.1.2 Deputy M.R. Higgins of St. Helier:**

I must say, I am slightly concerned by the fact that if a person dies in hospital, well, fine, they have died perhaps through COVID-19 and the fact that they have been receiving treatment for that would be known and, therefore, the cause of death would be known. There may be other underlying causes as well but, again, that would be known by the medical people. My concern, though, if we do have multiple deaths and they occur outside the hospital, let us say in a nursing home, or at a person's home, if their body is not being examined and we know their full medical history, we may not know what the cause of death is, because there will probably, if we get multiple deaths, not be autopsies.

So, therefore, I am concerned about the fact of one doctor signing off on the cause of death and I would like to hear from the Minister in that regard.

### **3.1.3 Deputy R.J. Ward:**

I would like to refer the Assembly Members to the comments on the paper from the Scrutiny Panel. I would like to thank members of the Panel and in particular our Scrutiny Officer [Committee and Panel Officer] who has worked tirelessly, as the Scrutiny Officers [Committee and Panel Officers] have at the moment, to produce very quickly comment papers to inform the Assembly. It is obvious we are in unprecedented times and there will be some very difficult situations we have to prepare for. This is one of those type of situations and this prepares us for a very unwanted scenario of increasing capacity for registering deaths. I would like to thank the doctors who are currently training to take on this unwanted and really difficult task. I think one of the things we have to remember is this is about trying to retain respect and dignity for the deceased, so that there is a professional there who can undertake the role in a dignified manner. We recognise the establishment of the group will free up other medical staff as well to respond in saving lives, so there is a knock on effect of this, which is, one might say, a positive effect. Therefore, we support this change, which is also time limited to 30th September and that is a very important point to bear in mind. I hope and we hope that it will not be necessary, but we face a challenging reality that we have to be realistic of and, therefore, I will be supporting this Amendment.

### **The Bailiff:**

That concludes the debate upon the principles and obviously Members will have the opportunity of voting on the individual Regulations afterwards. Minister, I call upon you to respond.

### **3.1.4 The Connétable of St. Clement:**

I thank Deputy Ward and members of the Scrutiny Panel for their support and the written comment and his comments in the Assembly just now. I can also say to Deputy Ward, my understanding is - and I have looked at the report accompanying the Regulations - it will be a core of 4 medical practitioners in the team. Core implies there could be more if it was necessary. I will say to Deputy Higgins that it is always one doctor who signs the certificate of death and it is normally the person's G.P. But in this case, with the changes in the G.P. practices and the way that things are going to be done in the next few months, there are changes to this community team, who will have access to all the information, including the full medical history of the patient. If they are in any doubt - and I would declare this to Deputy Morel as well - if the doctor, who has been asked to certify death, is unsure, then he can refer it to the Viscount. If the Viscount is not content then it can go to inquest and post-mortem. We are dealing here with highly professional people, who will do this job with dignity and professionalism. The Deputy is quite right: there will be many people who will sadly pass away with coronavirus, but not necessarily of coronavirus. That is the information, hopefully, which I would expect to be on the death certificate. I maintain the principles.

### **The Bailiff:**

Very well, we will take this, if we can, upon a standing vote. Would Members, please, using the chat, indicate *pour*, *contre* or abstain? Thank you, Members. The principles have been adopted. I am assuming, Deputy Ward, that the Education and Home Affairs Scrutiny Panel does not wish to call this in?

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

No, Sir. Thank you.

### **The Bailiff:**

Thank you very much. How do you wish to propose the matters in Second Reading then, Minister?

### **3.2 The Connétable of St. Clement:**

Can I propose the Articles as read and *en bloc*?

**The Bailiff:**

Yes, you can. Are the Articles seconded? **[Seconded]** Does any Member wish to speak on the Regulations or any of them? Deputy Tadier, I thought you indicated you wanted to ask a question. Did you wish to speak?

[12:45]

#### **3.2.1 Deputy M. Tadier:**

Yes, Sir. First of all, it is just to seek clarification. If I have the wrong end of the stick then it will not need to be answered. Looking at Regulation 2, is it the case that a medical practitioner of some kind will still need to be present at the end of life in order to determine the cause of death, but just not the registered practitioner, i.e. not the family G.P. for that particular individual, or is the case that no medical practitioner will necessarily need to be there and then the cause of death can be ascertained subsequently? If I could maybe put that to the Attorney General, or the Minister. I do not know if the Minister could clarify now? Thank you.

**The Bailiff:**

I will take that as a point of clarification, simply to enable that answer to be before you in case you wish to speak, Deputy. Minister, are you able to clarify that point?

**The Connétable of St. Clement:**

Yes, Sir. This change ensures that a medical practitioner will need to view the body, will need to see the body, after death. They will not have to have seen the patient in the previous 28 days. So the certificate will be by a doctor after he has examined the body.

**Deputy M. Tadier:**

OK, Sir, if I may continue with the speech?

**The Bailiff:**

Yes, you may now speak, Deputy.

**Deputy M. Tadier:**

I make these comments and my concerns are not sufficient to warrant me voting against them, but simply I think it might need to be put on record that one of the unintended consequences of this might be that clearly people do rely on their family G.P.s in many cases to take them, literally, from cradle to death, in some cases. People obviously, in their last moments, will require some kind of solace. While some people might seek that from a religious belief and have visitations, where possible, from the clergy or whatever their particular faith is, others will no doubt find it comforting to have a visit from a G.P., if not from their own family G.P. I completely understand that the circumstances which we are living through at the moment require a departure from normal practices, but I just wanted to put that on record. Deputy Ward said it earlier and no doubt it is a sentiment which is shared by all of us, that dignity in people's dying last days, whether it is from COVID or non-COVID related illnesses, is key that is maintained; that we have that dignity and we can provide that to all of our citizens. I just wanted to put that on record. I am hoping that that will not be a reality for most people, but clearly these are unprecedented times. Perhaps, lastly, just to play tribute to the many care workers who were already working under very difficult conditions and who are still taking care of many of our loved ones in difficult scenarios. Of course, we hope that we see those come through the other side. We do need to acknowledge that they are really filling the role, not just for the G.P.s

but for the families in many cases, for those of us who cannot get to see our loved ones in these difficult times.

**The Bailiff:**

Thank you very much, Deputy. Does any other Member wish to speak in Second Reading? I call upon the Minister to respond.

**3.2.2 The Connétable of St. Clement:**

I thank Deputy Tadier again for his comments. Of course, there is nothing to stop, if it is practical, for the individual patient's G.P. to be present before death. What we are talking about in these Regulations is how the death certificate is issued after death. I maintain the Regulations.

**The Bailiff:**

Very well, we can presumably take this on a standing vote. If Members are prepared to indicate *pour* or *contre* as we are? It appears that the Regulations on a standing vote have been adopted. How do you move the matter in Third Reading, Minister? Do you move the matter in Third Reading, Minister?

**The Connétable of St. Clement:**

I move the matter in the Third Reading. I have just had confirmation on the question of Deputy Ward earlier that the basic team is 4 doctors and there will be a reserve team of 3 more doctors. I propose the Third Reading.

**The Bailiff:**

Is it seconded in the Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting in Third Reading kindly indicate in the usual way. Yes, the Regulations are adopted in the Third Reading.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

The time has now come when under Standing Orders I am to ask the Assembly whether it wishes to adjourn now until the afternoon and carry on in the normal way, or whether it wishes to take an alternative course. Is the adjournment proposed or any other suggestion made? **[Inaudible Aside]** Senator Farnham, in case that was not clear to Members, has proposed that we break for 30 minutes now and then continue afterwards with the business of the Assembly. I will treat that as a Proposition. Is it seconded? **[Seconded]** Does anyone wish to speak on that Proposition? Deputy Ward, you have indicated that you wish to speak on the question of adjournments or not.

**Deputy R.J. Ward:**

It was simply to say, should we leave ourselves logged in as we are now, or shall we leave and re-join? I think that just making that clear before we break would be a really good idea.

**The Bailiff:**

I agree with that. Let me just find out from those who know. I am informed that it would be a whole new meeting with a whole new invitation and people would need to join again and accept the invitation that would be sent to them, if that assists. Does anyone wish to speak? It is now being suggested that we might say 1.30 p.m., which is slightly over half an hour. Would you agree to amend your Proposition that way? Senator Farnham would be content to amend. I know this is a very informal way of proceeding, but I hope Members understand the difficult circumstances. Does

anyone firmly wish to speak, because I am getting a large number of Members saying they are agreed to that?

**Deputy R. Labey of St. Helier:**

Sir, if I may speak?

**The Bailiff:**

Yes, Deputy. You have not put that up on the chat for speaking, which would be the normal way, but, yes, please do speak.

**Deputy R. Labey:**

I am sorry, but there are so many comments on whether we should adjourn, or not. A lot of people are agreeing with Deputy Luce, who was saying we should carry on until 1.30 p.m., so that we might not have to adjourn and re-join.

**The Deputy Bailiff:**

The position is the business of the Assembly at the moment does not finish with the conclusion of the Propositions. There is question time for Ministers, followed by 2 statements to be delivered by the Minister for Economic Development, Tourism, Sport and Culture, with the question times that follow on from that, then a decision as to whether or not to proceed with Deputy Gardiner's Proposition. It is not a matter of pushing on until 1.30 p.m. in order to conclude. The business will not be concluded by 1.30 p.m., unless the Assembly vote to deal with the business in an entirely different way. I do not know if that helps Members. I am not now clear, I am afraid, whether Members are agreeing to continue until 1.30 p.m., or suggesting that we break until 1.30 p.m. I had assumed the latter, I have to say. There appears to be a very clear consensus, looking at everybody, to take a break until 1.30 p.m. There are a lot of people pleading, in fact, for a break until 1.30 pm on the chat, as I read it. I am going to take that as a Proposition to break until 1.30 p.m. I will take it it has been seconded. There is almost universal agreement to that. We stand adjourned now until 1.30 p.m. A different meeting request will be sent around to Members who can then join. People will be available, I am sure, at the end of the phone, to help people join if they are not able to do so readily. Therefore, we stand adjourned until 1.30 p.m.

[12:56]

## **LUNCHEON ADJOURNMENT**

[13:39]

**The Greffier of the States (in the Chair):**

We are now ready to resume the afternoon sitting of the States Assembly. The Bailiff is not present for the first hour or so, so I have taken the Chair. I have some things to announce, primarily for Members. In terms of voting, the *appel* vote done using the chat function did not work very well this morning; it took too long. So, if there is need for an *appel* vote, we will do it in the usual way. The Deputy Greffier will call the roll and we ask people to vote. If you could also give us your vote in the chat as well, that will help us to double-check and make sure we have got everybody. You will have noticed, especially if you are watching remotely, that we have had a problem with the picture. We wanted to show pictures of where Members are speaking from. I can see the Members, but we are not able to put those on the screen, because of technical difficulties. For the next time we do this, we are going to find some better pictures to show than the Presiding Officer. No offence to the Bailiff. We are going to work on that for next time. We are also hoping that with the live feed now



that we are providing captions. We have also provided the captions in Polish and a form of Portuguese that the software allows. We will be interested to see the public feedback on that. If it is a useful function we will carry on with that and if it is not, we will not.

