

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 12th MAY 2020

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[9:32]

The Roll was called and the Dean led the Assembly in Prayer.

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

I will repeat my welcome to His Excellency this morning to the virtual Assembly. **[Approbation]**

1.2 Tribute to Mr. J.B. Fox, former Deputy of St. Helier

As Members may have noticed, a former Member of the Assembly has passed away recently. John Benjamin Fox, known as “Ben”, was born in Middlesex. When he came to Jersey he joined the States of Jersey Police, rising up through the ranks to the rank of Detective Sergeant. On his retirement from the police he became a director of the Jersey Mutual Insurance Society. He was first elected to this Chamber in December 1999 as Deputy of St. Helier No. 3 District and he served 4 terms in total until his retirement in 2011. He was active within the Assembly. In 1999 he joined the Planning and Environment, Education and Overseas Aid Committees and served on Planning until he resigned in April 2003. He remained involved with education through most of his time in the Assembly serving on the Education Committee, latterly the Education, Sport and Culture Committee, until the end of the committee system in 2005. Then he was appointed as Assistant Minister for Education, Sport and Culture under the first Minister for Education, Senator Mike Vibert. He was given special responsibility for the Youth Service and was extremely supportive of the service and of young people. He was instrumental, for example, in the creation of a skateboard park in St. Helier. His police background made him an invaluable expert in designing out crime when Education designed school buildings at Hautlieu and D’Hautree. Deputy Fox was a vocal campaigner for the return of police motorbikes, which he achieved under a new chief officer of the States of Jersey Police in 2011. A keen supporter of the Commonwealth Parliamentary Association, he attended a number of visits, most notably to the Falklands in 2004 where he forged strong friendships, and Saint Helena with whom he remained in regular contact for the remainder of his life. Deputy Fox was a member of the Privileges and Procedures Committee from 2008 and was vice-chairman. He was renowned for referring to his “previous career” in speeches which became his catchphrase in the Assembly and it seemed like he would try to work it into every speech, no matter how tangential to policing matters. He was a popular and good-humoured Member who made a regular contribution to the work of the community. He retired in 2011 and enjoyed his retirement with his wife Lizzy until his recent illness. Our thoughts go to his family and friends. I ask Members to stand for one minute’s silence in his memory. **[Silence]** May he rest in peace.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of Deputy G.P. Southern of St. Helier as a member of the Health and Social Security Scrutiny Panel

The Bailiff:

We now come to nominations under F and there is a nomination of Deputy Southern as a member of the Health and Social Security Scrutiny Panel.

[9:45]

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

It is with pleasure that Deputy Southern was helping and assisting the Panel in relation to the Jersey Care Model. He has then asked if he could join our Panel and we were very pleased that he has done so. His knowledge and understanding in particular of the Social Security Law will be very beneficial to the Panel moving forward and we welcome him on to our Panel, if the Assembly so agrees.

The Bailiff:

Is the nomination seconded? **[Seconded]** Are there any other nominations? I declare that Deputy Southern is appointed as a member of the Health and Social Security Scrutiny Panel.

QUESTIONS

3. Written Questions

Deputy R.J. Ward of St Helier:

I did want to raise regards the Written Questions, Standing Order 12(4), reference (2A), I did put it in the chat, I am concerned about the answer that has been given to 2 questions.

The Bailiff:

I am sorry, Deputy, could I ask you to pause for a moment. I really cannot hear what is being said. We need to increase the volume in some way. Could we try now, Deputy?

Deputy R.J. Ward:

Is that better?

The Bailiff:

That is much better, thank you very much indeed.

Deputy R.J. Ward:

I had questions regards 2 questions' written answers. Question 158 and 161, both of which I believe do not address the question asked directly. The first one asks the question about school bus service and I am given a generic reply about an essential service. In the second I did ask for names for members of particular groups; I was supplied with a lot of information that is readily available anyway but regards political oversight groups and think tanks, no names were provided as to the membership. I wonder whether you could decide whether there needs to be a fuller answer to those 2 questions.

The Bailiff:

I will, under the appropriate Standing Order, give that consideration through the course of the day. I hope to be able to provide a ruling after lunch if I have had enough time in order to do so.

Deputy C.S. Alves of St. Helier

Could I also raise the same Standing Order for Written Question 168/2020? I specifically asked what support is available for those whose workplaces are open but they are unable to work due to medical reasons and the answer that I was given quoted back the co-payment scheme, which I believe is only applicable to specific companies and businesses, which are unable to open. So my question has asked what support is available for workers where their workplace is operational and is open. Thank you.

The Bailiff:

Your concern there is that the co-payment scheme does not cover all of the circumstances you have articulated?

Deputy C.S. Alves:

Yes. I believe it does not cover businesses that are open as usual.

Senator K.L. Moore:

Written Question 155 also gives a slightly incomplete answer. It only refers to the consultants working in the United Kingdom but not people on full-time contracts. I would be grateful if you would consider that also.

The Bailiff:

That is question 155. As for Deputy Ward, I will consider that during the course of the day, hopefully over the lunch hour I will have time and therefore give a ruling in the afternoon. If not under Standing Orders then the ruling will be given tomorrow morning.

Deputy R.E. Huelin of St. Peter:

I raise the same Standing Order on Written Question 172. I was asking for specific guidelines for landlords and agents who wish to show their properties under the emergency laws, and give condition reports. No guidelines were issued and I feel if there are not any guidelines that is one issue but also there was no detailed answer as to what those guidelines should be, so I would like you to have a look at that as well please.

The Bailiff:

Very well, I will give the same consideration to that. Anybody else?

Deputy K.C. Lewis of St. Saviour:

In order to be helpful to Deputy Ward, more than happy to answer any questions in questions to Ministers later on, of any supplementaries.

The Bailiff:

Yes, could I simply make the point that if questions are asked during the later question period which answer the questions that Members are concerned the written answers do not could I be notified whether it is still necessary for me to give further consideration to them over the lunch hour. That would be helpful from Members, if that is possible.

3.1 The Deputy of St. Martin of the Chief Minister regarding ongoing government projects that are not Covid-19 related: (WQ.151/2020)

Question

Will the Chief Minister provide a list of all medium or large-scale Government projects that are not directly related to the current Coronavirus crisis, but which are still currently being worked on?

Answer

Within the Capital Programme the Medium and Large-scale projects which are continuing at present include:

1. Completion of the Digital Planning On Line system
2. Completion of Les Quennevais Secondary School
3. Continuation of Granville school phase 5
4. Continuation of demolition of the Fort Regent Swimming Pool
5. Continuation of St Mary School refurbishment
6. Continuation of the Prison Phase 6 project
7. Continuation of the Sewage Treatment Works project phase 1A.
8. Continuation of the upgrading of Orchard House adult mental health facility
9. Continuation of the Office Accommodation Project
10. Work on developing Our Hospital
11. Work on developing the future of Fort Regent
12. Work on developing the Integrated Technology Solution.

In addition, there are a range of Business as Usual activities that have continued during the COVID-19 crisis. Those larger scale initiatives include:

1. Work on the Jersey Care Model
2. Brexit Planning
3. Island Plan
4. Carbon Neutral Strategy.

3.2 The Connétable of St. Helier of the Minister for Infrastructure regarding lease arrangements for Warwick Farm (WQ.152/2020):

Question

Will the Minister explain what the current lease arrangements are for Warwick Farm?

Answer

Warwick Farm is on a normal lease which commenced in January 2018. It is a 9-year lease with a break possible at 5 years (2023) on 12 months' notice.

3.3 Deputy J.H. Perchard of St. Saviour of the Minister for Health and Social Services regarding construction permits given during coronavirus crisis (WQ.153/2020):

Question

Will the Minister advise –

- (a) how many permits have been given to construction sites since their introduction in response to the Coronavirus crisis;
- (b) how many permit requests have been approved and how many have been denied; and
- (c) how many site visits, if any, have been carried out in order to check that sites where work is clearly happening have been issued with a permit?

Answer

- (a) As of 5 May 2020, a total of 141 construction site permits had been issued – 31 under the voluntary scheme prior to the adoption of the Covid-19 (Construction Work) (Jersey) Regulations 2020 and 110 under the Covid-19 (Construction Work) (Jersey) Order 2020 which was made under the Regulations.
- (b) No applications for permits have been refused. The application assessors are working with the applicants in each case to assist them to understand and put in place appropriate measures for their particular site.
- (c) Building Control Inspectors will be visiting and monitoring behaviours on construction sites. Between 1 April and 5 May, the Health and Safety Inspectorate (HSI) made 32 site visits in connection with its role and responsibilities. During these visits, HSI noted 5 sites that were operating without an appropriate permit and reported these to the Covid Construction Team.

3.4 Senator K.L. Moore of the Minister for Health and Social Services regarding G.P. services during the coronavirus crises (W.Q.154/2020):

Question

Will the Minister advise the Assembly –

- (a) the average number of patients seen daily by each GP practice from the beginning of the year to 12th March 2020;

- (b) the average number of patients being seen daily by each GP practice since the urgent treatment centre (UTC) opened on 14th April; and
- (c) the number of GPs working in each GP practice during these respective periods?

Answer

The average number of patients being seen as requested under a) and b) is set out below.

Week Commencing	Average per day
08/01/2020	1251.7
15/01/2020	1233.1
22/01/2020	1231.9
29/01/2020	1197.0
05/02/2020	1245.4
12/02/2020	1150.6
19/02/2020	1087.6
26/02/2020	1181.6
04/03/2020	1167.0
11/03/2020	1365.1
18/03/2020	1777.7
25/03/2020	1492.6
01/04/2020	1159.7
08/04/2020	770.3
15/04/2020	739.6
22/04/2020	784.6
29/04/2020	751.1

c) It is not possible to give a straightforward answer to this question.

There has been a drop in the number of GPs – from 88 FTE (pre-Covid) to 64 now – due to a number of GPs having to self-isolate and not have direct patient contact. The majority have signed up to cover 10 programmed activities [equivalent to 40 hours] a week. This is significantly lower than the normal hours worked by a GP.

The reduction in the number of GPs in large part accounts for the drop in the total average number of consultations from approximately 1,200 a day to approximately 800. The reduction in hours involves the closure of routine Saturday morning surgeries (urgent appointments are seen at the urgent treatment centre) and a reduction in the normal working week of 15% overall for each FTE GP. The spike prior to the drop in the number of consultations reflects the vulnerable screening and optimisation work that was performed by GPs during that period.

3.5 Senator K.L. Moore of the Chief Minister regarding Government of Jersey employees and consultants working from the U.K. (WQ.155/2020):

Question

Will the Chief Minister state –

- (a) how many people (both on full-time contracts or engaged as consultants) are working remotely for the Government of Jersey from a home based in the U.K.; and
- (b) how many contracts with consultants, if any, have been put on hold during the current Covid-19 situation and what the consequent saving, if any, is estimated to be?