#### **4. Draft COVID-19 (Screening, Assessment and Isolation) (Amendment) (Jersey) Regulation 202- (P.38/2020)**

##### **The Greffier of the States (in the Chair):**

The first business this afternoon, carrying on with the next Proposition, is the Draft COVID-19 (Screening, Assessment and Isolation) (Amendment) (Jersey) Regulation 202- (P.38/2020) lodged by the Minister for Health and Social Services. I would ask the Deputy Greffier to read the citation.

##### **The Deputy Greffier of the States:**

Draft COVID-19 (Screening, Assessment and Isolation) (Amendment) (Jersey) Regulation 202- The States make these Regulations under the Order in Council dated 14th April 1884.

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

Last Friday we approved the COVID-19 Screening, Assessment and Isolation Regulations, which brought into being a number of powers to compel people to be tested, self-isolate or to stay at home. Two days later, on the Sunday, I signed an Order bringing the stay-at-home powers into force for a 14-day period, commencing at 8.00 a.m. this last Monday, 30th March. As a result of that, every Islander is prohibited from being in a public place, except in limited circumstances. However, in the process of preparing the Order, it became apparent that we need the Regulations to be cast in a slightly different way, to provide more certainty about the effect of the stay-at-home instruction. The powers prohibiting people being in a public place are set out in Regulation 5 of the Regulations we passed on Friday. Paragraph 5(5) states that a person must not be in public unless an exemption applies. Paragraph 5(6) states that a person, who is in a public place without reasonable excuse, has committed an offence. This has allowed us to clearly identify, in the corresponding Order, people who are exempted from the offence. Those persons are first a Police Officer, or an authorised officer carrying out their duties. Secondly, people who are out in public in order to do work which cannot be done from home. Lastly, people who need to fulfil a legal obligation. The example is if they have been ordered by the court to be somewhere outside. Alongside these exemptions, we have also set out in guidance other groups of people who have a reasonable excuse for committing the offence of being out in public, for example, those leaving their homes to buy essential supplies, to take exercise, or for medical reasons.

[13:45]

However, there is an essential difference in terms of the legislation between those 2 groups. Those named as exempt in the Order have not committed an offence by being in public, whereas those who are relying on the guidance may commit an offence by being in public, although they may also have a legal defence for being in public. On reflection, that was not what was exactly intended. We do not want people doing their essential shopping, or taking their daily exercise, to have to rely on a defence, as this places the legal burden on the individual to present evidence that the defence applies to them. At some stage, we may want people to have to prove that they have a reasonable excuse for being in public, for example if we find that they are deliberately flouting the requirement to stay at home, but at this point in time we are more concerned that law-abiding members of the public, who are acting in accordance with the guidance, are assured that where they have a reasonable excuse to be in public, the burden will not be placed on them to prove this. To do otherwise might be perceived to be unduly onerous, when all of us are having to adjust to new and very different ways of living and when some people may not be clear about their new legal obligations. This Amendment is a proposal to allow the associated Order to state that those with reasonable excuse are exempted from

the offence, alongside the specific descriptions of people who are already exempt. It is a course of action which will also more closely align us to the position in England and Wales. You might ask why we did not make this provision at the outset. It was because, at that time, we had not determined the extent of the circumstances in which people would have a reasonable excuse not to stay at home. We did not know if the advice from the Medical Officer of Health would state that all people should stay at home at all time, or that people should stay at home except in certain circumstances. Now we know the advice we can adjust accordingly. As I told the Assembly last Friday, in bringing forward emergency legislation, it is really important that we keep it continually under review to ensure it does no more than what is necessary to respond to these extraordinary times. I am committed to a process of continual review and I will return to this Assembly if at some time in the future I believe, on advice, we need to make further adjustments. For now, I believe this is the correct adjustment to make and I propose the principles. Thank you.

**The Greffier of the States (in the Chair):**

Thank you. Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

**4.1.1 Deputy K.F. Morel:**

I just wanted to say that I am really pleased to see this legislation in front of us because, as the Minister just said, it does show that he is willing to review emergency legislation, legislation which does trample over civil liberties. Seeing a rolling back a little bit of that legislation is the first proof that we have seen - and it really is welcome - that the Government is trying to minimise the effects of the legislation on individuals and Islanders. I fully support this. I think it is definitely the right move. It is really good to see the Government taking an adaptive approach to this, not just getting laws passed and leaving them without thinking about them again. Thank you.

**4.1.2 Connétable A.S. Crowcroft of St. Helier:**

I just wanted to ask the Minister if he could clarify, I think it would be useful, exactly what public freedoms in terms of shopping he would be expecting to see now. It has been communicated to me today that there are still quite a lot of people who appear to be trying to shop and there are quite a lot of shops open that one would not regard as essential. He may have used in his opening speech the words “daily shop”, which to my understanding is that we are being encouraged to leave our homes as little as possible and certainly not to do a daily shop. Perhaps he could clarify that when he sums up, please.

**4.1.3 Connétable M.K. Jackson of St. Brelade:**

I would just like the Minister to respond to the effect that, from the Constables’ point of view, we are getting inquiries, or certainly I am, from parishioners who are questioning whether they can go out, or not, for their particular reason, which is outside the recommendations listed. However, they are seemingly to me reasonable requests. Are there any exemption processes which maybe the Connétables could undertake to take on board? Thank you.

**4.1.4 Connétable C.H. Taylor of St. John:**

I would like to raise the issue of volunteers. We, in St. John and I know around the Island, have a lot of volunteers who go out to get medicines and provisions for those who are self-isolating, especially the elderly and the vulnerable. I was wondering how they will be exempted under this law. Thank you.

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak on the principles? I would just say to Members that you need to communicate in the chat associated with this sitting, rather than in the previous one, otherwise I cannot see. I can see Deputy Young.

#### **4.1.5 Deputy J.H. Young:**

I absolutely agree with the civil libertarian point that we must not reduce those liberties unnecessarily, so I fully go along with that, but I do feel that, at the same time, it is important that we do not put out mixed messages. We are at an early stage of this situation and we are seeing how it is affecting other societies much more severely. Fear, of course, is what is to come. I certainly would like the Minister to make it plain that if it becomes necessary he will make sure that the restrictions we have, as unpleasant as they are, are as tight as they need be to be effective to deal with the health situation. I would like that commitment, please. The message should not go out that we are relaxing the restrictions, full stop. Having said that, I am concerned that our next States Assembly is not until 21st April. I am unhappy about that because, if anything happens earlier, we are not going to get the chance to make further corrections quickly, which we obviously need to do.

#### **4.1.6 Deputy D. Johnson of St. Mary:**

First, I am pleased there is to be this relaxation. I have had correspondence in from constituents on such things as it being essential that boat owners are able to visit their boat on moorings, *et cetera*. to make sure that everything is in force. Will the Minister confirm that that will be one of the aspects that will be covered in the guidance or Regulations when they come in? Thank you.

#### **4.1.7 Deputy K.C. Lewis of St. Saviour:**

I would just remind Members that all this legislation does come with some set clauses, so it will time out in the not too distant future and is obviously subject to review. Much of what... I think has already been said so I will not repeat. Thank you.

#### **4.1.8 Deputy M. Tadier:**

If I can also perhaps echo what Deputy Morel said, the Minister has been very candid with us. He has recognised that this has been an iterative process, whereby if we had been in normal circumstances, of course, this would not have been needed, but the finer points like this could have been done all in one go at the beginning, but we all appreciate where we are. I am just seeking clarification, a previous speaker talked about a relaxation of the rules. I do not see it as a relaxation; maybe I am misunderstanding. I see it as a clarification and a transfer of the burden of proof. So that when somebody is out with a reasonable excuse and that may vary and is somewhat subjective, but I think we can all agree on some definitions, which is no doubt why a non-exhaustive list might be welcome. That will really help things. Just to clarify, I do not think it is a relaxation. I wanted to ask a question and sorry if this got covered last week when I was not physically present in the Assembly, clearly there is a difference in demographic needs. Those of us who might happen to live in more of a rural setting, rather than being fairly tightly packed into the urban areas, are going to have different ways and different levels of enjoyability of the outside world at this time. Is it still reasonable for people to go for drives in their car? It seems to me that in order to get somewhere where it is not full of people, or simply just to clear one's head, one might want to go for a 20 minute or half an hour drive and use that towards their 2 hours of leisure time. Leisure for everyone is not going to be going for a one or 2 hour run, it might include a stroll and time in the car. Sometimes they seem like silly questions. People have been asking me: "Am I allowed to go out fishing?" The response for me has been: "Well, be sensible. As long as you can maintain your distance and do so safely and you are not putting anyone at risk, I would not see why there would be a reason not to use that towards your leisure and outdoor time." Those kinds of issues, maybe the Minister could touch on them, in as far as they are germane to this particular Amendment today.

#### **4.1.9 Deputy M.R. Higgins:**

Just following up from Deputy Tadier's comments regarding driving in cars, just a point of information and perhaps the Attorney General can clarify it later on, but Lord Sumption in the U.K. (United Kingdom) addressed this issue with regard to the U.K. lockdown and said that you could not

prevent people driving in their car to go somewhere to have their few minutes out walking wherever it was. I would just like to know how tight our Law is on that. It could be that people want to drive to a beach, which is more secluded, to have their exercise, or to walk their dog. Thank you.

**The Greffier of the States (in the Chair):**

Can I just check, do you want the Attorney General to respond to that now, or do you want him to come in before the end of the debate?

**Deputy M.R. Higgins:**

I think it would be useful to hear from him in terms of the wording of the Law. I do not think the Law prevents it. It is probably a grey area. Yes, I would like to hear from the Attorney General on that.

**The Greffier of the States (in the Chair):**

Attorney General, are you online?

**Mr. M.H. Temple Q.C., H.M. Attorney General:**

I have only heard part of this debate, because I was not included in it at the start. In relation to the Deputy's question, driving in a car to get to a place of exercise has been specifically excluded so far in the legislation. In terms of getting to work, there is a specific exclusion in the Minister's Order, but that applies to essential employees, in terms of their travel to and from work. I have not yet seen a draft either of the proposed list of reasonable excuses, but at present I cannot see that driving to a place to get one's exercise has been specifically excluded. On that basis, it would seem to me to be lawful at present.

**The Greffier of the States (in the Chair):**

Thank you very much.

[14:00]

**4.1.10 Deputy R.J. Ward:**

I would like to just talk briefly about the reasonable excuses. What we are seeing now is the reality of what lockdown, or whatever we want to call it, is. It is starting to become clear. We are at a very early stage. There does need to be clarity on the particular situations that are allowed. I would like to ask the Minister: does he believe that this Law, this change and the guidelines will give that clarity to the Jersey population about what they can, or cannot, do? I do believe the vast majority of people are just looking for the right guidance to follow, because they want to do the right thing. Could he explain with examples? Can he also consider that in some areas, such as in the more built-up areas in the centre of St. Helier where there is less space to walk out freely, where you may have to walk some distance to get some sort of space. So there are some intrinsic difficulties that come with that and it may mean travelling. It is also difficult for those families with small children to be cooped up in what might be a small home, for example and the use of parks and how we are managing that and the reality of what some families face. I would just like him to address those issues as we proceed with this. Thank you.

**4.1.11 Deputy I. Gardiner of St. Helier:**

I would like to ask the Minister a question. Again, thank you for the adaptive approach, as Deputy Morel mentioned. I understand that we will continue to develop as it goes. People ask me: how would they know if we have been outside for 2 hours, or 4 hours, or longer? Do we have any plans to introduce a type of form that they have, for example in France where a person before leaving home just films himself leaving at 11.00 a.m. and coming back at 1.00 p.m., going for shopping and

carrying this form with him, for the shops? So we will have some sort of understanding who is doing what when the police meet them outside? Thank you.

#### **4.1.12 Deputy K.G. Pamplin:**

I speak again on behalf of the Social Services Scrutiny Panel. We have obviously looked at this and we were happy with it, with the reasoning the Minister has provided in the report. The only comment we would like to say, echoing others at this point, is the clarification and the communication of this to the public is therefore critical. We would just like to hear from the Minister how, going forward, we can make this as simple and straightforward for the public to understand, as we all understand this is an ever changing scenario, that is getting across. Also if he can give us any indication of what other things that he and his Department alongside the Law Drafters and Law Officers are looking at, so we can prepare as well for Scrutiny. Thank you.

#### **The Greffier of the States (in the Chair):**

Does any other Member wish to speak on the principles? If not, I call on the Minister to respond.

#### **4.1.13 The Deputy of St. Ouen:**

I am grateful to Members and for their understanding about the need to adapt the Regulations and their welcome for it. The Constable of St. Helier asked specifically about shops and thought I had referred to a daily shop. It was not on the address I prepared. What I said is that there is guidance for those leaving their home to buy essential supplies. I cannot remember talking about daily shop, but if I did, I might have slipped that in. So, I apologise, because those who have to must do a daily shop if they have no means of keeping food fresh, let us say, but most people should be able to do shopping in a way that they need only go out once a week perhaps, if they are organised, perhaps twice a week, to get the shopping they need. It is essential shopping. It is not the sort of consumerism that we have enjoyed in the past. If shops are open that are not essential, they should not be. Officers will be visiting them to ask them why that should be the case. Their workers should not be at work if they are not in essential services. The Constable of St. Brelade was asking about reasons that members of the public had been giving him and what processes are for exemption. If the Constable wants to get in touch with me, because I do not know what reasons that you might have heard about and we can consider them in the Order that will have to be put out and prepared as a result of this change, if approved. We can take on board and work with the Connétables in that. Essentially, we cannot be prescriptive and write down every single activity that is permitted and activities that are not permitted, because our population is diverse and will be doing different things. The issue is about whether they will have a reasonable excuse. That is for people to consider their need to leave home. We must not regard this as rules about how we use our 2 hours, because the Regulation is to enforce “stay at home”; it is not about regulating 2 hours. If we could make everybody stay at home and never come out, that might help from a public point of view, but of course there is a recognition that that is totally impractical and the permission has been given to spend no more than 2 hours. It is not a fixed time that people have to be out. It is no more than 2 hours to do what is important, what is essential. That would include shopping and for others it would include exercise. To answer Deputy Tadier, yes, I understand and Dr Muscat agreed this, that some people might wish to drive to a place where they wish to exercise, but that drive should be included in their maximum of 2 hours. They should not be out of their home for more than 2 hours. Yes, people will assess their needs. If they are in a place where they feel they need to get out into the wide open spaces and where they live is crowded they can drive to the wide open spaces. What we must try and avoid is everybody taking the opportunity to take around the Island tours, because it is a sunny day. That would be unnecessary and unhelpful, just to have all this activity going on in the Island. Deputy of St. Mary asked about boat owners. It depends on the purpose for which they are visiting their boat. If it is to keep it secure, that is a valid use of their time. If it is to sit on their boat and enjoy the sunshine, I would question that. Some people have referred to this as a relaxation of the rule. It is not a relaxation. The Order

is still to stay at home and take no more than 2 hours outside. What it is is a clarification, as has also been pointed out, because the way we, as a common law jurisdiction, write offences is that it should not be up to a person to defend themselves having committed an offence. It is for the authorities, the State, to prove that offence. This is just that small adjustment, or clarification, to make that shift, so that people who are out on their 2 hours, no more than, will not, on the face of the legislation, be committing an offence and have to have ready a reasonable excuse. It shifts the burden, so that they are permitted to be out. It is only if the State considers that they have no reasonable excuse then the State must prove that. The Attorney General, if he wishes to correct me, he must, because that is my understanding of it. Deputy Higgins referred to the U.K. lockdown and comments about their discussions on reasonable excuse, which I think arose because it seemed lots of people drove to the Peak District and enjoyed time out in the sunshine there last weekend. Again, they thought that was unreasonable. I would think it would be unreasonable for people to be travelling all over the Island on a drive, so again it comes down to what is a reasonable excuse to be out and about. Deputy Ward asked about parks. Parks are critical and essential to well-being, so while the emphasis is on stay at home unless essential, going out for exercise and with your children to a park I would think would be something that is necessary for families to do. We cannot expect, we would not expect, people to stay indoors for days and weeks on end. To Deputy Gardiner, I hope we are not going to have to introduce written forms and the sort of bureaucracy we often see in the French Republic, but it does depend on the public response. So far we have been very pleased with the way the public have responded and understood the public health need for this, but if compliance slips and we are putting members of the public at increased risk then we may have to consider tighter measures, which might include that sort of declaration, but at the moment there is nothing planned in that respect. To Deputy Pamplin, how we communicate with the public we will continue to do so. I think the public have responded well to this and understood the need to stay at home, as I have said. We will constantly look at communication and how we can emphasise that. There was a point about the boats, Deputy Johnson again. I understand boats and other sea activities are presently being considered and we hope to clarify exactly what is required there, what is advisable. Deputy Pamplin also asked me what future Regulations may be coming forward. We are considering an express Regulation to prohibit gatherings of more than a certain number of people, because while there is a stay at home at the moment, there is not a Regulation expressly preventing gatherings, so that is under consideration and may possibly be coming for 21st April, or earlier if we sit. I hope that has answered everyone's queries. I am just checking my notes.

**The Greffier of the States (in the Chair):**

If I can help, we have had on the chat a suggestion that the Constable of St. John's question on volunteers has not been answered yet, Minister.

**The Deputy of St. Ouen:**

That is correct. I am sorry I missed it, Connétable. The volunteers are exempted as part of the essential workforce and that is in the guidance. So, I think that concludes all I need to say and I thank Members for their support.

**The Greffier of the States (in the Chair):**

Thank you very much. We now come to the vote on the principles of these Regulations and I will assume it will be taken as a standing vote, so if you can indicate in the chat box that you are in favour. So we have had a large number of Members say that they are in favour of the principles of the Regulations, so we can now move on to the Regulations themselves. First it is the Scrutiny Panel. Deputy Le Hegarat, do you have any wish to call this in? I assume not?

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

No, Greffier, I do not.

**The Greffier of the States (in the Chair):**

Thank you. Minister, how do you wish to deal with the Regulations at this stage?

**The Deputy of St. Ouen:**

There is only one substantive Regulation, Sir. I would like to take them *en bloc*.

**The Greffier of the States (in the Chair):**

*En bloc*. Do you wish to say anything?

**The Deputy of St. Ouen:**

No, I have said what I would wish to say in the principles, Sir.

**The Greffier of the States (in the Chair):**

Are they seconded? [**Seconded**] Does any Member wish to speak on the Regulations? If not, could Members in favour of the Regulations please show? Again, we have overwhelming support on the equivalent of a standing vote. Minister, do you wish to take the matter in Third Reading?

**The Deputy of St. Ouen:**

Yes, I do, Sir.

[14:15]

**The Greffier of the States (in the Chair):**

Is it seconded? [**Seconded**] Thank you. Does any Member wish to speak on Third Reading? No. In which case I will ask if Members could vote on the matter in what is now the customary way. Members have indicated their overwhelming support on a standing vote for the Regulations. Thank you very much.

**The Deputy of St. Ouen:**

I thank Members.

**Speaker:**

Third Reading?

**The Greffier of the States (in the Chair):**

We have had Third Reading. We have had that one. It all moves very quickly when nobody wants to speak, but the Regulations have now been adopted in Third Reading. So we are now coming to questions without notice, which we will take next. This will be around about one hour, the questions without notice, I am just searching for the time and these will be questions without notice to any Minister, so when you are called please let it be known what your question is and who it is for and also there are one or 2 Ministers who are dialling in, so it may take a little bit of time to get them back, so please bear with us. So, the first question I had on my list is from Deputy Higgins, if he is ready.

## QUESTIONS

### 5. Questions to Ministers without notice

#### 5.1 Deputy M.R. Higgins:

It is a question for the Minister for Health and Social Services. Is the hospital using continuous positive airway pressure equipment to bridge the gap between oxygen masks and the need for full ventilation, which requires sedation and an invasive procedure? This equipment has been highlighted

recently as an intermediate step and can save a lot of lives to prevent people going to the critical care stage of requiring a full ventilator?

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

I can inform the Deputy that we have that equipment in the hospital, so it is ready for use and we are also trying to obtain more of that equipment.

**The Connétable of St. Helier:**

For the Minister for Health and Social Services.

**The Greffier of the States (in the Chair):**

OK, fire away. The Constable of St. Helier, do you want to ask your question? Constable, we cannot hear you at the moment, so we may have to move on to the next person on the list. Can we try Deputy Doublet? Deputy, you need to unmute yourself.

**5.2 Deputy L.M.C. Doublet of St. Saviour:**

My question is for the Minister for Health and Social Services, please. Is the Minister aware that, in England, temporary measures have been put in place to ensure that women seeking access to an abortion do not have to physically travel to a clinic, but can receive tablets to take at home following a telephone or e-consultation and will the Minister agree to consider how he can ensure that women in Jersey also have safe and legal access to abortion during this time of crisis?

**The Deputy of St. Ouen:**

I thank the Deputy for drawing that to our attention. I was not aware of that position in the U.K. but I am happy to talk about that with the Deputy if she could refer me to the sources that she has read about it and I will take it up with the consultants involved and the hospital authorities.

**5.3 Deputy C.S. Alves of St. Helier:**

My question is to the Chief Minister. In the Frequently Asked Questions for Government and States employees about coronavirus under the sub-heading “Social Media” it states: “It is not acceptable to use social media to complain or negatively comment or offer opinion about Government of Jersey Departments, or employees.” Given that the public sector includes a significant proportion of the population and they are citizens, as well as employees, would the Chief Minister advise whether the Government is attempting to silence public service workers through their stance on social media?

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

I would have to go back and look at the guidelines. I do not recall that bit being in ... is that under the F.A.Q.s (Frequently Asked Questions), or is it under the guidelines?

**Deputy C.S. Alves:**

It is on the website under “Frequently Asked Questions for Government and States employees about coronavirus” under the sub-heading “Social Media”.