Revised Answer

- (a) At the end of April there were 30 consultants (including interims) engaged by the Government on a number of critical projects and programmes of work. Of the 30, 8 are residents of the Island and 22 are residents in the UK.

Of the 22 residents in the UK, 3 are currently on Island and 19 are delivering their contractual obligations from the UK.

A number, by the nature of the work they have been contracted to deliver are supporting critical work for the Island’s COVID-19 response, including the emergency resourcing provision within Health and Community Services, People and Corporate Services and our network and systems infrastructure.

There are 20 employees working from the United Kingdom at present:

Department	Number of Employees
Health and Community Services	3
Growth, Housing and Environment	2
Treasury and Exchequer	3
Office of Chief Executive	1
Strategic Policy, Planning and Population	4
Children, Young People, Education and Skills	4
Chief Operating Office	3
Total	20

- (b) There have been no consultancy contracts put on hold during this period as we have been able to maintain our work plans to a large extent. Contracts that were due to end have been ended.

Original Answer

- (a) At the end of April there were 30 consultants (including interims) engaged by the Government on a number of critical projects and programmes of work. Of the 30, 8 are residents of the Island and 22 are residents in the UK.

Of the 22 residents in the UK, 3 are currently on Island and 19 are delivering their contractual obligations from the UK.

A number, by the nature of the work they have been contracted to deliver are supporting critical work for the Island's COVID-19 response, including the emergency resourcing provision within Health and Community Services, People and Corporate Services and our network and systems infrastructure.

- (b) There have been no consultancy contracts put on hold during this period as we have been able to maintain our work plans to a large extent. Contracts that were due to end have been ended.

3.6 Senator K.L. Moore of the Minister for Health and Social Services regarding coronavirus testing (WQ.156/2020):

Question

Will the Minister provide the Assembly with a table showing the following –

- (a) the brands of the Covid-19 polymerase chain reaction (P.C.R.) tests and antibody tests that are being trialled in the Island;
- (b) the dates on which these tests arrived or, if they have not arrived, the dates on which they are due to be delivered;
- (c) the number of trials that have been conducted to date; and
- (d) confirmation of which testing kits (in both categories) are considered by the Government to be accurate?

Answer

Purpose	1. Diagnostic tests for individual patients			2. Population prevalence surveillance: community antibody testing survey	
	PCR	PCR	Serology	Serology	Serology
Type of test	Swab	Swab	Blood test (venous sample)	Pin-prick blood sample	Pin-prick blood sample
Method	Swab	Swab	Blood test (venous sample)	Pin-prick blood sample	Pin-prick blood sample
(a) Brand	Cepheid	QIAGEN	Abbott	DNA Workplace	Healgen
(b) Date arrived/ due	8 th April 2020, followed by fortnightly deliveries	TBC: expected by end June based on initial lead time quoted	Expected to be dispatched w/c 11 th May	Initial delivery of samples: 8 th April 2020	Initial delivery on 12 th April 2020
(c) N° Trials	Validation exercise conducted on receipt of tests using 44 test kits	Validation exercise will be conducted on receipt of tests	Validation exercise will be conducted on receipt of tests	Approx. 60 test cassettes tested in a local clinical validation study	Approx. 60 test cassettes tested in a local clinical validation study
(d) Accuracy:	Test passed verification performed in Jersey Laboratory; test also has	To be validated on arrival	To be validated on arrival	Considered for population prevalence survey; other uses continue to be explored	Considered for population prevalence survey; other uses continue to be explored

	UK Government approval				
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3.7 The Deputy of St. John of the Minister for Treasury and Resources regarding financial support for companies not paying Jersey corporation tax (WQ.157/2020):

Question

Will the Minister advise whether companies that are exempt from Jersey corporation tax are receiving financial support from the Government during the Covid-19 crisis; and, if so, will she provide a comprehensive list of those companies and information about the nature of the support they are currently receiving?

Answer

The Deputy of St. John has clarified that his question refers to companies which are subject to the 0% rate of corporate income tax (there are no companies which are exempt from Jersey corporation tax). Many 0% companies will be eligible for support under the published terms of the Payroll Co-Payment Scheme, the second phase of which was opened on 1 May. The Government will in due course publish details of companies which have received support when that is fully known.

3.8 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding a subsidy to Liberty Bus for the school bus service (WQ. 158/2020):

Question

Will the Minister advise whether the subsidy paid by the Government of Jersey to Liberty Bus to provide a school bus service has continued since the closure of schools on 20th March 2020; and if so, will he advise whether the subsidy is being used to pay the wages of employees of this service?

Original Answer

I can advise that the contract payments for the bus service under the 2013 Bus Operators Contract have continued.

The payments are being used to support continued provision of an essential service, including the cost of staff wages.

Revised answer

Under the contract LibertyBus is paid a monthly sum (12 equal subsidy payments) which covers both the public bus service and the school bus service. This payment has continued since 20th March. In addition to this sum, LibertyBus retains the income from ticket sales. Obviously, this income has been devastated due to dramatically reduced passenger numbers.

There are considerable fixed costs of the whole operation that relate to school buses (and the public service). A large proportion of the bus fleet is owned, maintained, and operated solely on school services. The income from school bus fares goes towards offsetting the variable costs of school buses (drivers' wages, fuel, lubricants, tyres etc).

LibertyBus have been paying drivers from their income. Ordinarily some of the school bus services form part of the duties of permanent, full-time drivers, who remain employed by LibertyBus. The

remainder, who are part-time and for whom driving school buses is not their main job or primary source of income, are not working for LibertyBus at this time.

We obviously want and need our public transport operator to be in a reasonably healthy state following the easing of emergency restrictions, and to start rebuilding the bus service from the solid foundations of a rationalised but continuously-operated route network and timetable. LibertyBus is obviously currently operating at a loss and this is not sustainable.

It is not unreasonable for us to support our bus service. To ensure business continuity, UK local authorities have been urged to continue paying bus and coach operators for tendered services and home to school transport at the levels before any downturn in service provision or patronage, for at least the period of the outbreak, even if service delivery is disrupted/temporarily stopped.

3.9 Deputy R.J. Ward of the Minister for the Environment regarding the Climate Emergency Fund (WQ. 159/2020):

Question

Will the Minister advise –

- (a) whether funds from the Climate Emergency Fund (C.E.F.) are currently being used to address the financial implications arising from the Covid-19 outbreak; and
- (b) what actions, if any, will be taken to use the C.E.F. to enable and support a sustainable economic recovery following the Covid-19 outbreak?

Answer

I have recently updated the Council of Ministers on the situation with regards to the carbon neutral workstream and have their support to continue our carbon neutral journey. The impact of COVID-19 has meant that we have had to reassess the delivery timeline for 2020, but recognise that the current situation and protection of public health is the priority for all of us at the current time.

My commitment and resolve in tackling climate emergency has in no way diminished during the pandemic. However, the incidence of the pandemic has affected the carbon neutral workstream both logistically and strategically. It has not been possible to run the Citizens Assembly during the crisis. This is fundamental to the development of the Long-term Climate Action Plan, so we have made contingency plans and, depending on timing of the safe exit strategy, we will restart this process when the time is right and it is safe for us to do so.

Policy staffing resources aligned to the delivery of the Carbon Neutral Strategy are currently redeployed to support the public health response to COVID-19. This is expected to remain the case for near-term and we are all having to adjust our ways of working and delivery plans.

Specifically, in reference to part a, I can assure the Deputy that the Climate Emergency Fund remains as agreed in the Government Plan in December 2019¹. The terms of reference for the Fund are set out in the interim response to the climate emergency which was agreed by the Assembly in July 2019².

¹ <https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Government%20Plan%202020-23%20VB.pdf>

²

<https://www.gov.je/SiteCollectionDocuments/Environment%20and%20greener%20living/R%20Tackling%20the%20Climate%20Emergency%20Your%20Island%20Your%20Say%20HHL.pdf>

Whilst the fund is constituted by States decision, it is not yet fully operational. The Government Plan allocated £2m to be credited to the fund in 2020. This represented the forecast from raise from fuel duty this year. If the £2M needs to be adjusted to account for the reduced levels of achievement in fuel sales as a result of the lockdown and consequent reduced travel, this will need to be subject to a further States decision in a revised Government Plan. The government plan allocated funds from the climate emergency fund for expenditure in 2020 as set out in CSP5-1-1³ and these remain in place, although delivery dates will be adjusted. Additional expenditure from the Climate Emergency Fund will need to be agreed through the government plan process or through specific amendments agreed by the Assembly as set out in the States agreed terms of reference for the fund.

In response to part b, the reduction in greenhouse gas emissions from reduced transport is welcomed as an indication of our communities potential and longer lasting behaviour change to address the climate emergency. I very much welcome this response and our communities support for the mitigation measures introduced to reduce transmission of COVID-19 and to protect lives. I very much hope we can build on this reduction in emissions as we recover from the impact of the pandemic.

The strategic context of the carbon neutral agenda will change. As a result of COVID, the Island will need to respond to a changed set of priorities which recognise the importance of the climate emergency.

Our work programme has currently been paused during the period of lockdown and COM have endorsed this decision. Now that a phased post-virus recovery has been announced, it is unlikely to be practical to re-start the work programme until after the summer at the earliest.

The first step will be to convene the citizen's assembly, potentially no sooner than September. This would delay the lodging of the Long-Term Climate Action Plan until at least Summer 2021.

COM have recognised the slowdown in our delivery timetable and agreed to endorse the roll over un-spent capital expenditure into 2021⁴.

As Minister, I do not believe we can afford to be any less committed to tackling climate change. In my opinion humanity finds itself in the grip of the global pandemic in part because of an imbalance between human populations and natural eco-systems. A post-virus resumption of unsustainable behaviours and lifestyles would miss the unexpected chance to make global changes that this momentous time presents. I fully endorse the many commentators and members of the public who have begun to think about how we can build a more sustainable, in all meanings of that word, future.

It is my intention to understand how we can apply the principles and lessons of the EU Green Deal, which a number of European Member States have already put at the centre of the economic response to COVID-19⁵, to our local recovery plan. The Green Deal constitutes a new growth strategy, which is able to deliver on the twin benefits of stimulating economies and creating jobs while accelerating the green transition. Additionally, it is important to recognise that post-Brexit, maintaining a focus on environmental standards and ambition in line with trading partners in future trading agreements will be important.

³ https://statesassembly.gov.je/assemblyreports/2019/r.91-2019.pdf?_ga=2.248462151.1198721505.1584350253-837255368.1583764310

⁴ Rolling over unspent capital is implicit in the Terms of Reference of the Fund

⁵ <https://www.climatechangenews.com/2020/04/20/four-eu-nations-back-green-post-coronavirus-recovery/>

Old habits are hard to break – but this experience does show us that we can adapt quickly and make significant changes in response to emergency situations. The way people have come together, forming new ways of working and collaborating will help us all to think about how we can work together to achieve carbon neutrality and change old travel patterns.

I believe tackling the climate emergency post-virus can be entirely in line with broader objectives for economic stimulus, consolidating behaviour change and embracing our communities hopes for a new type of future that can and should look different. The focus of the citizens assembly will therefore be achieving a carbon neutral future in the context of the recovery from the pandemic.

3.10 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding support provided by the C.R.E.S.S. scheme (WQ.160/2020):

Question

Will the Minister provide a breakdown of the number of claimants of the Covid Related Emergency Support Scheme (C.R.E.S.S.) scheme in each of the following cases?

- (a) Single claimants working in Jersey for more than 6 months, with and without dependent children;
- (b) Cohabiting claimants working in Jersey for more than 6 months, with and without dependent children;
- (c) Single claimants working in Jersey for less than 6 months, with and without dependent children; and
- (d) Cohabiting claimants working in Jersey for less than 6 months, with and without dependent children.

Answer:

The Covid Related Emergency Support Scheme (C.R.E.S.S.) is a temporary support scheme that has been set up to provide financial support to unemployed workers who have not lived in Jersey long enough to qualify for Income Support.

This response has been collated from the information used to generate customer payments issued on 05/05/2020, assessed and processed on the 29/04/2020. Due to the method of collation, these figures differ slightly from the figures provided in the Statistics Jersey Economic Indicators report published on 8 May.

The length of residency can be different where there are two adults on a claim. The categories included in the answer have been adjusted slightly to reflect these different household situations.

Household type	Number Claims Paid		Total
	With Child(ren)	Without Child(ren)	
a) Single claimant working in Jersey for more than 6 months, with and without dependent children;	8	149	157
b) Cohabiting claimants, with at least one partner working in Jersey for more than 6 months, with and without dependent children;	24	49	73
c) Single claimant working in Jersey for less than 6 months, with and without dependent children; and	4	57	61

- d) Cohabiting claimants with neither partner working in Jersey for at least 6 months but at least one partner working in Jersey for less than 6 months, with and without dependent children.

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3.11 Deputy R.J. Ward of the Chief Minister regarding groups established to assist with the recovery plan (WQ. 161/2020):

Question

Will the Chief Minister provide a list of the groups, boards or think-tanks established to address Covid-19 recovery planning and actions, including the following details in each case –

- (a) the name of the group;
- (b) a brief summary of remit;
- (c) the names of the members;
- (d) the criteria for inclusion in the group; and
- (e) the process for reporting the group’s findings / advice to States Members?

Answer

As the government progresses work on the Safe Exit strategy we have continued to build upon and utilise the existing structures put in place to deal with the Covid-19 pandemic. The structure and groups in place remain and are focused on the next phase of recovery planning. The Strategic Command Group, the Competent Authorities Meeting and Emergencies Council will continue to lead us through the pandemic and into recovery. Across this, the Council of Minister remains the collective decision-making body for government in Jersey, and individual Ministers, as before, continue to exercise their statutory and non-statutory powers and to be held accountable to the Assembly for doing so.

Meeting Title	Terms of Reference	Key Members	Rationale for attendance	Mechanism of Findings
Emergencies Council	The Emergencies Council sits to coordinate and support any work to prepare for, or respond to an emergency, including needing to agree the exercising of Competent Authority powers.	Chair - Chief Minister. Competent Authority Ministers (Minister for External Relations; Minister for Economic Development, Tourism, Sport and Culture; Minister for Infrastructure; Minister for Home Affairs; and Minister for Health and Social Services). Connetable Mezbourian, as a	Ministerial powers and key officers to provide guidance to support decision making – and in line with the relevant legislation	Individual Ministers are responsible under the “ministerial code” for ensuring the Assembly is informed of developments in their areas of responsibility, including the Chief Minister as chair of the Council, and are accountable to the Assembly in the normal way. This is in addition to new and enhanced mechanisms to support Members engagement, such as Questions without notice to any Minister, and a weekly States Members briefing. In addition, agenda and papers are provided to Scrutiny Panels.

Meeting Title	Terms Reference	of	Key Members	Rationale attendance	for	Mechanism Findings	of	Groups
			nominee of the Comite. The Bailiff, H.E. Lt Governor, and the Attorney General as invitees. The Minister for Treasury and Resources and the Minister for Education as invitees. In addition, supporting officers attend, including the Chief Executive Officer					
Competent Authorities	The CA Ministers act in their areas of competency, for example, the Minister for Home Affairs has powers as a CA Minister over Gas and Postal Services, with the agreement of Emergencies Council. CA Ministers cannot make collective decisions, as their powers are individual, narrow and executed by making orders, but they can confer and advise each other, and they do largely hold the core powers, whether as	CA	Chair - Chief Minister. Competent Authority Ministers. The Minister for Treasury and Resources, and the Minister for Education. In addition, supporting officers attend, including the Chief Executive Officer	The Competent Authority Ministers have individual responsibilities under the emergency planning legislation, and in any event, largely hold the core powers, whether as Ministers, or a Competent Authorities, that are needed in the event of an emergency. The TRM and MEDU are included in invitation to CA meetings a circulations given the importance of the portfolios to ever around CV-1 including the impact on schools and public finances.		As above.		

Meeting Title	Terms of Reference	Key Members	Rationale for attendance	Mechanism of Findings	Groups
	Ministers, or a CAs, that are needed in the event of an emergency.				
Strategic Command Group	The purpose of the group is to ensure all senior government officials (Director General's) are aware of key issues relating to the effective management of Covid-19 across the Island. To allow for quick resolution and decision making action for the organisation and in support of Ministers.	Chaired by the Chief Executive Officer; Members of the GoJ Executive Leadership Group	Key roles in organisation that have regular engagement with Ministers, key external and internal stakeholders	Papers into COM, Competent Authorities and Emergencies Council	
Strategic Coordinating Group	Overall responsibility for the multi-agency management of an emergency and to establish the policy and strategic framework within which lower tier command and coordinating groups will work. This includes organisation recovery.	Chair – JHA Director General. Members of the GoJ Executive Leadership Group Emergency Service Heads of Service Senior Leaders across key agencies and organisations e.g. Ports of Jersey, Jersey Water.	Key roles in organisation that have influence to prioritise activity and make decisions internally	COM, Competent Authorities and Emergencies Council	
Tactical Coordinating Group	Purpose : Delivery the overall multi-agency management of the incident and ensure that operational	Chair Chief Fire Officer. Members of the GoJ Senior Leadership Team. Senior emergency service leaders.	Key roles in organisation that have influence to take action as directed by SCG	COM, Competent Authorities and Emergencies Council through escalation via Strategic Coordinating Group	

Meeting Title	Terms Reference	of	Key Members	Rationale attendance	for	Mechanism Findings	of	Groups
	commanders have the means, direction and co-ordination required to deliver successful outcomes within the policy and resource framework allocated.		Senior Leaders across key organisations / critical national infrastructure					

Within the Strategic Coordination Group structure we have established a number of safe exit workstreams covering areas such as retail, hospitality and business engagement, education, external relations, travel and borders. The Community Taskforce will continue to provide support and advisory services, and the Helpline will remain in place, again all in support of the recovery plans and effort.

Ministers, with support from the relevant officers are regularly providing a briefing to States Members to keep them informed and to enable members to ask questions.

Ministers and officers are also attending a variety of Scrutiny Panels briefing specifically on Covid-19 related matters.

Economic Recovery-

The Chief Minister is in the process of establishing a governance structure for planning and delivery of our economic recovery. This work will be overseen by a newly established Political Oversight Group (POG) sitting above a senior officials group and a newly-formed economic recovery council. A series of delivery groups will examine key thematic issues e.g. living wage, productivity, digitisation and progress of this work will be reported back through the senior officials group and onwards to the POG.

The economic council will comprise a broad range of economic, community and societal interests in line with the Chief Ministers wish to see a broad-based and sustainable recovery that benefits all islanders.

The Council of Ministers will continue to coordinate government policy, supporting the allocation of resource and expenditure, and the prioritising executive and legislative proposals, further to the deliberation of the POG. Material issues such as legislative change will be brought to the States Assembly in the usual way, and Scrutiny will be kept updated with progress in line with the requirements of the States approved “engagement code”.

3.12 Deputy K.F. Morel of St. Lawrence of the Minister for Health and Social Services regarding the advice received prior to making the ‘Stay at home’ order (WQ.162/2020):

Question

Prior to making the Covid-19 (Restricted Movement) (Jersey) Order 2020, was the Minister advised about the impact of the Order on the physical and mental health of adults, children and vulnerable people, as well as the social development of children and teenagers; and, if so, will he provide the Assembly with a copy of that advice in the response to this question?

Answer

The COVID-19 pandemic represents an unparalleled global public health emergency which has compelled Governments around the world to take unprecedented and rapid action to protect the health of their citizens and the capacity of national healthcare systems.

The primary policy objective of the ‘Stay at Home’ Covid-19 (Restricted Movement) (Jersey) Order 2020 was to delay the spread of the virus and shield the most vulnerable in our population. The decision to make the Order was taken following written advice from the Medical Officer of Health ahead of the commencement and subsequent extensions to the Order.

The potential implications of the ‘Stay at Home’ instruction had been recognised and considered by Ministers prior to making the Order on 30th March 2020. The minutes of the Emergency Council, Competent Authorities Meeting and Council of Ministers are the formal fora in which advice was given and such matters were discussed. The existing engagement code between Government and the Assembly Scrutiny Panels enables a request for these records to be made available to them.

During the month of March work was undertaken to establish a Community Task Force to provide input into, and oversight of, support for vulnerable islanders, working with the Parishes, voluntary and community sector, businesses and government. Whilst prioritising those Islanders most in need of support, the Community Taskforce is working to support all islanders in this very difficult situation. To this end, the following workstreams have been established:

- Advice to the Voluntary and Community sector
- Co-ordination of support activity to islanders who might need support as a result of COVID-19
- Routes for those needing support or wishing to volunteer
- Proactive targeting to ensure Islanders are getting support.

Approval was given for a steering group to provide collective political leadership for the Community Task Force and updates on the work of the task force were provided to ministers at meetings held before 30th March 2020 and continue to be provided.