**Senator J.A.N. Le Fondré:**

OK, I will have to go back and look at the exact wording and the context before I respond on that. I have not seen that response.

**5.4.1 Deputy C.S. Alves:**

OK, can I ask as a final point: is the Chief Minister aware of whether members of staff have been asked to delete posts on social media by their line managers?

**Senator J.A.N. Le Fondré:**



What I can say is that, as a general rule for civil servants of a particular grade, the general rule, certainly senior civil servants, do not comment or get involved in what might be seen as political activities and that sometimes social media comments may go into that area and that has been a policy that has been in place, in fact it should have been in place for a very long time, but I know with the advent of a lot more social media comment over the last few years it has just been re-emphasised to officers.

**The Greffier of the States (in the Chair):**

Can I bring in the Constable of St. Helier if he is ready for his question?

**The Connétable of St. Helier:**

Right. Can you hear me this time?

**The Greffier of the States (in the Chair):**

Yes, we can.

### **5.5 The Connétable of St. Helier:**

Sorry, I dropped out. This is a question for the Minister for Health and Social Services. The front line care sector in the Island includes a large number of Parish and independent care homes, which provide a critical service. Can the Minister please confirm that he has reconsidered his position on supporting these essential care home services and moving forward will provide care homes with access to the same services and facilities at the same time as the Government health services, such as emergency staff accommodation, urgent P.P.E. (Personal Protective Equipment) requirements and essential worker childcare? Will he also confirm that care home workers will be prioritised alongside other healthcare workers for testing?

**The Deputy of St. Ouen:**

I am pleased to confirm that I absolutely support the care sector and recognise they are front line workers and we have been working closely with them, so I imagine the Connétable is alluding to a difference of opinion that we had with some, but not all, care providers this week, which was escalated to one media channel and my response was made to that media channel. It was a response in that specific context. It was not to say that we give no support and we do not wish to support this valuable sector, because we have been working closely with it. What has happened is that under emergency planning - and let us remember that planning for a flu pandemic has been part of our emergency planning for ages - under that planning, all care providers were asked to have sufficient stocks of P.P.E. It has emerged that some, but not all, perhaps were not as diligent as they could have been. So they have come to H.C.S. (Health and Community Services) and they have asked H.C.S. for H.C.S. stock and, as Dr. Muscat told us this morning, we have to wisely spend, wisely use, our stock and “husband” it, he said. So we are working with them. We are having to use our P.P.E. stock across the sector and yet buy in and order more than we might otherwise. So, there is close working, I can assure the Connétable and many in the care sector have contacted me to confirm that and praise the work that is being done. I also understand emergency staff accommodation is available to care workers and I asked about that this morning and had that confirmation. Critical childcare is something that the whole Government is developing as to who is eligible for that service and I believe it is being rolled out in stages, so as we have seen we have moved on to a second stage earlier this week when new categories of people were involved and I very much hope we could get to care workers shortly. As to who gets tested, we will take advice from Dr. Muscat but it is known that he would want to test healthcare and essential workers as soon as we can get those serology tests, so I would expect the care workers to be among the first groups of people who will be tested. I hope that answers the questions.

**The Greffier of the States (in the Chair):**

OK, thank you. If I could go through who I have on the list [to speak] at the moment, I have: Deputy Ward, Deputy Gardiner, the Deputy of St. Martin, Deputy Morel, Deputy Tadier, Deputy Pamplin, the Constable of St. Lawrence, and Deputy Doublet. So the next is Deputy Ward.

### **5.6 Deputy R.J. Ward:**

May I ask the Minister for some clarity regarding testing? It is a bit technical, but I will be as precise as I can. What is the Minister targeting? Is it the P.C.R. (Polymerase Chain Reaction) test, or the antigen test as they are known, which are more complex, or the antibody test, which are a simple finger prick test, or is it both? How realistic is it that Jersey can test for the more complex P.C.R. test and what timescale?

#### **The Deputy of St. Ouen:**

We are targeting both tests, trying to get them in as soon as possible. The advice to me is that it is realistic that we can test here and have the results much sooner than sending them off to London. Orders are in, as States Members have heard, but as to a precise date when we will receive that - like the rest of the world everyone is chasing - and it is just not possible to give a precise date.

#### **5.6.1 Deputy R.J. Ward:**

We are obviously reliant upon the U.K. as we are for healthcare and it is clear when we talk about Brexit as well, but it is not working well in the U.K. so how quickly can we lose some or all of this reliance on the U.K., in particular for the really important testing, which could really change the game over here for our population?

#### **The Deputy of St. Ouen:**

The U.K. has agreed to receive our tests and to process them and I have no reason to believe that will not continue, subject to the limits that they have given us. I have not heard any indication that they are going to stop that and why would they? We are part of the N.H.S. (National Health Service) supply chain and we work closely with N.H.S. England. I see no reason why they would cease that agreement.

### **5.7 Deputy I. Gardiner:**

I think my question is to the Minister for the Environment, but it might be the Minister for Health and Social Services, as well. Parishioners got in touch with me and raised concerns that shop assistants in some shops were not wearing gloves, masks, or not sanitising surfaces. I also have been contacted by some shop assistants, who felt that the management did not put in place the necessary protective measures for them and they asked if they can refuse to come to work. I understand currently it varies from place to place and it depends on the manager/owner vision of what is required. Would the Minister advise if he is planning to bring forward minimum standard requirements that the retailers will need to meet to continue to operate during the COVID-19 outbreak to protect employees and customers?

[14:30]

#### **The Deputy of St. Ouen:**

It is regrettable if what the Deputy says is happening. If businesses need guidance, I would suggest that they contact the helpline for businesses. If shop assistants need guidance, or wish to report what is happening, or if the Deputy wishes to report what is happening, I suggest that she can also get in touch with the coronavirus team, who can forward that to those who are out there, principally the police officers at this time, who could visit premises, but if the Deputy also wishes to give me, or the Minister for the Environment, the names of the premises we can investigate.

#### **5.7.1 Deputy I. Gardiner:**

I would like to ask a supplementary. Did the retail shops receive clear guidance what is required from them to operate, to ensure they protect employees and customers, such as you need to have one, 2, 3, 4, 5 things in place to continue to operate during the outbreak?

**Deputy J.H. Young (The Minister for the Environment):**

I wonder if I could come in on that, Richard (sic) [The Deputy of St. Ouen, Minister for Health and Social Services], because I think that question, which is a good one, crosses over our 2 ministries. The Deputy has brought my attention to the issues of what you might call “working practices” in the workplace, which are health related. Those would normally live within our Environmental Health team, for example the practices of food suppliers and so on, that team is normally well geared up towards that. What I have done is I have passed the reports to our Environmental Health team and I have asked them to work with Richard’s Department (sic) [Health and Community Services] to try to produce guidance, which we will then seek to enforce. I have to say that, unfortunately, the Environmental Health team at the moment are pretty well concentrating on contact tracing work in connection with the virus, so at the moment that small team, if you like, has not had the resources, but I have asked the Department to try to transfer more staff into that team, to try to see what we can do. This is an area where I think the Deputy has raised a good point and Richard (sic) [The Deputy of St. Ouen, Minister for Health and Social Services] and I will have to follow up the reports that have already been made and make sure we get that guidance out. It requires both of us to do so, I think.

**5.9 Deputy S.G. Luce of St. Martin:**

I have a question for the Chief Minister. As we see countries all over the world rushing to build field hospitals, I wrote to the Chief Minister over the weekend on this subject. He did not agree with my suggestion and told me that I would receive notice today of where his preferred place to build a field hospital is, so could I ask him where that is, please?

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

In which case I must apologise to the Deputy. My next update on the field hospital will either be tomorrow or Monday, however the suggestion of using a hotel on the basis of the medical advice that we have had is that that remains definitely not an option as a field hospital, because firstly the advice is that it needs to be close to the hospital and, secondly, you want quite a large floor plate. You do not want individual rooms. Essentially, this is around staffing capability and effectively I think is what they call a Nightingale ward style, if you are going down the field hospital option. The option is being actively looked at and I will receive an update, as I said on either Friday or Monday and, as far as I am aware, that is a go, no-go decision.

**5.9.1 The Deputy of St. Martin:**

If I might have a supplementary. Could I just ask the Chief Minister if he agrees with me that getting on with the field hospital must be something we must do with the greatest of urgency, because time is with us at the moment, but it will very quickly fall away and we will not have time to implement what our plans might be?

**Senator J.A.N. Le Fondré:**

No question, I absolutely agree with the Deputy. As I said, that is why I am expecting an update either tomorrow or latest Monday. Officers have been working on it. It has been one of a number of avenues that they have been exploring about extra bed capacity. As I said, I am expecting an update imminently, but I agree absolutely on the urgency of getting that matter resolved.

**The Deputy of St. Martin:**

I am grateful.

**5.10 Deputy K.F. Morel:**

My question is for the Minister for Social Security. I know she is having trouble connecting, so can I just check she can hear first? I am assuming ... can the Minister for Social Security hear the question?

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

Can you hear me now?

**Deputy K.F. Morel:**

Yes, I can hear you now, thank you. Minister, it is just to ask, in March, now that we are in April, I was wondering has the Minister been able to see, or has the Department received an increase in requests for income support and equally has the Department received an increase in the number of people registering as experiencing hardship and, if so, would the Minister please provide the Assembly with those numbers?

**The Greffier of the States (in the Chair):**

Minister, before you reply, could you turn the volume down on whatever you are listening to, to reduce the feedback? That will make it a lot easier for us to hear your answer.

**Deputy J.A. Martin:**

Yes, sorry, I have just taken myself off speaker. Can you hear me OK now?

**The Greffier of the States (in the Chair):**

Yes, that is really clear, thank you.

**Deputy J.A. Martin:**

Yes, up until even 2 weeks ago, we were receiving many more calls around what benefits were available. I think yesterday there were around 1,000 calls and 89 per cent were answered very quickly. The unemployment figures, I would not want to put you wrong, but they have gone from about 880, which some people were also doing now to about 1,050. That sounds very accurate, but I will get these figures round to all Assembly Members. I have the figures. I just cannot get into the email at the moment, but I did ask that yesterday. Sorry, you may have asked something else.

**The Greffier of the States (in the Chair):**

Deputy Morel, do you want to come back?

**Deputy K.F. Morel:**

Sorry, the other part of the question was just about people registering, those experiencing hardship.

**Deputy J.A. Martin:**

Yes, and before we had C.R.E.S.S. (COVID-19 Related Emergency Support Scheme) up and running everybody's phone number was taken, contact name and everything and now it is up and running, it started yesterday and those people are having return calls and they are being asked the questions whether they are on this scheme, are they still employed, so yes, they were keeping the numbers, because we knew we were bringing the scheme in. Does that answer the Deputy's question?

**Deputy K.F. Morel:**

Yes and if the Minister can share the numbers when she is able to.

**Deputy J.A. Martin:**

Absolutely.