Outside of formal fora, ministers were in regular discussion amongst themselves and with officers and the vulnerabilities of islanders during a period of restricted movement were a paramount consideration. Pressures on time and resource prior to 30th March 2020 inevitably meant that engagement was often primarily focussed on issues immediately pertinent to the emergency rather than the drafting of formal written advice to the Minister on those vulnerabilities, insofar as any

formal advice might have been desirable. It was clearly understood from the outset that measures to protect vulnerable groups would be implemented or enhanced as soon as possible.

Many programmes and initiatives are now in place to support vulnerable people and families during the present emergency. These include but are not limited to:

- The launch of the Coronavirus helpline on 19 February
- Establishing a Children and Families Hub to coordinate support for vulnerable children and families
- The continued provision of school and nursery education for the children of critical workers and those with additional needs or in need of extra support
- Increased frequency of multi-agency safeguarding meetings to raise and respond quickly to concerns for individuals and families who may be struggling
- The launch, on 24th March 2020, of Connect Me on the gov.je website to match up the needs of the community with the help available from the Government, Parishes, voluntary and community sector organisations and volunteers to ensure the right help reaches people when they need it, in a safe and sustainable way
- Increased tenancy protections, including the adjournment of all eviction cases before the Petty Debts Court as part of a package of measures in response to the pandemic
- The Hometime initiative hosted on the Government of Jersey's Facebook pages, with contributions from Mind Jersey and the Listening Lounge to support Islanders' mental health
- Creation of a survey to allow children and young people to share their thoughts and feelings on a range of topics, from the impact coronavirus has had on their friendships to their experiences of home learning.
- A new Learning at Home website learningathome.gov.je covering a range of wellbeing resources for children, young people and parents on how to study well at home and look after their wellbeing
- A vulnerable families list has been developed enabling services to be more proactive in how they support the most vulnerable and identifying a Lead Professional who will keep in regular contact with them during this difficult period
- The Youth Enquiry Service (YES) has increased its helpline and counselling service for 14 – 25-year olds to 7 days per week, noon to 8pm. In addition, it also runs a targeted walk and talk service (mindful of physical distancing) to support young people that need face to face support.

3.13 Deputy K.F. Morel of the Minister for International Development regarding the work of the Jersey Overseas Aid Commission during the coronavirus pandemic (WQ.163/2020):

Question

What work is the Jersey Overseas Aid Commission undertaking in response to the international Covid-19 crisis to help communities outside Jersey to cope with, or manage, the pandemic; what level of funding is the Commission providing to support this work and the work of other international agencies; and in what countries is this funding being used in the fight against Covid-19?

Answer

Covid-19 threatens the whole of humanity, not only with the possibility of sickness and death on a huge scale, but with the crippling of the global economy and the prospect of enormous increases in

scarcity, unemployment and poverty. Poor nations – and within them their poorest inhabitants – will suffer the most. Jersey is therefore joining other wealthy countries in stepping up where it can to alleviate suffering and provide life-saving assistance, and is doing so at no additional cost to the public purse. Our response can be divided into three overlapping categories:

1. Repurposing existing programmes to tackle COVID-related crises

Humanitarian programming

Because of the strategic way in which JOA allocates part of its humanitarian funding to responsive and accountable pooled funds, grants worth £1.05m to the UN and the NGO-led Start Network are already being put to use to counteract the effects of the pandemic in the world's poorest countries. In Syria, for example, JOA's contribution has been used in the Fund's first Covid-19 related allocation that has been used to support 31 projects including interventions in health, Water, Sanitation and Hygiene (WASH), and Logistics. Additionally, JOA's £200,000 contribution for Rohingya refugees in Bangladesh is helping to prepare the world's largest refugee camp for the outbreak.

Development programming

We are supporting many of our existing longer-term development projects to change the way they operate in order to improve preparedness and resilience to the coronavirus. For example, health-related projects in Sierra Leone, Tanzania and Myanmar have been supported to buy PPE, establish isolation units and educate villagers. Meanwhile together with Comic Relief we are reallocating a portion of our joint Financial Inclusion programme to help ensure the poorest people in Zambia, Rwanda and Sierra Leone can remain solvent by accessing basic financial services.

2. Monitoring the situation

The impact of the virus, and particularly the huge damage to economies, is only just emerging. Of particular concern is the effect on the ability of urban daily wage earners to provide for their families, the destruction of food supply chains for net food importers, and the contraction of already-limited social safety nets. Additionally, conflicts persist and may even be exacerbated by the pandemic. Thousands of Jersey's beneficiaries, for example, in addition to facing infection and poverty, have been bombed while we have been in lockdown. As well as receiving reports from grantees on the ground, Jersey is in close touch with other donors, UN Agencies, the World Bank and the Red Cross movement to monitor needs and assess response options.

3. Making new grants

Since March JOA has been cooperating with Treasury to ensure that Jersey had sufficient cash on hand to fight the coronavirus domestically. It has also been prudent to take time to build up a more detailed picture of the impact of the virus on the world's poorest. Therefore Jersey has not yet made any new grants to help communities outside Jersey to fight the pandemic. However, we are now preparing to do so. JOA will delay the start of two planned dairy projects worth £530,000 to enable us to use these funds for immediate humanitarian needs. In addition to the close monitoring mentioned above, we have requested specific proposals from eight partner agencies, and Commissioners will be meeting in late May to discuss these options.

It should be emphasised that all additional Covid-related projects will be funded from JOA's existing budget envelope. However, during what may well prove to be the greatest humanitarian crisis of our generation, we will be able to tell our children 'Jersey was there'.

3.14 Deputy K.F. Morel of St. Lawrence of the Minister for Education regarding access to online learning materials by Jersey's school children (WQ.164/2020):

Question

Will the Minister advise whether all Jersey schoolchildren have access to Internet-enabled devices and can therefore make use of online learning materials; and, if she is aware that it is not the case, will she explain what actions, if any, are being taken to address the situation?

Answer

I am confident that Jersey school children are continuing to receive learning support from their teachers and schools during the current shutdown. Much of this is online, but not all.

This is precisely because not all schoolchildren have access to internet-enabled devices. This will mean some children will not be accessing online learning materials. Schools are aware of those pupils that do not have access to internet-enabled devices and in these cases, schools have been able to loan out several devices or make available off-line learning materials which complements the delivery of their remote learning strategy. Head Teachers are responsible for ensuring all schoolchildren have access to appropriate learning materials whether online or offline. Printed learning materials are made available where required for those that prefer to learn this way or cannot access them online.

I remain concerned that all children do not have access to an internet-enabled device and I have asked officers to identify the need before I bring back proposals for improving access.

3.15 Deputy K.F. Morel of St. Lawrence of the Chief Minister regarding the continuation of Modernisation and Digital projects (WQ.165/2020):

Question

Will the Chief Minister advise which elements of the Modernisation and Digital work programme are continuing throughout the Covid-19 crisis; how much is being spent on those elements; and which, if any, aspects of the programme have been rescheduled to a later date, providing the details of any rescheduling?

Answer

The Government Plan 2020-23 set out four key elements for the Modernisation and Digital work programme for 2020. All of these are continuing, however, some changes to the schedules and priorities have had to be made to reflect the impact of Covid-19.

Integrated Technology Solution

The procurement and business readiness activities that were scheduled for 2020 are continuing. Fortunately, the requirements gathering activity was completed before the impact of Covid-19, so a full set of both functional and non-functional requirements have already been established. The pre-qualification questionnaire (PQQ) stage has also been successfully completed, however, Covid-19 has impacted the invitation to tender (ITT) stage which will now be scheduled to complete in early December instead of the pre-Covid-19 date of early September. Similarly, business readiness activities which were scheduled to be completed by the end of September are now being back ended and are anticipated to be completed by the end of the year. The full year budget for ITS is £7.4m and at this time it is expected that the majority of this will be spent in year albeit weighted more heavily towards the second half than originally anticipated.

Microsoft Foundations

As a result of the Covid-19 business continuity situation, MS Foundations has been re-focussed from resolving the lessons learnt following the 2019 Office 365 pilot as a pre-requisite to rollout to the rest of GoJ, to the rapid deployment of MS Teams to system users across GoJ to enable effective remote working. In parallel deployment of the full Office 365 suite has progressed tactically to users that require it to enable their business continuity plans. The project is also re-planning the work required to address the postponed pre-requisites in terms of the immediate priorities with an additional post-rollout remediation phase to be added. It is anticipated that full rollout of Office 365 will be achieved in 2020 but this will be confirmed when a revised plan is produced, currently anticipated to be by the end of May 2020. The Government Plan 2020-23 included £2.5m of revenue and £3.3m of capital in 2020 for this programme and it is currently anticipated that this funding will be required to support the revised schedule.

Cyber

Despite the ongoing Covid-19 situation, the Cyber Security Programme has been progressing well with mobilisation of the programme team in preparation to manage delivery. The phase 1 procurement is nearly complete with a number of suppliers already selected and all supplier selection expected to be completed by mid-May about a month later than originally planned but without impacting the critical path. The majority of implementation is able to commence remotely, so is not impacted by Covid-19 and those activities which do require a physical presence are being back ended to the later part of the year. Some activity originally planned for 2020 may have to move into 2021 and it is anticipated that these would run in parallel with phase 2 activity. Based on current Covid-19 assumptions, all activity is expected to be completed by the end of 2021 as planned. The Government Plan 2020-23 included £6.1m of capital in 2020 for this programme. Once all of the phase 1 procurement is completed and suppliers have confirmed their delivery profiles, the actual requirement will be confirmed but it is anticipated that the majority of this funding will be required in 2020.

Replacement Assets

Covid-19 has necessitated as re-prioritisation of asset replacement. The immediate focus has been on those assets which support remote working such as firewalls and direct access servers and on improving system reliability and stability within the data centres. Once the immediate response to Covid-19 has been completed, the replacement plan will be refreshed. It is anticipated that the full budget of £5m will be required in 2020.

3.16 Deputy K.F. Morel of the Minister for External Relations regarding Brexit planning (WQ.166/2020):

Question

Will the Minister provide the Assembly with an update on the Government's Brexit planning activity, including an overview of any key matters that have yet to be resolved, and detail what have been assessed as the highest risk matters from Jersey's perspective?

Answer

As States Members will know, we are in the second phase of the Brexit process, the transition period. The UK is currently negotiating its future relationship with the EU, as well as initiating discussions

on Free Trade Agreements with priority third countries, and the Government of Jersey continues to ensure the Island's interests are understood and fed into these negotiations.