### **5.11 Deputy M. Tadier:**

This one is also for the Minister for Social Security. To preface this, should it be necessary, this is not meant as a criticism and I think we all appreciate the vast amount of work that the Social Security Department in particular are doing. That goes without saying, hopefully. My question is about self-employed people. I have been contacted by a number of self-employed who feel that they fall somewhere between the 2 stalls of the payroll scheme, yet when they have been to Income Support, they find that they do not necessarily fit into the usual criteria. Could the Minister clarify what is being done around the self-employed, particularly who are maybe sole traders, who find themselves without a wage? Will they be helped?

### **Deputy J.A. Martin:**

I thought I did answer this. So, there was a question of whether they could be on the payroll scheme and they will be included in the payroll scheme, the ones that fall in the industries and again, obviously, the majority will be over 5 years, because you have to have a business licence to have a business. There is no reason that they will not be eligible for income support. It is case-by-case, obviously. They may have a partner still in finance. It is one of those. The experts are on the end of the line on 444444 and I do not want to make generalisations. I am sorry if I cannot be more helpful to the Deputy, but on those lines we have put more and more staff on and they are getting through the queries. Obviously, the other line is more coronavirus, but this is all benefit enquiries, even sick benefits, things like that, still ring that number.

#### **5.11.1 Deputy M. Tadier:**

Could I have a supplementary? Hopefully it is not too far away from the original, but the Minister talked about those who are under 5 years who will be claiming the fixed amount, I believe. Could she clarify whether the fixed amount that they claim will also be means-tested on a family basis, or is that just for individuals, irrespective of what their family situation might be?

### **Deputy J.A. Martin:**

Again, that is pretty operational, we have put out the excerpt, it is £100 for a worker with a partner who is not claiming, so we presume that worker is claiming. Again both unemployed, it is quite clear it will be £150 for one, but not £300 for 2, it is £250 and then if they have additional children again it is not means-tested as such but all of the schemes will still be running. There is still vital work to be done and that is why we will be keeping a list. It is not a case of back to work, it is a case of being proactive and helping people who still want to work, jobs that need to be filled, to make sure the Island keeps going. I hope that helps the Deputy.

### **5.12 Deputy K.G. Pamplin:**

This is a question for the Minister for Health and Social Services. Minister, on 19th March Dr. Muscat said: "At the moment we are dependent on the U.K. which is one of the reasons we are actively seeking to do testing on-Island." Two weeks previous to that, the concern was raised again about the delays of the testing between the Island and the United Kingdom. Given the news that the Chief Minister said on the notification of the partial lockdown on Sunday that there was to be test kits arriving in the Island, we hear today that those test kits are also delayed but are on-Island. Minister, can you confirm today that decisions were made to seek the testing available and to give further assurances that both testing that we have alluded to today will be on the Island at the time they say it is?

### **The Deputy of St. Ouen:**

I thank the Deputy and I acknowledge the importance of getting the test kits on to the Island as soon as possible. I think the Deputy said that test kits were on the Island. That is not the case, I regret to say. I would love it to be the case, but they are *en route*, that is, the test kits for the P.C.R. testing. I

do know that many avenues have been gone down to try to secure these tests. I do know that officers have spent long hours trying to validate certain proposals that have been put, certain options, because we want to make sure that if we ordered test kits that they were reliable and workable. There have been reports of Chinese factories turning out test kits that just do not work and we did not want to get into that sort of scenario. So, aside from trying to act as quickly as possible, we also have to ensure that what we are ordering is to the best of our knowledge and information something that is reliable and that we could use straight away. Orders have been put in. If the Deputy thinks that I can confirm dates, I am just not in that position and I do not think anyone in the world with orders outstanding - and we know that there are many around the world - is able to say exactly when they will arrive.

**5.12.1 Deputy K.G. Pamplin:**

Again, Minister, on 19th March you informed us that 12 ventilators had been ordered in response to the outbreak. Can the Minister provide us with an update on the order of those 12 ventilators and when they also will be on the Island?

[14:45]

**The Deputy of St. Ouen:**

Yes, the only update I can give is that they are being constantly chased. The order has been acknowledged and we are chasing delivery as soon as possible.

**The Greffier of the States (in the Chair):**

Thank you. The next question is from the Constable of St. Lawrence and I think the Constable of St. Lawrence is not able to speak, but is able to send us messages on chat, but I have her question to read out and it is for the Minister for Infrastructure, Deputy Lewis.

**5.13 Connétable D.W. Mezbourian of St. Lawrence:**

All Parishes currently arrange their own refuse collection via a limited number of private contractors, or their own employees. In the event that a private contractor cannot collect, will his Department be able to undertake refuse collections on behalf of the affected Parishes?

**Deputy K.C. Lewis (The Minister for Infrastructure):**

An interesting question. A lot of Parishes at the moment are splitting up their crews in case there is any sickness. In fact, some are travelling in the refuse trucks and some are following on behind in another vehicle. Obviously, it is one of public health, so should for any reason the Parish authorities not be able to undertake it, then arrangements will be made. I would need to clear that with my officers, but I need to get back to the Constable with that but arrangements would be made.

**The Greffier of the States (in the Chair):**

Does anybody have a supplementary to that question, otherwise we will move on? No? In that case I will call Deputy Doublet.

**5.14 Deputy L.M.C. Doublet:**

My question is for the Minister for Economic Development, Tourism, Sport and Culture and I would like to know whether he has assessed the situation of veterinary services at the moment. As I understand it, they are not currently eligible for some of the support mechanisms that have been put in place, including the wage subsidy. Has this position changed and how is the Minister going to support that particular sector?

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

Work on phase 2 of the payroll support scheme is ongoing and officers are engaged in a fairly extensive piece of work looking at the current exemptions. That is the current position. I will be making a further statement tomorrow, but it is envisaged that the Council of Ministers and the Competent Authority will be asked to consider further extensions to the scheme in the early part of next week. I understand it is an incredibly concerning time for businesses that are currently excluded from phase 2, but we undertake to get information to them as quickly as we possibly can. Currently vets are not included in the scheme, but all areas are under reconsideration.

**5.14.1 Deputy L.M.C. Doublet:**

Thank you. Can the Minister give any reassurance today to that sector that there will be some change forthcoming?

**Senator L.J. Farnham:**

I am reluctant to give any further reassurance to anyone currently not on the scheme. We want to include as many people as possible. It is absolutely essential that the support goes to the right businesses to help protect the right jobs and those areas most critically affected by coronavirus.

**The Greffier of the States (in the Chair):**

Thank you. We are now just going to hand over to the Bailiff to be back in the Chair and then we will carry on with questions without notice. Give us a second.

**The Bailiff:**

Are there any supplementaries to that question to be asked of the Minister? No?

**5.15 Deputy M.R. Higgins:**

It is a question for the Minister for Health and Social Services. In my earlier question I asked about continuous positive airway pressure equipment and the Minister said that it was on order. My understanding is that the supply chain is through the Department of Health, or the N.H.S., in the U.K. As these are being manufactured by companies like Mercedes and others is the Minister just sticking to the U.K. supply chain, or is he going to any supplier to get this type of equipment and other essential equipment?

**The Deputy of St. Ouen:**

Just at the moment I cannot say exactly in respect of that particular piece of equipment that the Deputy is asking of where the orders have been placed and whether there is more than one order, but I do know in respect of all the other equipment we have been trying to source that we have not only looked to the N.H.S. but we have looked outside and we have taken advantage of people who live locally who might have had contacts and have kindly come forward to suggest routes to get this equipment in and officers have also searched the world to determine how we might reliably order some of these supplies. It is not a sole reliance on the usual N.H.S. supply routes.

**Deputy M.R. Higgins:**

OK, thank you. That is fine.

**5.16 Deputy G.J. Truscott:**

This is either to the Minister for Treasury and Resources, or Senator Gorst in his position as Assistant Minister for Treasury and Resources. I note the Government has agreed to stand as guarantor for emergency bank business loans, which range from £5,000 to £500,000. Plainly, these loans are designed to provide much needed working capital to our beleaguered local businesses during these difficult times. Can the Minister advise the Assembly as to what interest rate is being applied to these loans, what is the duration of payback, is there a limit to the support funds and finally what level of scrutiny is being applied to the applicants' financial position prior to granting of the loans?

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

I am happy to answer the question on behalf of the Minister and I thank the Deputy for his question. The contracts between the Government and the banks, I just signed them off this morning, the physical paperwork of those contracts, so there are criteria around the loans. One of the good things, as far as the Government is concerned, from the risk perspective of this borrowing and underwriting is that the risk analysis is undertaken by the individual banks themselves and therefore we are not second-guessing normal risk analysis processes that the banks would undertake. Unlike other jurisdictions, we are capping the amount of interest, because we do not believe that either the Government, or the banks, should make exceptional profits on these loans and, therefore, I do not have the paperwork in front of me but I think the cap, if I say it is 4.5 per cent it is either 4.25 per cent or 4.75 per cent, but it is in that area. There is a term of up to 2 years as well, but the banks, of course, will look favourably on those businesses that might wish to extend that term.

**5.16.1 Deputy G.J. Truscott:**

I have been speaking to a number of businesses locally and it seems - and this may have changed since I have spoken to them, because the Senator has just intimated that he has agreed with banks on some things - but there were some banks that were unclear of the way forward and some seemed to be on board with this. Has the Minister now cleared with all the local banks the position going forward?

**Senator I.J. Gorst:**

Yes, the Deputy might remember at the last States sitting I encouraged the banks to continue their normal lending and extension of lending facilities and overdraft facilities and that businesses should approach them as they would normally to have their existing facilities extended, if that was what was required and the banks should not be waiting for the Government underwriting scheme, because it had come to my attention that some banks were waiting. That would be and still is wholly inappropriate. So, if businesses are experiencing that, I ask them to either come directly to my Department in the financial services section of Government, or to Jersey Business, so that that can be cleared up. Having said all that, I am extremely grateful to my officials and to the 4 banks involved, because all of the issues that perhaps were being raised have now been resolved and, as I say, I have literally put ink on paper this morning ... very grateful to that official that travelled out to St. Ouen to allow me to do that. So, businesses should be able to access credit in 2 ways. One is the normal way that they always have and I repeat those points if they are struggling to get in touch with us but, secondly, now is they should be able to access or have access to this extra £50 million, £40 million of which is coming from Government and the other £10 million is the bit that comes from the banks themselves. So, if businesses are struggling, again from today, please I implore them, get in touch with Jersey Business, or get in touch with my Department.

**Deputy G.J. Truscott:**

I want to thank the Minister for his response, thank you.

**5.17 Deputy R.J. Ward:**

I am not sure whether this is for the Minister for Economic Development, Tourism, Sport and Culture, or the Minister for Social Security because it is about schemes for those losing work. I want to know what protection there is for those on zero hours contracts who may now be unemployed, because there are no hours, are below the age of 25 and/or living at home. Will they be included in funding schemes, or included in household income, which means they may not have their own individual income?

**The Bailiff:**

That sounds like it is for the Minister for Social Security.



**Deputy J.A. Martin:**

Thank you, Deputy. Yes, we are looking at the under 25s, the first issue was the under 25s who, and we have always done this, have established their home outside the family home and somebody said they would get no rent. We have always done this on a case by case, we are looking again at the under 25s on their own. Again, at the moment obviously if they are there and they were working and it is over 5 years and it is an income support household, we will put them back on the component and we are still doing more work to see ... again, you know, we are working on the premise to keep everyone in a home, everyone with food and medicines and then, you know, there is the budget. So zero hours though ... sorry, the main one was zero hours, if you were on zero hours in whatever scheme you fall under, under 5 or over 5, you have now no income, you will fit into one of those schemes. We are not going to, you know ... that is you, you have no income, your company has either stopped you working, or for some reason they have stopped trading, they are then to be assessed by the officers as no income. I hope that helps.

**5.17.1 Deputy R.J. Ward:**

It does to some extent, but a supplementary? I know the hard work that is going on in the Social Security Department and there are some difficult circumstances, but there are also examples of many students returning for a long summer where they work on zero hour contracts, for example, in order to effectively repay their overdrafts and so on for next year. If there are no zero hours contracts and they do not really fit into the income support part, will they be included in one of those schemes and will it be clear how they would make a claim if suddenly the hours that they were, if you like, promised, dry up?

**Deputy J.A. Martin:**

Yes, Deputy, so the students who have already got their grants and their loans for university ... I think we made an agreement, even a few weeks back, that if they came back again ... it was income support households, because that was the people we knew about. Again, under 25s on their payment at the moment living in a household, we have not done it before. It is something that again ... it goes with the other question you asked, we have a finite amount of money and we have to help everybody. If they are living at home with both parents working, I am not sure whether they would get a financial pay out under either of those schemes.

[15:00]

**5.18 Senator K.L. Moore:**

This is a question for the Minister for Health and Social Services. Minister, in December you said this week that you were aware of COVID-19, so could you explain to the Assembly why decisions were not taken then to pre-order protective equipment and testing equipment to ensure that the Island was resourced to cope.

**The Deputy of St. Ouen:**

H.C.S. would have ordered and I imagine has constant orders going through for P.P.E. I do not have the dates those orders were made, but is the Senator suggesting that there was insufficient ordering given the knowledge at the time of this scenario we are facing? Because I think that sort of question will be the sort of question that it would be proper to ask after this crisis has passed and look at the whole Island preparedness. You know, in - what are we now? - the beginning of April to say did we order enough on any specific date in December or January, how can we know.

**5.18.1 Senator K.L. Moore:**

If I may, a supplementary? It is a question put to us by the public, it is a question that many people are asking themselves and without wanting to sound as if we are crying over spilt milk, it is something that is helpful to answer, so that we can understand the thinking, particularly in light of the fact that

an exercise was carried out in November of last year specifically around what might happen in the case of a pandemic.

**The Deputy of St. Ouen:**

I do not believe that H.C.S. was short of its P.P.E. supplies at any time, but, of course, what has happened is twofold: that there has been a greater understanding of the effect on our community of COVID and therefore a greater awareness of how we need to be prepared. That has been something that the whole world has been learning and therefore there has been increased demand worldwide for P.P.E. and we have been in that marketplace securing orders, orders have come in. We do have supplies of P.P.E., as I mentioned earlier in response to another question, we find ourselves now having to share those supplies with other Island providers, to ensure we have an Island response. But that does mean that we might occasionally incur shortages, but we are not in a situation where we have no supplies at all. We have supplies coming in and we are always ordering supplies. So I hope that can give the assurance.

**5.19 Senator S.C. Ferguson:**

For once I am being quiet. The second C.T. (computerized tomography) scanner ...

**The Bailiff:**

Is this for the Minister for Health and Social Services?

**Senator S.C. Ferguson:**

I am sorry, yes, it is for the Minister for Health and Social Services. We have a second C.T. scanner due to be installed, is it still on track to be installed in the next 3 weeks?

**The Deputy of St. Ouen:**

Senator, first of all, can I say it is lovely to have you participating in debates once again. Senator, I have not heard to the contrary. There is still transport, freight transport, to the Island and we still have all the workers in the hospital, so I am very much confident that can still go ahead.

**5.19.1 Senator S.C. Ferguson:**

Can I have a supplementary, please? Has the transport back to the U.K. for the installation engineers been guaranteed?

**The Deputy of St. Ouen:**

I am afraid I do not know the detail of that question, Senator, but I will come back to you.

**Senator S.C. Ferguson:**

I hope you will, because the scanner is important and these people want to get back to their homes.

**Senator I.J. Gorst:**

Sir, I wonder if I could come in and help?

**The Bailiff:**

No, I am afraid we must keep this fairly strict, otherwise we run the risk of one question getting out of control. You have asked your supplementary, Senator, it has been answered and really I have a limited time ...

**The Deputy of St. Ouen:**

Can I add, Sir?

**The Bailiff:**

Well, I have a limited time available but, yes, Minister, if you wish to answer that particular point, please do, but we have a limited time available.

**The Deputy of St. Ouen:**

Just to say I am confident in the teams that are working around that project and I cannot see why they would not have planned this and left those workers isolated and away from home. I am confident it has been done. Thank you.

**5.20 Deputy R.E. Huelin of St. Peter:**

Thank you, this is for the Minister for Children and Housing. The Minister is rightly concerned about tenant evictions. Given the positive and proactive response from the landlord community, supported by their managing agents, are his fears being alleviated?

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

Obviously, the proactive response that the landlords who I have been in contact with, their representatives and the letting agents, has obviously been a good one, I have been very pleased by it and responsible is the word that I would use to describe it. But does it alleviate my fears, though? No, it does not because, as far as I am concerned, if one single person ends up in a disastrous circumstance because of somebody not behaving responsibly, then that will worry me and that could have wider repercussions if that person ends up in a position where they are unsafe, or risk playing a part in spreading the virus. So it pleases me the responsible attitude that many have taken, but we cannot underestimate the fact that even if it is a very small number of people out there who may behave irresponsibly we have to do what we can to prevent that.

**5.20.1 The Deputy of St. Peter:**

Supplementary? I concur with the Minister, one situation is one too many in these circumstances. I support that entirely. However, what else does the Minister propose to do to continue and maintain good relations with the private landlords, bearing in mind they do look after, or give homes to, 10,000 families in Jersey and play a very important part in our community, not just today but going forwards?

**Senator S.Y. Mézec:**

So, I have been very pleased with the communications that I have had and the swift responses when I have asked letting agents and landlord representatives to tell me what they are actually doing. That I hope to keep up throughout this, because it is a good way of having information fed back to me if there are things that are not quite going well. Just one example, after my press conference the other day, where I announced emergency housing support, I had one letting agent representative get in touch with me to highlight a problem they were experiencing and then we were able to act upon that and start preparing some guidelines on that. So, having good communication is a really important way of being able to nip in the bud certain problems when they come up and that has been going quite well so far.

**5.21 Deputy J.H. Perchard:**

My question is for the Chief Minister. Is there to be a recovery co-ordination group formed as outlined in the States of Jersey Emergency Measures Plan and, if so, when is the appropriate time for this to happen and, if not, the R.C.G. (Reserve Co-ordination Group) what is being done, or what group is being formed instead?

**Senator J.A.N. Le Fondré:**

Can I seek on point of clarification from the Deputy? Is she referring to the Emergency Plan of 2014?

**Deputy J.H. Perchard:**

Yes, I am referring to that, because that is indeed the document that was shared with us and as far as I can tell is the latest version.

**Senator J.A.N. Le Fondré:**

Thank you. The short answer is there will obviously be a recovery group, as and when we start coming out of the particular crisis. We have been having some discussions and some thoughts are coalescing as to what we are going to start needing to be doing. There is nothing formalised on that at a political level yet, but in terms of the timing I think the short and very simplistic answer as of today, so this might change, is it depends when the peak goes through, because that at least will then give us an indication as to when we think we are ... when I say through the worst, hopefully things will then start progressing and improving and then we have a timescale around which to actually plan for recovery if that makes ... sorry, when I say plan for, build on the recovery. What we have to focus on at the moment is we know the wave is coming, it is getting closer, we have just got to make sure that all our preparations, as much as we can possibly do - and we had one or 2 questions earlier on on this sort of subject - we are absolutely focused on that and making sure we are ready over the next few days, couple of weeks, for what is about to come through the Island. That I think, at this stage, is going to be difficult times. But in the meantime, the Deputy is right, we are starting to consider what recovery might look like.

**5.21.1 Deputy J.H. Perchard:**

Would the Minister endeavour to share with Scrutiny the structure of the various command and co-ordination groups that have been and are to be formed, including the cells and panels that sit underneath them, as the document I was referring to is the only written source of information backbenchers currently have pertaining to the structure of governance of the decision making in response to the emergency?

**Senator J.A.N. Le Fondré:**

I have no problem with sharing the documentation with the Scrutiny Panel. The reason I am frowning slightly is that States Member were obviously given a briefing this morning on some of the structures and governance that are surrounding matters, which I had thought the Deputy was party to, but if she was not I am very happy to make sure those slides are forwarded to her.

**Deputy J.H. Perchard:**

May I just clarify something I said there?

**The Bailiff:**

If it is essential, Deputy, because we have about 3 or 4 minutes left.

**Deputy J.H. Perchard:**

The material shared in the briefing is not of the detail that I was requesting.

**The Bailiff:**

We now have Deputy Tadier.

**Deputy M. Tadier:**

I do not think I indicated to speak, but thanks for calling on me, I have nothing to say. Thank you.

**The Bailiff:**

Thank you very much, Deputy.

**5.22 The Connétable of St. Helier:**

This is a question for the Chief Minister. I wrote to the Chief Minister, the Minister for Economic Development, Tourism, Sport and Culture and the Minister for Health and Social Services yesterday, enclosing an email from a local manager of a construction company very concerned about the impact that the stop work order is going to have on local construction at the end of the week and citing the U.K. example, which is allowing construction to continue so long as social distancing measures are enforced. I wondered if the Chief Minister could explain what the medical evidence is that we should be stopping all construction work, apart from those ones he is going to mention at some point.

**Senator J.A.N. Le Fondré:**

Certainly, when I say the Connétable is right, he will obviously think he is always right, in that there are 2 competing issues going on. One is: is it possible for construction workers to socially distance and continue doing their job and the second one then is the concern from a number of Islanders from a different quarter about seeing construction workers out and working and from their perspective - I do not necessarily subscribe to these views - are spreading the virus. So the position as of now - and I was slightly surprised to see the letter - and I am following it up, I have not had a chance today - because my understanding was that the individual who had written the letter, assuming it is the one I am thinking of, had been party to the discussions with the officers, as the advice was developed.