Four key principles, agreed by Ministers at the beginning of the transition phase, guide the Government of Jersey's analysis and input into the UK's discussions:

- promote Jersey's existing constitutional autonomy, unique economic interests and cultural heritage;
- maintain and strengthen Jersey's reputation as a well administered jurisdiction that is responsible for its own prosperity;
- uphold the long-established rights and privileges of Jersey residents and businesses that enable them to trade and remain agile, innovative and competitive as Jersey seeks to grow and diversify its economy; and
- maintain or increase the ability of the States Assembly and Government of Jersey to make decisions expeditiously in areas of domestic policy, including where close collaboration with the UK Government and EU is required.

We constantly assess the risks associated with the United Kingdom's exit from with the EU, and from an early stage the key focus has been to preserve our trade and supply arrangements with the UK. This has been achieved through the Customs Union arrangement we have agreed with the UK and one of our consistent priorities is ensuring these arrangements are appropriately reflected in the terms of a Free Trade Agreement with the EU, and any other trade agreements with third countries.

As with any negotiation, the outcomes are not certain until final agreement has been reached; however, to mitigate the risks associated with this uncertainty, we will continue as a contingency to prepare Jersey for the UK's economic exit from the EU on the basis that World Trade Organisation trading terms could be the default trading terms with the EU.

We will continue to provide 6 monthly update reports to the Assembly on the progress of Brexit, the next report of which is due at the end of June.

3.17 Deputy C.S. Alves of St. Helier of the Minister for Health and Social Services regarding subsidies for G.P. home visits for patients with long-term conditions (WQ.167/2020):

Question

Has any consideration been given to subsidising home visits by G.P.s to those with long-term, or permanent, conditions, where it is no longer considered safe for them physically to visit a G.P. due to the current Covid-19 crisis, to access treatment they would normally receive at a G.P. surgery or in hospital?

Answer

With GPs now directly employed by Health and Community Services, home visits are now subsidised and are currently fixed at £40. We are actively encouraging patients to contact their GP at the moment

to discuss their conditions and any change that they are concerned about. If the patient then needs a face to face consultation, all practices have systems in place to minimise contact with patients to facilitate this. Similarly, the Hospital has put in place robust screening either prior to attendance or on arrival at the Hospital to screen patients and provide rapid access to its outpatient clinic. Coupled with the decreasing number of Covid positive patients we are seeing, this should enable vulnerable and extremely vulnerable patients to access health care promptly.

3.18 Deputy C.S. Alves of St. Helier of the Minister for Social Security regarding support for people unable to work whose places of work remain open (WQ.168/2020):

Question

Will the Minister outline what financial support, if any, is currently available to people who could otherwise be working, as their place of work is operational, but are unable to do so either due to having an underlying medical condition that puts them at risk in the current Coronavirus crisis, or because they live in a household with others who are considered at high risk?

Revised answer

Where a place of work is operational during the current coronavirus crisis, financial support is available to a worker who is not able to attend their workplace due to an underlying medical condition or is living with a household member considered at high risk. Note that in many cases the worker in this situation will be able to continue to work from home and will be paid normally and not require financial support.

If the worker is not able to work from home, their wages can be supported through the Co-Funded Payroll Scheme. This scheme is available to many employment sectors which are able to continue to operate during the current restrictions.

If the worker is in a sector which is not covered by the Co-Funded Payroll Scheme, or the employer is not individually eligible for the Scheme, the worker can apply for Income Support to cover the period when they are not able to work. The normal “giving up work” sanction will not be applied in this situation.

If the worker has not been in Jersey for at least five years, the worker can apply for the temporary Covid Related Emergency Support Scheme (CRESS), to receive financial support for the period when they are not able to work.

The original answer is appended below, providing additional information on the various support schemes available.

Original Answer

The primary mechanism for supporting people who are unable to go to work (irrespective of health factors) is the Co-Funded Payroll Scheme. This Scheme helps employers to retain their staff by supporting them with their wage bills. The Scheme has entered phase 2 under which employers can apply for sums amounting to 80% of their employees’ wages up to a maximum payment of £1,600

per month per person. Eligible employers can apply for support for all their staff, including severely vulnerable people. Through the Scheme, the person's wages are maintained and may exceed the standard rate of benefit paid under social security schemes. The Scheme offers other advantages over benefit payments, as the severely vulnerable person remains in employment and is able to return to work at a later date. Unlike the UK wage support scheme, the Jersey Scheme allows workers to undertake work and this includes home working that can be undertaken by a person in the severely vulnerable category.

Any household with a low income can apply for Income Support. This includes workers who have lost their job as well as those who are still working and the employer is using the Co-funded Payroll Scheme. Additionally, I have also approved the creation of Covid Related Emergency Support Scheme (CRESS), which provides limited financial help to workers who have lost employment and have not lived in Jersey long enough to be eligible for income support.

Public Health advice does not require that people who live with a severely vulnerable person 'shield' alongside them. Rather it suggests that measures are taken within the home to reduce the risk of virus transmission. However, if an individual does give up work because they live with a person who is shielding, they may apply for income support or CRESS and in this circumstance would not incur a 'giving up work' sanction.

These measures may change with public health advice and as the Government response to the coronavirus emergency adapts.

3.19 Deputy C.S. Alves of St. Helier of the Minister for Health and Social Services regarding the operation of construction permit system (WQ.169/2020):

Question

With regard to the current permit system for construction and the operation of construction sites, will the Minister –

- (a) advise how individuals with concerns about the conduct, or lack of adherence to health advice, on these sites can report those concerns; and
- (b) ensure that the details of permits issued to construction sites are published on the gov.je website for all categories?

Answer

- (a) Any individual can contact the Covid-19 hotline – [01534 445566](tel:01534445566) – or email constructioncovid@gov.je in confidence to raise concerns about how any construction site is operating. Whilst Building Control Inspectors are visiting the sites in connection with their normal duties, any particular concerns raised will be followed up appropriately.
- (b) Details of the permits issued will be available shortly on the Covid-19 Construction page on gov.je

3.20 Deputy C.S. Alves of St. Helier of the Minister for Health and Social Services regarding contact-tracing (WQ.170/2020):

Question

Will the Minister explain what contact-tracing undertaken by the Government entails and, in doing so, will he advise in particular –

- (a) what data are being collected, how they are collected and whether people who have potentially been in contact with someone with a positive diagnosis of Covid-19 are specifically being contacted;
- (b) whether contact-tracing information will be released to the public and, if so, when and how; and if not, why not; and
- (c) whether the current household health survey is intended to inform the contact-tracing work and, if so, whether anyone who has completed the survey has also been contacted directly as part of the contact-tracing process?

Answer

Contact tracing is a coordinated response to outbreaks of notifiable diseases, which is led by Environmental Health. The key objective is to contain onward transmission of disease by breaking the chain of infection. Providing appropriate support, advice and guidance, as well as linking those who have tested positive and their contacts to internal and external services, is a critical aspect of contact tracing.

- (a) Following confirmation of a positive COVID-19 test result from the laboratory, an interview is conducted with the patient to explain the result, the welfare or wellbeing steps they need to undertake and to identify any individuals they have been in close proximity with whilst infectious. This interview facilitates understanding of the types of contact which took place, how long they were for and whom they were with. The patient's identified direct contacts are then contacted to explain that they may have been exposed to COVID-19 and that they should now self-isolate as a precaution; this has been standard practice since the first positive case of COVID-19 was identified. A direct contact is an individual who has been:
 - in proximity to a positive confirmed case less than 2 metres in distance and for longer than 15 minutes in duration, or
 - in physical contact with the positive confirmed case.

The data collected by Environmental Health are collated using an Integrated Public Health Record system. This system is continually updated as new information about the disease (e.g. symptoms) is verified. Categories of data held include: contact details; employment; symptoms; underlying medical conditions; care needs; test results; and interactions with direct contacts, indirect contacts and locations visited prior to self-isolation. The interview also has a strong focus on the location of interactions. They are individually named and also categorised as household, employment, school, day care / nursery, healthcare, event, restaurant, vehicle, plane, boat, bus, and other. The Integrated Public Health Record case management system is being continually enhanced and now has sophisticated mapping tools to visualise the links between cases through people and their interactions. Prior to its use, the Integrated Public Health Record received all necessary Data Protection approvals, with data sharing proactively managed following the completion and agreement of Data Protection Impact Assessments and Data Sharing Agreements.

- (b) Information gathered through the contact tracing process forms part of the public health briefings and statistics released by the Government of Jersey.

- (c) Responses to the household health survey have not and will not be used to inform contact-tracing activity. The survey's data protection statement stipulated that the information submitted by Islanders would be used for statistical purposes.

3.21 Deputy C.S. Alves of St. Helier of the Minister for Health and Social Services regarding anti-body testing (WQ.171/2020):

Question

Given that, according to a recent press release from the Government, Covid-19 antibody testing will be offered to a random selection of 500 households in the Island, will the Minister –

- (a) state why these antibody tests have not been prioritised for those who have had Covid-19 symptoms, but who were not tested, or for those who live with others who tested positive, but who themselves were not tested; and
- (b) advise whether those people who fit into the two situations described in paragraph (a) will be tested for antibodies and, if so, when; and if not, why not?

Answer

- (a) Rapid antibody testing kits have been deployed for population surveillance purposes as part of the Community Antibody Testing Survey. The test results obtained during the Community Testing Survey will be used to produce a general picture of antibody prevalence across the local population. Statistics Jersey will report on the results at a population level as part of their regular public updates on Coronavirus. Santa Clara, California⁶ and New York^{7,8} have recently conducted antibody surveys to understand the spread of Coronavirus.

These test kits were not prioritised for the groups mentioned in the question because:

- the population survey required a random selection of people in order to be statistically valid, and
 - the tests are not being used to diagnose individuals with COVID-19.
- (b) As part of our preparations for a safe exit, we are now delivering a multi-faceted Island-wide testing and tracing programme based on public health intelligence, which has been established to grow in line with the expected spread of the virus as we exit lock down. This includes:
1. Capacity to conduct 500 PCR swab tests per day to diagnose COVID-19 infection
 2. An expanded contact tracing function to follow-up confirmed COVID-19 cases
 3. A longitudinal⁹ Community Antibody Testing Survey using rapid test kits
 4. A laboratory-based diagnostic blood test to detect COVID-19 antibodies, which will be available shortly.

Our increased PCR testing capacity will be used to: identify new COVID-19 cases; to test the contacts of these confirmed cases; to proactively screen critical and essential workers and those

⁶ [COVID-19 Antibody Seroprevalence in Santa Clara County, California](#)

⁷ [New York State Governor: Preliminary Phase I Results of Antibody Testing Study](#)

⁸ [New York Times: Can Antibody Tests Help End the Coronavirus Pandemic?](#)

⁹ A survey repeated with the same group of participants at regular intervals over a period of time

in closed setting such as care homes, who are most at risk. Details of access to the new lab-based diagnostic antibody blood tests are being developed and will be published in due course.

3.22 The Deputy of St. Peter of the Minister for Children and Housing regarding the undertaking of condition reports while social distancing is in force (WQ.172/2020)

Question

With specific reference to prospective tenants referred from emergency housing, what guidelines, if any, are currently in place for landlords, and landlords' agents, when conducting condition reports and showing to such prospective tenants, in light of the need to adhere to social distancing?

Answer

The Emergency Housing service has been established to assist islanders in finding secure accommodation where they are either homeless or residing in a home which is unsafe for them to remain in. In working with landlords and letting agents who have offered to allow their properties to be used for emergency accommodation, the emergency housing team works with them on a case by case basis, and as such are the no formally provided guidelines, as each situation may be unique and present challenges in accessing a property whilst adhering to social distancing guidelines.

For all private sector transactions, landlords and letting agents should refer to the latest published guidelines on the Safe Exit Level policies.

3.23 Deputy R.J. Ward of the Minister for Health and Social Services regarding the training of staff engaged at the Nightingale Hospital (WQ.173/2020)

Question

In respect of staffing at the 'Nightingale' Hospital, will the Minister advise –

- (a) what level of training will be provided to those staff who are not already fully-qualified nurses, specifying what any such training programme will include;
- (b) what plans, if any, there are for employment of these staff beyond the current Covid-19 crisis; and
- (c) whether such staff will receive polymerase chain reaction (P.C.R.) and antibody testing both before commencing work and as an ongoing safety measure?

Answer

- (a) Staff employed as healthcare assistants as part of our COVID-19 preparedness have received Care Skills training delivered by colleagues from the Nurse Education and Vocational training department in HCS which covers the following areas:

Safety

Handwashing

Code of Practice

Equality and Diversity

Communication

Social media and confidentiality
Dignity, Privacy and respect
Practical tasks
Personal Care
Infection Control
Coronavirus
PPE -donning and doffing
Respiratory care
Coronavirus
End of Life Care
Basic Life support
Looking after yourself – health and wellbeing
Health and Safety

How to access the Care Certificate

Undertaking practical experience – “shadow shifts” in clinical areas

- (b) The staff employed as part of preparedness are employed on the bank and will remain as employees on the bank for as long as they wish to do so. Continued employment will be subject to a routine annual review.
- (c) The strategy for staff testing is being developed in collaboration with the Public Health Department. At this moment in time, staff are only in the facility to undertake training.

3.24 The Connétable of St. Martin of the Minister for Treasury and Resources regarding J.T. external contracts during the coronavirus pandemic (WQ.174/2020)

Question

Will the Minister, as shareholder representative, advise how many external contracts (such as commercial agreements with other jurisdictions or companies) JT is currently entered into; and how many of these contracts, if any, have been suspended as a result of the Covid-19 pandemic?

Answer

The following response has been provided by JT.

JT has a vast number of commercial (buy and sell) contracts globally. For example, JT currently has 517 roaming agreements with other operators in 175 countries. At the time of writing no contracts have been suspended however some commercial terms may be being amended e.g. payment terms or minimum commitments as a result of the COVID-19 pandemic.

3.25 The Connétable of St. Martin of the Minister for the Environment regarding animal welfare legislation (WQ.175/2020)

Question

Will the Minister state whether it is his assessment that existing animal welfare legislation makes sufficient provision for any mistreatment of an animal to be dealt with swiftly and effectively; and if it is his assessment that there is insufficient provision, will he state when he will bring forward changes to the legislation to ensure that the provision is adequate and comprehensive?

Answer

We recognise that the Animal Welfare (Jersey) Law 2004 requires updating in several areas, including the mistreatment of an animal, and officers in Natural Environment are currently undertaking a project to review the law. It should be noted however, that the team had previously expected this work to be completed this year, but the current circumstances have unfortunately impeded the pace of progress and a timeframe for delivery cannot be confirmed at this time. As and when the department can return to business as usual, we will be in a better position to advise the Assembly accordingly.

3.26 Deputy M. Tadier of St. Brélade of the Minister for Treasury and Resources regarding the erection of signs by Ports of Jersey (WQ.176/2020)

Question

Will the Minister, as shareholder representative, advise whether Ports of Jersey made the decision to erect a sign at St. Catherine's Breakwater to advise that fishing was not permitted due to the Coronavirus situation; and if so, on what advice was this action taken?

Answer

The Ports of Jersey were not responsible for erecting the sign referenced in the question nor were they involved in any decisions made to put the sign in place.

3.27 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding provision of personal protective equipment (WQ.177/2020)

Question

Further to his response to Oral Question 101/2020, in which he advised that, from 2009, the stock of personal protective equipment (P.P.E.) for a flu-like pandemic was integrated with the business-as-usual (B.A.U.) stock and that this had been increased by 10%, will the Minister state what that 10% increase was in real terms; and will he explain how the adoption of 'Health England' guidelines to manage P.P.E. provision ensures the safety of patients and frontline staff?

Answer

The Government of Jersey Public Health Department PPE guidelines build on those issued by Public Health England. They provide an evidence-based approach to ensuring the safety of staff and patients with respect to the type of PPE needed and the use of PPE in specific circumstances described in the Government of Jersey guidelines. The Government of Jersey PPE Cell provides types of PPE to all organisations within scope and in quantities required in accordance with these guidelines.

The original pandemic stock was intended to respond to a flu-like illness. It contained items of PPE *and* a wide range of other pandemic response items such as beds, bed tables, commodes, sleeping bags, disposable bed pans, urinals and so on. As items from the total pandemic stock were progressively dispersed (new beds in the pandemic stock were used to replace old beds in the hospital and so on), the value of the residual PPE stock in 2017 was £49,796. When the approach to pandemic inventory changed what was considered as PPE was different.

There are no management accounts therefore that evidence a ‘step change’ of 10% in value because there is no single point in time to calculate this. The PPE inventory was evolving as the approach to PPE pandemic inventory was also evolving. For example, what would be considered pandemic inventory in 2008 when the pandemic stock for a flu-like illness was initiated is different to the pandemic stock for COVID-19.

As best as is possible with the management accounts used in the HCS Stores, the table below shows annual expenditure classified as ‘Protective clothing’ for 2009-2019, and the first 4 months of 2020.

This is based on a combination of the value of items requisitioned from Stores and special orders directly from the ‘business’ (i.e. expensed immediately, not held as stock in Stores).

This shows expenditure in 2010, 2011 and 2012 on protective clothing was 20.64%, 25.64% and 14.46% up on the 2009 expenditure level respectively. The years 2014-2016 have lower expenditure levels than 2009.

These values are relatively low compared to the investment in PPE in response to the 2020 COVID-19 Emergency, which is approximately £4.5m

The table shows that more was spent on protective clothing in 2010-2012 than was spent in 2009. The uplift in PPE relating to my previous answer (OQ 101/2020) exceeded 10%.

	Full Year	Full Year	Full Year	Full Year	Full Year	Full Year	Full Year	Full Year	Full Year	Full Year	Full Year	Full Year	Expenditure to April 2020
	Expenditure 2009	Expenditure 2010	Expenditure 2011	Expenditure 2012	Expenditure 2013	Expenditure 2014	Expenditure 2015	Expenditure 2016	Expenditure 2017	Expenditure 2018	Expenditure 2019		
Expenditure (£)	100,988	121,836	126,881	115,588	94,176	89,615	86,949	85,676	101,873	211,853	252,104	284,747	
Variance from 2009 expenditure level (£)		20,848	25,893	14,601	-6,812	-11,373	-14,039	-15,312	885	110,865	151,116	Part Year	
Variance from 2009 expenditure level (% of 2009 expenditure)		20.64%	25.64%	14.46%	-6.75%	-11.26%	-13.90%	-15.16%	0.88%	109.78%	149.64%	Part Year	

3.28 Deputy G.P. Southern of the Minister for Health and Social Services regarding nurse-to-patient ratios (WQ.178/2020)

Question

What nurse-to-patient ratio has been planned, if any, in the event that all Jersey hospital beds are occupied with Coronavirus patients; how does any such ratio compare with the standard ratio required to ensure patient and staff safety; and, if the planned ratio does not meet the safety standards normally employed, when is it envisaged that ratios will start to diverge from those standards?

Answer

The style of a Nightingale ward where patients are nursed in large bays in rows has been designed to maximise workforce efficiency and increase levels of patient observation.

The existing registered nurse to patient ratios on the general wards in the hospital vary from 1 registered nurse to 6 patients or from 1 registered nurse to 8 patients, supported by healthcare assistants. This staffing level is the current budgeted establishment and would be the same if the General Hospital is operating at full capacity. It is important to note that ward workload can vary from shift to shift, dependent on the number of beds filled, and the acuity and dependency of patients.

As part of our preparedness planning we have considered the impact on staffing at a time of surge and in the case of extremis. We have also taken advice and the learning from other organisations, particularly Nightingale hospitals which are ahead of Jersey in the curve.

We already use a system called “e-roster” which is an electronic staff roster system and all of our nursing wards are on this system. This enables us to monitor staffing levels in real time and to take into account the bed occupancy and acuity and dependency. For example, on a given day, two wards with the same number of beds filled could have very different levels of acuity and dependency, which means a decision will be made on the grounds of safe staffing whether or not additional staff need to be redirected to support the ward with a higher level of acuity and dependency.

In the case of the Nightingale Wing, we have set registered nurse ratios at 1 registered nurse to 10 patients as a minimum, supported by an increased number of healthcare assistants than we would normally have supporting registered nurses. The ratio for healthcare assistants at the Nightingale Wing is set at 1 to 8 patients.

At this time the requirement to step up and redeploy will stretch our registered nurse to patient ratios in the General Hospital in the event that it and the Nightingale are full and will see most general ward areas moving to a 1 to 8 or 1 to 9 registered nurse to patient ratio. As in the Nightingale Wing, the general wards will be supported with additional levels of healthcare assistants than they normally have within their establishment.

Wards across the whole of the Jersey General, which will include the Nightingale Wing, will be monitored in real time, using e-roster to ensure we are able to provide safe levels of care relative to the levels of acuity and dependency.

As part of our preparedness planning, we have brought additional staff into work – for example: registered nurses have returned from retirement; 175 new healthcare assistants have been appointed, inducted and trained; we recruited registered nurse agency nurses who have remained on-island to support Jersey; and we also have staff who are registered nurses normally working in non-patient facing roles who have been identified as being able to undergo refresher training and be redirected to work on the wards in the event of a surge. The above measures have significantly added to our resilience.