[15:15]

Certainly, at the Competent Authorities meeting yesterday, when this was discussed, it was not raised as him having expressed concern. But I will follow up and just try and find out what that position is. For the avoidance of doubt, where we are now is that the advice that has gone to the precautionary approach that anybody subject to the Health and Safety Construction legislation, which I think is 2016, will have to close on Friday and the intention then is to keep them closed for a period of time, which I am told is short, relatively, to allow the scheme which is being worked on to be finalised and then essentially, pretty well on a case by case basis, sites will then be opened up again. This is to ensure that the absolute correct guidelines, the correct distancing can be maintained. So, really simplistically -and this is my understanding as of today as a layman but partially on the basis of the advice we have had, but it may change - somebody doing demolition in the JCB might well be able to carry on, but if one is doing a different form of construction, which means that people are a lot closer, then that may not be able to carry on, unless they are able to change their procedures. Obviously, the health and safety of the workers has to be paramount. That is the dilemma and that is why the advice changed from the initial view, which was that people would be able to carry on subject to getting a certificate, to a harder line which is close on Friday as the default position and then will be reopening. It is based on the medical advice we are receiving.

**The Bailiff:**

I am afraid that ends the time available for questions. We have now had slightly over the full 2 hours (sic) and then we move on to the next item of business which is a Statement on a Matter of Official Responsibility. There are 2 statements, both from the Minister for Economic Development, Tourism, Sport and Culture and the first is regards the application of the Control of Housing and Work legislation during the coronavirus crisis.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**6. The Minister for Economic Development, Tourism, Sport and Culture made a statement regarding the application of the Control of Housing and Work legislation during the coronavirus crisis**

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

I thank Deputy Gardiner for highlighting how the Control of Housing and Work (Jersey) Law provision might be impacted by the current COVID-19 epidemic and especially how these might be utilised to assist those registered workers who have been in Jersey for less than 5 years and employers who find themselves with gaps within their existing workforce due to the current situation. I offer my apology for not coming back to the Deputy sooner on this matter, I am sure that she will appreciate that this is a fast-moving situation and while the health of Islanders is our overriding concern, one of our key priorities has been to deliver a package of financial support for businesses and individuals. I am pleased with what we have delivered within the time constraints that we face and it is crucial that we did that. The Government has announced a series of additional business support measures to help preserve as many Islanders' jobs as possible and maintain our key economic infrastructure during the COVID-19 epidemic. The Coronavirus Payroll Co-Funding Scheme, the Jersey Business Disruption Loan Scheme and the Jersey COVID-19 Special Situations Fund and options to defer G.S.T. payments and social security contributions. The Deputy will be aware that we have also announced a COVID related emergency support scheme to provide specific financial support for those with under 5 years residency in Jersey, recognising the restrictions on travel. In relation to the Control of Housing and Work (Jersey) Law, exemptions already exist within the Control of Housing and Work (Exemptions) (Jersey) Order 2013 to allow for all employers, who hold a business licence, to disregard the maximum number of registered or licensed employees that they employ where a registered or licensed person is being utilised to replace a person that is on leave. In the case of maternity or sick leave this can be for a period of up to 9 months, in all other cases this leave can be extended for a maximum of 3 months. These exemptions allow for employers to utilise registered workers to fill any gaps in their existing workforce where employees are currently absent on leave, whatever those circumstances might be and without an application for extra registered or licensed employees to be made. I must stress that they do not allow for extra registered or licensed employees to be taken on to expand the business and any such requests for additions to a business licence would need to be applied for in the normal way. I intend to introduce, by Order, a further exemption which will allow for all businesses to temporarily utilise registered licensed employees to fill gaps in their existing workforce where those staff have left the Island due to the current COVID-19 epidemic. I will propose that this will be in line with the current 3 month exemption. This would ensure that during the COVID-19 epidemic exemptions would apply to all employers who have a gap within their existing workforce, whatever that reason might be. I can confirm Customer and Local Services will also provide a job matching service through the C.R.E.S.S. for registered workers, as well as other jobseekers. This service has previously only been available to those who have been in the Island for 5 years or more. They will also be offering reassurance to businesses regarding the exemptions discussed during the job matching process. I would like to stress that whatever the employment status and whatever the role, all work must be carried out safely and in line with medical guidelines for the protection of staff and their customers. I believe that this creates a level playing field for registered workers to be able to temporarily access any vacancies within the existing workforce, so that people can remain in employment and prevent businesses from closing permanently wherever possible. Thank you.

**The Bailiff:**

Thank you very much, Minister. There is now 15 minutes of questions available to this Minister, if Members could indicate whether they wish to ask any questions?

**6.1.1 Deputy I. Gardiner:**

First of all, thank you to the Minister. I do appreciate it is a fast moving situation. I know that the Minister and his team were working very hard. They have daily released various forms of support for Islanders and for businesses. Would the Minister advise when the Order for a further exemption, which will allow for all businesses to temporarily utilise the registered and licensed employees to fill gaps in their existing workforce will be introduced?

**Senator L.J. Farnham:**

Officers are working on that now and I expect it to be introduced within the next few days.

**6.1.2 Deputy K.F. Morel:**

Minister, do you have a sense of the number of people that this will be able to help in terms of not only how many people will be eligible for being able to move between businesses in this way, but how many will actually likely be able to take advantage of that situation during this period?

**Senator L.J. Farnham:**

We do have the figures but I do not have them in front of me. A week ago I would have said it would have been a more significant number than it perhaps is today. We have seen a number of, shall we say, trading positions flattening out with the inset of the order to stay at home. Like I said, it is an ever changing backdrop at the moment. So, I expect it will be extremely useful to some businesses and some individuals, but the exact numbers I do not have. But it will be not insignificant.

**The Bailiff:**

Does any other Member wish to ask a question of the Minister? Very well, the next order of business is a second statement of official responsibility by the same Minister regarding financial support for self-employed Islanders during the coronavirus crisis.

**7. The Minister for Economic Development, Tourism, Sport and Culture made a statement regarding the application of the Control of Housing and Work legislation during the coronavirus crisis**

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

This statement is in response to a petition, an online petition, on support for self-employed people. The 2020 coronavirus pandemic has caused a global public health crisis. Critically important measures introduced to manage the spread of coronavirus in Jersey, which include social distancing and a stay at home order, have caused unprecedented disruption to our society, local businesses and the wider economy. I know you will want to get back to work and back to business. The coronavirus pandemic will cause a global recession and it will cause a recession in Jersey. This recession will be severe, as many of you already know. We must be prepared to be in this for the long haul and that requires careful management of the crisis and of the recovery. However, without our local businesses and their experienced workforce, this recession will be even more severe and long lasting, this is why we need to support our employers, employees and the self-employed workers to stand ready to get our economy back on to its feet as the crisis abates. The coronavirus pandemic is the most significant challenge our economy and our society has faced in modern times. We will meet this challenge with the boldest set of measures to support business that the Island has ever seen. The emergency business support package announced throughout March includes measures to support employers, employees and our self-employed workforce. In addition to deferrals of business G.S.T. and social security payments we launched on 12th March, we have yesterday launched phase one of the wage subsidy scheme; the Government payroll co-funding scheme. Phase one was designed and launched in short order to provide fast access to subsidies for businesses severely affected by coronavirus containment measures. This includes our hotels, our restaurants and cafes, bars, fishermen, hairdressers, beauticians and many of our retailers. Phase one will run from 20th to 31st March inclusive and will provide a subsidy to employers and the self-employed workers of up to £200 per employee per week. I am informed that in the first 30 minutes of the website going live yesterday we had already received 25 applications and this is before we had actively communicated this to anyone. This demonstrates the real need businesses have for these schemes in this unprecedented time of our lives. Even more

generous subsidy will be available to even more of the most severely affected businesses in phase 2. In phase 2 we will offer employers and self-employed workers a subsidy of up to 80 per cent of their wages up to a cap of £2,000 per worker. This means that employers and the self-employed workers will receive a subsidy of up to £1,600 per worker per month for pay periods in April, May and June 2020. We will monitor this scheme and we will extend its term if the disruption continues. I want to be absolutely clear that we are committed to providing an appropriate support to business and employees for the duration of this crisis. We have now committed to providing the final detail on phase 2 by 10th April. We appreciate this is needed to allow businesses to plan appropriately for the coming challenging months. Many businesses have already written to me and other Ministers and to Members in general outlining how their businesses have been impacted and the fact that they are not currently within the scheme. In order to carefully protect our public finances in what will be a long road to recovery, the Government is taking an approach of economic *triage* with our support schemes. This means that we cannot include all sections of the economy immediately; we must do this based on careful review and consideration of impact of coronavirus on the economy. To do otherwise would place our public finances at significant risk. However, I can assure you we are listening and this is why I have committed to providing final details on the operational scope of phase 2 by 10th April 2020 to give us the opportunity to properly consider these requests. I can absolutely assure you that Government officials will work hard in the meantime to ensure phase 2 provides the boldest and fairest scheme available within our budgetary constraints. We have also announced a bank loan guarantee scheme to help banks provide cash flow support to local businesses through the economic shock we are experiencing. That has been launched and banks are now lending, as of yesterday. We will also rescue any strategically important but vulnerable businesses throughout our new special situations fund. I say that these measures are the boldest Jersey has ever seen. These measures are expensive and we will need to work hard in the coming years to restock our reserves, but without these measures many of our businesses, which make up much of the fabric of our society would not survive. Many people in Jersey would lose their jobs and many people in Jersey's lives would drastically change. While expensive, these carefully designed measures will truncate our recession and enable our businesses to return to profitability as quickly as possible. They are value for money and they will provide us with the tools we all need to get back to business together as this crisis abates. Thank you.

#### **7.1.1 Deputy J.M. Maçon:**

I welcome the Minister's announcement. Regarding phase 2, is the Minister able to comment, or provide further clarity, whether this will cover tradesmen - we have been getting a lot of comments from plumbers, electricians, those types of people - taxi drivers and architects? If he cannot at the moment - because I appreciate there is a review process - is he able to indicate that they might be able to do certain industries in *tranches*? Because some people are obviously dealing with a lot of anxiety and 10th April might be too long for them.

[15:30]

#### **Senator L.J. Farnham:**

Yes, I can thank the Deputy for his question. We will leave no stone unturned in our quest to ensure that all the businesses that need support get support. Not just the businesses, but more importantly the jobs for the people they employ. I would be hesitant to refer to any individual sector at this moment in time. I do not want to set any hares running, or the opposite of that, but I can reassure Members we will do all in our power as quickly as possible and we will work hard to ensure that during now and the end of next week, when we hope to announce the final details of the scheme - because we do have to seek the approval of other Ministers and ultimately the Council of Ministers - I intend also during that period to keep Members as updated as I possibly can to make regular announcements, public announcements, to keep the business sectors up to date.



### **7.1.2 Senator K.L. Moore:**

The Minister appeared rather defeatist about the length of the recession that might follow this situation; however, with the possibility for testing all Islanders in quite quick succession does the Minister agree that he can devise a strategy with which the Island can return to work in short order?

### **Senator L.J. Farnham:**

I am sorry, did the Senator say “defeatist”?

### **Senator K.L. Moore:**

Yes.

### **Senator L.J. Farnham:**

Well I would oppose that view most wholeheartedly and we must all be the very opposite of defeatist. We need to be strong and full of resolve, because this situation will end, but if we are being realistic we will have to face a recession. I am rather hoping it will not be as bad as perhaps we think it might be. I remain sure that our strong economy will bounce back quicker than others, because that is, in the past, what we have done. We have a strong economy, strong Island finances and we are well positioned to come back as quickly as possible. But as the Senator said, as important as making sure we provide support to Islanders and their jobs as we head into the crisis, it is as important if not more important that we make sure we have the strategy and the resources to plan the recovery.