In relation to the evidence supporting the use of the Nightingale-style wards, one observational study examined ward layouts and noted that despite the variables that exist within a functioning ward – such as leadership, acuity and dependency etc – direct patient care was higher in the Nightingale wards. Quality scores were higher in Nightingale wards – nurses' greater observation capability was a significant factor.

Hurst, K. (2008). *UK ward design: Patient dependency, nursing workload, staffing and quality – An observational study. International Journal of Nursing Studies 45(3):370 – 81.*

3.29 Deputy I. Gardiner of St. Helier of the Minister for Treasury and Resources regarding the co-funded payroll scheme (WQ.179/2020)

Question

Will the Minister advise –

- (a) how many applications there have been to the Government Co-Funded Payroll Scheme;
- (b) how much has been claimed through these applications;
- (c) how much has been granted to date through the Scheme;
- (d) what checks and balances (or control mechanisms), if any, are in place to monitor the use of grants by the applicants; and
- (e) whether any measures are in place to enable data-sharing and analysis to be undertaken by the department administering this scheme in conjunction with the administration of Income Support and Social Security contributions?

Answer

(a)-(c) Statistics Jersey will be producing an Economic Indicators report on a weekly basis to provide statistics on a range of important economic measures, including the Co-Funded Payroll Scheme. The latest report, published on Friday 8th, May confirms the following:

Total claims opened	880
Total amount processed	£1,949,130
Total employees supported	6,680

For Phase 1 of the scheme approximately 10% of claims were rejected, typically because the claim was for a business in an ineligible sector. Phase 2 covers a much wider range of sectors.

(d) and (e) Payments under the scheme are paid in arrears and are based on actual payroll for staff employed by the business in the month prior. This will match declarations made by employers on their Social Security Schedules. For self-employed claims payments will be calculated using a self-declared average monthly gross income for 2019. This will be compared to the gross income confirmed on the 2019 tax return and subsequent tax assessment. In addition, details of businesses, claims made and conditions around those claims will be published to ensure transparent use of public funds.

Customer and Local Services (CLS) are administering the scheme on behalf of the Treasury Minister. CLS will be cross checking Co-Funded Payroll Scheme claims with Social Security contributions, CRESS and Income Support. CLS will also be sharing data with Treasury to cross check claims against 2019 Tax returns and assessments.

3.30 Deputy I. Gardiner of St. Helier of the Minister for Social Security regarding the impact of Covid-19 on income support (WQ.180/2020)

Question

Will the Minister advise the Assembly of the impact of the Covid-19 crisis on the Income Support scheme, including –

- (a) the rate and number of applications;
- (b) the number of people being supported;

- (c) the amount being granted under the scheme;
- (d) numbers and employability ratings of applicants with specific respect to the Back to Work scheme, taking into account underlying health conditions; and
- (e) whether there is any mechanism in place to allow for the reassessment of the health conditions and employability status of applicants and, if not, whether there are any plans to introduce such a mechanism?

Answer

Information on the volume of Income Support open claims and number of people supported is being published weekly by Statistics Jersey as part of a regular update of key economic indicators [\(link\)](#). Income Support claims were as follows:

Reporting date	Total open claims	Difference in open claim volume	Total adults supported	Total children supported
February 29 th 2020	5620		7060	3130
March 31 st 2020	5710	+90	7190	3160
May 3 rd 2020	6480	+770	8320	3400

New and existing Income Support claims are all paid based on the same set of component rates, which are published on gov.je [\(link\)](#). For example, a couple with one child living in an Andium flat could be entitled to £262.71 per week plus their rent, if both adults were out of work.

Recent Actively Seeking Work figures are also included in the Statistics Jersey report. These include:

Reporting date	Total ASW
March 29 th 2020	960
April 19 th 2020	1830
May 3 rd 2020	2520

The employability of candidates now registered with Back to Work is high, given that all those who have recently registered have been successfully in work, and only find themselves unfortunately registered as actively seeking work due to the circumstances of Covid19. A high proportion of candidates have expressed confidence that their previous employer would re-hire them when circumstances allow; this is borne out by an increasing number of new claims being closed as the employer takes advantage of phase 2 of the Co-Funded Payroll Scheme which opened on 1st May. We are supporting candidates in these difficult times to ensure they are ready to job seek as the employment market opens up, through having an up to date CV and also matching them with vacancies to take on both temporary work and longer term work. All candidates are having a 1:1 discussion with an Employment Advisor where health conditions can be discussed, and an understanding gained of what might be possible from a work perspective, in line with Public Health guidance.

3.31 Deputy I. Gardiner of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture (WQ.181/2020)

Question

Will the Minister advise –

- (a) whether there are any plans by the Government to facilitate arrangements for labour to be brought to the Island or whether Government policy is to ensure reliance upon the redeployment of workers already based in Jersey; and
- (b) whether the Government has any statistics on the redeployment of such locally-based workers to essential areas of employment (such as agriculture and care homes) and, if so, will he provide those statistics?

Answer

- (a) In the short term, movement to and from the island is severely restricted. The Safe Exit Framework published by the Government sets out the control of off-island travel as follows:

Level 4: People should not travel on and off island unless essential (for example, for essential work, medical or compassionate grounds). Upon arrival into Jersey, people must isolate for 14 days unless government permission granted.

Level 3: People should not travel on and off island unless essential (for example, for essential work, medical or compassionate grounds). Upon arrival into Jersey, people must isolate for 14 days unless government permission granted.

Level 2: People are permitted to travel on and off island as and when commercial travel becomes available. Requirement to isolate upon arrival will be reviewed.

Level 1: <https://www.gov.je/Health/Coronavirus/SafeExitFramework/Pages/ExitFramework.aspx - 1OffIsland> People are permitted to travel on and off-island. Requirement to isolate upon arrival will depend on risk level in the origin people have travelled from.

On Monday 11 May, the Island moved from Level 4 to Level 3. The only labour being brought to the island at present will be for specialist roles which are essential and cannot be filled on island. The Safe Exit Framework is likely to be in place for several months and it is not possible to forecast when restrictions will be lifted. During this period the local labour force will be used as flexibly as possible to support all areas of the economy.

For example, the Back To Work team is helping people into temporary work and is preparing to match people to permanent jobs when roles start becoming available again. Advisors are liaising with all Actively Seeking Work (ASW) customers to make sure they have up to date CVs, and are working with businesses to make sure the Government is aware of vacancies in order to match candidates to them. Employers can submit their job vacancies online at gov.je. The new ASW candidates are naturally very employable, having been in work until very recently. A high proportion of candidates have expressed confidence that their previous employer would re-hire them when circumstances allow; this is borne out by an increasing number of new claims being closed as the employer takes advantage of Phase 2 of the Business Payroll Co-funding scheme, which was opened for claims on 1st May.

Back To Work services have also been extended to individuals with less than five years residency as part of the temporary CRESS scheme established at the beginning of April by the Minister for Social Security. This scheme supports registered workers who have been made redundant due to Covid 19.

In addition, the Chief Minister made the Control of Housing and Work (Exemptions) (Covid-19 – Temporary Amendment) (Jersey) Order 2020 under Article 27(3) of the Law 2012 on 17 April. This

provides additional flexibility within the labour force by allowing any registered or licensed worker to provide temporary cover for up to three months until 30th September 2020 for a worker who has left Jersey due to the outbreak of Covid-19.

Looking forward, a new work stream is under way to look at all aspects of the Island's economic recovery post-Covid19 and this will include employment issues and the balance of the workforce. This is in its early stages so plans are not yet formulated.

(b) Government statistics are not available on the redeployment of locally-based staff during the Covid-19 period. The government is aware that there have been a number of initiatives by local businesses and agencies to quickly and seamlessly redeploy staff, particularly between the hospitality and retail sectors.

The government does publish a Biannual Labour Market report which provides details on the total number of workers per sector. This report is available at: <https://www.gov.je/Government/JerseyInFigures/EmploymentEarnings/pages/labourmarket.aspx>. Data is collected at the end of December and June. Temporary redeployments of staff between those two dates will not be captured by the report.

4. Oral Questions

4.1 Deputy L.M.C. Doublet of St. Saviour of H.M. Attorney General regarding the decision not to pursue offences under the Policing of Beaches Regulations (OQ.132/2020)

What assessment did H.M. (Her Majesty's) Attorney General make of the public interest in deciding not to pursue offences under the Policing of Beaches (Jersey) Regulations 1959 relating to the walking of dogs on beaches between 1st and 12th May 2020?

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

My decision not to prosecute offences under the Policing of Beaches (Jersey) Regulations 1959 for the period between 1st and 12th May 2020 related to 2 out of approximately 18 different categories of offence under the 1959 regulations. Those were the specific prohibitions against the walking of dogs off a lead and riding of any horse or pony between the hours of 10.30 a.m. and 6 p.m. on our beaches. So my decision was not a blanket decision not to enforce the regulations, but that in respect of 2 offences of a specific type, which would have been based on very similar underlying facts, and then only in respect of a period of 12 days prosecution would not be in the public interest. So my decision was taken, having regard to the public interest in the legal sense, and that is explained in the A.G.'s (Attorney General) Code on the decision to prosecute. The public interest assessment that I made in this legal sense was as follows. The public announcement that the Government intended to amend the 1959 Regulations in relation to the 2 offences concerning dogs and horses at this sitting of the Assembly could create uncertainty in the minds of members of the public and cause them to commit offences in the genuinely mistaken belief that the offences would not be enforced. However, a mistake about the law or its enforcement would not amount to a defence in law. Further, the 2 offences are relatively minor, with a maximum fine of up to level 2, which is £1,000 - a maximum - but if convicted a defendant would nonetheless get a criminal record. The first examples of public interest factors against prosecution listed in the Attorney General's Code on the decision to prosecute are exactly the same as the points I have just mentioned. Less importantly, the 2 offences in the 1959 Regulations are linked to the time of the tourist season in Jersey, 1st May to 30th September, and we currently have no tourist season due to the restrictions on travel. Again, this point amounted to a type of public interest factor under the Attorney's Code concerning prosecution. Lastly, I include in my assessment of the public interest the fact that this was only for a 12-day period during a period of

restricted movement until the Assembly could debate the Government's then intended Amendment to the Regulations.

Deputy L.M.C. Doublet:

Sorry, I am having some problems with my audio feed. I think I managed to get most of that but I do not have a supplementary at this time.

Deputy I. Gardiner of St. Helier:

I have a supplementary, I put it in the chat.

The Bailiff:

Could I remind Members that if they wish to ask a question they need to put a note on the chat so I can acknowledge that I have seen it.

Deputy I. Gardiner:

I have done.

The Bailiff:

I have not seen anything on the chat. Oh, yes, I beg your pardon. You are quite right, it was disappearing off the top of my screen, I apologise.