### **7.1.3 Senator K.L. Moore:**

As a supplementary, could the Minister confirm what his strategy is, for example, once testing of all healthcare professionals is complete, is there a prioritisation process particularly for perhaps self-employed people in order to assist them in returning to work as soon as possible?

### **Senator L.J. Farnham:**

We are discussing a number of ideas as we are putting the strategy together at the moment and I have undertaken to work closely with my Scrutiny Chairman and his Panel. So, it is a bit early to start saying exactly what aspects of our strategy are in place, but I have certainly taken into account the question she is asking and I say to her and other Members of the Assembly that I will be very open and happy to share how we are doing with them as we move along. \*\*

### **7.1.4 Deputy R.J. Ward:**

Can I ask the Minister a question regards the practical timeline of this scheme, particularly phase 2? When would the first payments go out to employers? I welcome the support they are given, it is just that some employers it seems may ... can he confirm that it is a pay your staff and then claim back at the end, so there could be a significant time lag before any money goes to employers; could that lead to more people losing their jobs? Have I got that right in terms of the scheme itself and could you give me a timescale?

### **Senator L.J. Farnham:**

Yes, the Deputy is correct and it has also been a concern for myself and officers as well, the cash flow position of businesses, which is why we have put this in as part of a range of measures. Phase 2 of the scheme will be effective from 1st of April with full and final details towards the end of next week, and it is currently to run for April, May and June. At the end of each month, right at the end of each month, employers will submit either their social security return or by separate online application form details of their payroll. Within 3 days that form will be processed and their grant will be paid to them, equivalent to 80 per cent of their payroll, capped at £1,600 per employee. Underpinning that scheme are the other measures we have put into support business, the cash flow measures which are deferral of social security payments and other payments, and also the bank

guarantee loan scheme. Again, while I thank the banks for all they have done to work with the Government I also implore them to get behind businesses and provide a bridge to support them through this crisis.

**7.1.5 Deputy R.J. Ward:**

Will there be some sort of part of the scheme where you could look for emergency payments for companies ... and I know you are relying on companies to really think through whether they need to do this, but it would be a shame to lose some companies, restaurants and so on, which may just feel that they have to lay off staff before the end of that month because they cannot pay up front, particularly if they cannot get bank loans. Could there be an exception system set up there so that we can enable some companies to get very quick assistance in order that they stay trading? There would have to be some sort of test there but I am sure that could be put in place.

**Senator L.J. Farnham:**

In theory that is a very good idea and perhaps one for the Minister for Treasury and Resources or the Treasury team. But of course while we have to get cash to businesses as quickly as we possibly can, we have to make sure that public finances are protected, not just for us now but after the scheme as we come out of this and we start looking back and auditing the scheme we want to make sure that not only have we spent public money wisely at this time, but those who have received it have been protected because we have not breached any rules. I think also it is important to say to businesses that survival or businesses might not be to stay open and trade through it, it might be to go into hibernation and close the doors and pull up the shutters and be ready to reopen when the time comes. That is for individual businesses.

**7.1.6 Deputy K.F. Morel:**

The sad truth is that recessions kill people too - through poverty, suicide, violent crime including domestic abuse, they all rise during recession. In the U.K. Bristol University has calculated that a recession of more than 6.4 per cent of G.D.P. (Gross Domestic Product) will see more life lost than the coronavirus will have caused in loss too. So is the Minister assured that he and his Department are doing enough to avoid a recession that causes more damage to lives than the lockdown and the measures that we are currently experiencing at the moment... or, than the virus?

**Senator L.J. Farnham:**

Yes, unfortunately there is nothing any of us could have done to prevent this recession. It was forced upon us by the terrible consequences of the coronavirus pandemic. What I am going to do, and I urge all Ministers and States Members to do the same, is ensure that we do absolutely everything in our power to minimise the impact of these terrible times on our economy and especially the individuals who are suffering at the moment and who are uncertain. In truth all of us will be suffering some form of hardship and it will be far better for our community to bear the burden of that hardship together, and that is why I said in response to Senator Moore's questions it is not just about what we do now to protect jobs, it is about having something in reserve from which we can support that recovery when it comes and make sure that the length of time we are in economic hibernation is as short as possible.

**7.1.7 Deputy K.F. Morel:**

Does the Minister have projections for the impact that these measures will have on G.V.A. (Gross Value Added)? We have seen the Fiscal Policy Panel suggest that we could lose up to 6 per cent of G.V.A. as a result of a recession; has the Minister tried to quantify what he believes these measures that he is placing will help in terms of "improving" G.V.A.?

**Senator L.J. Farnham:**

It is too early to tell. I still have great confidence in the advice given by the Fiscal Policy Panel and we have no reason at this stage to disbelieve or challenge their finding, but it is too early to tell but I can assure the Deputy and Members that teams of officers are monitoring the situation very closely. I know it is really important to Treasury to understand what the fiscal impact of this will be and as soon as we start to gather evidence based on what has happened we will start to share that information as quickly as possible.

**The Bailiff:**

Does anyone else have a question for the Minister? If no one else has a question for the Minister then that brings this question period to an end. The only item left upon the Order Paper was the Coronavirus: Waiving control of house and work provisions, brought by Deputy Gardiner. Deputy, are you intending to proceed with that or have you heard enough to withdraw?

**Deputy I. Gardiner:**

I would like to give a short 5 sentences. I would like first of all to thank the Minister; I hope this will help us to have a more adaptable workforce during the crisis. In these most challenging times we will need every able bodied and physically well person in Jersey working to support the vulnerable and unwell. So every capable person needs to play their part, we are all in the same boat together in our case on the same 9 by 5 Island, so we will have nobody about to come and save us. We have to make the best use of everything we already have here. So thank you, Minister, and I feel confident in being able to withdraw my Proposition.

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**The Bailiff:**

Thank you very much indeed, Deputy. That brings Public Business and the business of the Assembly to an end. I invite the Chair of P.P.C. (Privileges and Procedures Committee) to propose the arrangements for the Public Business for future meetings.

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

Thank you, and if on the back of Senator Farnham's statement there I could reference the 2 e-petitions. Members might believe that on the question of the Island being brought into total lockdown that that has been answered by what we are experiencing at the moment, and the lockdown that came into effect on Monday of this week. On the e-petition as regards self-employment, Members may feel that the Minister for Economic Affairs, Tourism, Sport and Culture has gone some way to answer that petition and perhaps would like to take a view on that after 10th April when a further announcement is made on the e-petitions. This is a historic day, the first ever virtual sitting of the States, and I have to say you have taken to it like a duck to water. You have made what I am sure is a very difficult job look very easy, and thank you for it. It is very impressive. The Greffe are, like all Departments, under a huge workload at the moment because of the epidemic, and to pull off this virtual sitting of the States in such a way today I think has been a magnificent achievement and I pay tribute to the Greffier who has worked so hard and to the Deputy Greffier, the Assistant Greffiers and all the Greffe staff. Of course it has just been very much better than expected and largely worked extremely well, and Members I think feel that or I am hoping so. Of course for some Members it has not worked too well and I am sure the Greffe will assist with trouble shooting. I myself went to the hub this morning to get Teams put on to this computer that I am speaking to you from now, it is a MacBook Pro, and they were extremely helpful and they worked at a distance. I am not sure if the hub is open permanently but we might be able to arrange - and I am sure the Greffier will advise on this - drop-in sessions for Members so they can get their technical issues sorted. Can I just echo the welcome back that Deputy Maçon made to Senator Ferguson; she should know she is a very cherished Member of the Assembly and we are all very proud of her and we are very pleased to have her back in full health.

[15:45]

The next scheduled meeting of the States is on 21st April. There are just 2 matters down, P.14 Communications Order 2020, and P.19 the bus thoroughfares. We will still be in lockdown which continues until 30th April so it is likely that meeting on 21st April will be like this, it will be a virtual meeting. I do not know if the Chief Minister is still with us but it might be helpful if he does know now whether he will likely call another extraordinary meeting of the Assembly between now and 21st April. If he is able to update us on that, that would be interesting, other than that I propose the arrangement of public business.

**The Bailiff:**

Chief Minister, are you able to help us on this?

**Senator J.A.N. Le Fondré:**

Not precisely. There is one piece of legislation which you will be aware of which has been just taken aside while there is some further consideration happening. Whether that needs to be brought in before 21st April I cannot tell Members today, but I will endeavour to do that by very early next week. Obviously as things progress if we do get into something else that requires some form of emergency approval by the Assembly then we will have to proceed accordingly. As of today I do not have a date for another emergency sitting of the Assembly, should the Assembly agree to it.

**The Bailiff:**

Thank you very much, Chief Minister. Chairman, if I could firstly thank you for your kind remarks and could I express my gratitude and the gratitude of all of the team at the business end, those in the Greffe and those in Digital Jersey, for the forbearance that Members have shown in the way that they have conducted business. If Members had not shown the forbearance and the understanding that they did this would not have been as successful as, in my view, it has been, so thank you. If I could echo the thanks that we all should have to the Greffe for the enormously hard work that they have done in making this possible; well above and beyond the ordinary call of duty and in some cases the early hours. That thanks should extend to the team here at Digital Jersey who have put in, as Members will know, an enormous amount of effort to enable Members to be connected to this historic meeting.

**Deputy G.P. Southern:**

Could I ask the Chair of P.P.C. what the schedule for questions is in the next meeting; is it normal?

**Deputy R. Labey:**

I am happy to answer that immediately, and on 21st April there will be Written Questions, there will be Oral Questions as normal, as a normal sitting.

**The Bailiff:**

It is a scheduled sitting of the Assembly, Deputy Southern, so it will be as every other sitting would normally be. Can I take it then that Members approve the proposal for future business moved by the Chair of P.P.C.? A stunning silence on the ...

**8.1 Deputy K.F. Morel:**

It was just to ask the Chair of P.P.C., I am quite concerned that we have 19 days between now and the next sitting when we could principally put questions. I appreciate there is no legislation but I was wondering if it might be possible to arrange an Assembly meeting perhaps a week to 10 days from now in order to ask questions of Ministers because I believe in that time we will have had a lot of questions and if we were to leave it to 19 days we will have far too many questions than the time will allow in that particular Assembly.

**Deputy G.P. Southern:**

Could I second that if it is a motion?

**The Bailiff:**

Well I think the right thing to do, if I may suggest, from the President's point of view is to take that particular discussion offline. It is obviously always open to Members if they need to do so to requisition an additional meeting and to request, and in those circumstances that is something that can be discussed offline, soundings taken from Members and the Chair of P.P.C. can proceed as that guides him. But obviously your position has been noted, Deputy. Very well, on the assumption that I have seen nothing that suggests that people do not agree with the Chair's proposal for the conduct of future business, the meeting stands adjourned until 21st April. Thank you all very much indeed.

**ADJOURNMENT**

[15:50]