4.1.1 Deputy I. Gardiner.

What assessment did the Attorney General make of the impact on children's rights of his decision not to pursue offences under the Policing of Beaches (Jersey) Regulations 1959, relating to the walking of dogs on beaches between 1st May and 12th May?

The Attorney General:

Potentially children could also commit those 2 offences so they would have been included in my decision, the reasons for which I have just outlined.

4.1.2 Deputy I. Gardiner:

Can I follow with another supplementary? It was about children's right for free and safe play on the beach and what impact have you considered when you decided not to pursue offences?

The Bailiff:

Sorry, Deputy, rather like you, we are having difficulty hearing your supplementary question. I do have a note that Senator Moore wishes to ask a question. Apparently everything else is functioning all right, Deputy Gardiner. It might just be something in your machine. Can you go closer to the microphone or something?

Deputy I. Gardiner

Sure. Can you hear me better like this?

The Bailiff:

Yes, if you try like that, Deputy. Please ask the question.

Deputy I. Gardiner:

My question was about the impact on children's rights to safe play and what was the assessment that the Attorney General made when he decided not to pursue offences and their policing beach Regulations?

The Attorney General:

The children's right to safe play, I am not exactly sure what the Deputy is referring to in that. Clearly children have a right to security in this Island, in the same way as all other members of the population. So my decision, as I previously said, encompassed children in the same way as adults. It was in relation to those legal factors that I have already outlined in my previous answer.

The Bailiff:

I also have a note from Deputy Morel. As that has already been communicated I will allow that question as well. But we have a large number of questions and a very limited amount of time relatively available to us.

Senator K.L. Moore:

I think the question was from Deputy Morel, not myself, thank you.

The Bailiff:

I do apologise.

Deputy K.F. Morel of St. Lawrence:

In order to speed things up I will withdraw my question.

The Bailiff:

Deputy Doublet, did you have a final supplementary?

4.1.3 Deputy L.M.C. Doublet:

Yes, I do. I wanted to press the A.G. on Deputy Gardiner's question because Deputy Gardiner was asking about children's rights, not children as offenders. Has the Attorney General an understanding of the U.N.C.R.C. (United Nations Convention on the Rights of the Child) because in my mind there should have been more of an assessment of children's rights and a child's right to play given the fact that there were 7 control orders on dogs between 2015 and 2018 and many more incidents either going unreported or unpoliced?

[10:00]

Did the Attorney General take any of this into account?

The Bailiff:

Were you able to hear that Mr. Attorney? The question, please correct me if I am wrong, Deputy, we have a hearing a difficulty at this end, relates to the potential adverse effect on children who might play if the policing of dogs is not strictly enforced. In other words, the risks to children and their rights to be safe. Is that a fair paraphrase, Deputy?

Deputy L.M.C. Doublet:

Yes, plus the amount of control orders on dogs over the last few years.

The Bailiff:

There were a number of control orders relating to dogs over the last few years and to what extent would that fall to be considered by you in terms of the public interest when considering a prosecution?

The Attorney General:

I have to say in terms of those specific control orders I was not aware of them but I am happy to look into them subsequent to the sitting of this Assembly. I can only repeat the factors that I took into account I have already outlined. The rights of children also include a right not to be unfairly prosecuted or not to get a criminal record in circumstances where they did not have to. Those were the key factors that I took into account in making that decision.

4.2 Deputy D. Johnson of St. Mary of the Minister for Economic Development, Tourism, Sport and Culture regarding the demerger of C.I.C.R.A. (OQ.117/2020)

Will the Minister explain why the Channel Islands Competition and Regulation Authorities are to separate from 1st July 2020, and confirm that there will be no change to the powers and authorities vested in the Jersey Competition Regulatory Authority without the prior approval of the States Assembly?

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

The decision to separate C.I.C.R.A. (Channel Islands Competition and Regulation Authorities) is intended to enable the Jersey Competition Regulatory Authority to better focus on the consumer matters that impact on the people of Jersey. A renewed focus by the J.C.R.A. on promoting competition can support Islanders' living standards and improve the competitiveness of businesses. The desire to establish the J.C.R.A. (Jersey Competition Regulatory Authority) as a separate insular authority was first raised with Guernsey in February of this year. In light of the current COVID-19 outbreak a possible postponement of the separation was suggested to Guernsey at least until both communities had recovered from the current COVID-19 issue and the Governments of both Islands have a clear understanding of the financial impact the Islands would be facing. However, Guernsey is focused on settling the regulatory structure, as it has previously stated, by 30th June. Guernsey's decision to press ahead with the separation of the authorities, despite the coronavirus pandemic, will also ultimately work in Jersey's favour because a strong competition authority ready, equipped and fully focused on Jersey's markets and competitive business will be even more important as the Island enters economic recovery. Where this is required by law, the approval of the States Assembly will be sought where a change to the powers and authorities vested in the J.C.R.A. might be proposed.

4.2.1 The Deputy of St. Mary:

The Minister will be aware that Article 2(4) of the Competition Regulatory Authority (Jersey) Law 2001 provides that the authority shall be independent of the Minister and the States, a fact reinforced by annual reports stating that the J.C.R.A. is an autonomous body and entirely independent in its decision taking from the States. For the avoidance of doubt, will the Minister please confirm that the proposed changes do not reflect any intention on his part to interfere with that independence?

Senator L.J. Farnham:

Yes, I can absolutely confirm that. I think it is absolutely essential that the competition authority remains independent.

4.2.2 Deputy K.F. Morel:

Would the Minister please explain to the Assembly what consultation with stakeholders he did before first notifying Guernsey in February of his intention to withdraw from C.I.C.R.A. and also what the financial impacts of this decision are to the Island of Jersey?

Senator L.J. Farnham:

Officers in both Islands had discussed the matter. In February 2020 I spoke with the president of the Economic Development Committee in Guernsey, Deputy Charles Parkinson, and explained our thinking on the potential separation and explained our intentions to them. Subsequently, Guernsey came back to us and stated they were prepared to accept our position and then started to move ahead with the separation process, with new regulatory position in Guernsey, which has slightly different legislation to us, the principles of which were approved by their States in June ... sorry, I am getting my dates mixed up. But going to their States imminently, as I believe it.

4.2.3 Deputy K.F. Morel:

I note there was no mention of my financial implications that I asked. But also stakeholders are not just Guernsey. Stakeholders involve telcos, they involve C.I.C.R.A itself, they involve electricity companies, postal companies and so on. What consultation did the Minister undertake with those stakeholders before going ahead with this?

Senator L.J. Farnham:

I think in the light of the importance of the independence of the competition authorities, I did not think it was appropriate to consult with those businesses that might be regulated by the competition authority.

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

Just to build upon the question asked by Deputy Morel. I was wondering if the Minister could clarify whether the J.C.R.A. themselves, were the catalyst for this decision being made and what their view is on the decision.

Senator L.J. Farnham:

The decision was based upon the fact that in rebuilding our economy, and the decision was taken before the COVID-19 issue was highlighted and identified, because it was felt that competition was not working in certain markets as it should be. Before the crisis we were struggling with a number of issues, including productivity of population issues and skills issues and we were looking for ways to drive our economy forward without the need for additional resources, hence we wanted to improve productivity; at the heart of improving productivity is competition. Jersey and Guernsey have different laws. They have different political structures and cycles. They have different processes, different economic conditions, different tax structures and different political priorities. So I felt it was important that we reverted to our own insular authority that could be fully focused on competition in Jersey for the benefit of Islanders.

4.2.5 Deputy J.H. Perchard:

The view of the J.C.R.A. on the decision?

Senator L.J. Farnham:

The J.C.R.A., I am not sure they have expressed a view. I think C.I.C.R.A. perhaps was slightly surprised that we wanted to separate the Jersey and Guernsey structure although I would stress that it is the intention for Jersey and Guernsey to still co-operate wherever necessary. But I think the J.C.R.A. have been incredibly professional and are now focusing on setting up and restructuring the Jersey Competition Authority.

4.2.6 Deputy S.M. Ahier of St. Helier:

In the news release of C.I.C.R.A.'s demerger it stated: "As part of the demerger up to 4 new members of staff will be appointed." Does the Minister believe that this is wise in the prevailing economic climate and is it affordable?

Senator L.J. Farnham:

If I could perhaps deal with the part of Deputy Morel's question that I did not answer earlier when answering this question. There is a restructuring plan being put together that could require anything up to 4 members of staff, so there will be additional cost. I did write to Guernsey and ask if they wanted to just pause to consider the financial implications in the meantime but it was decided that both Islands should press on. So there will be additional cost and that additional cost has currently been estimated at between £100,000 and £400,000 per annum. I think it will fall somewhere between those 2 figures. That is not an inconsiderable amount of money but I would stress that the value of strong competition to our economy, especially as we work to rebuild it, will deliver far greater

dividends than a small amount of additional extra cost to make sure our competition authority is working well and is really effective.

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

An extra 3 or 4 people to deliver the same service or a similar service does not sound like good productivity to me. But the Minister's answer really hides a basket of snakes. Is it not the case that it is proven that in small jurisdictions competition tends not to bring down inflation or boost productivity but regulation does? Is this not a split between Guernsey's philosophy and the *laissez-faire* economics of the Minister?

Senator L.J. Farnham:

No.

4.2.8 Deputy G.P. Southern:

How does the Minister justify that short answer in one word?

Senator L.J. Farnham:

I do not intend to justify it. It is a no, I disagree with the comments and suggestions that Deputy Southern made. It is as simple as that.

4.2.9 The Deputy of St. Mary:

The Minister will be aware that in November 2015 Oxera conducted a review of the Jersey regulatory and competition framework, which included over 20 recommendations. One of these was that: "The government, regulator and industry should establish and maintain strategic alignment, while preserving the independence of the regulator. The best precise mechanism for this should be developed, potentially building on the experience of the memorandum of understanding between the government and [another States body]." The Minister has previously stated in the Assembly that he would involve the Scrutiny Panel in the preparation of that M.O.U. (memorandum of understanding). Would he please advise where we are in the preparation of such an M.O.U. and also confirm that given that it is an essential part of the future *modus operandi* of J.C.R.A. that it will be ready in final draft form before any new employees are appointed?

Senator L.J. Farnham:

Work is now starting in earnest with our officers and the J.C.R.A. to make sure they become operational as soon as possible. We will work closely with Scrutiny. I cannot guarantee on the timings between employing new staff simply because the new structure has not been agreed yet but I can reassure the Deputy and Members that the correct procedures in engagement of staff and the restructuring will be followed rigorously throughout the process.

4.3 Deputy K.F. Morel of the Minister for Education regarding laptop computer access for school pupils (OQ.114/2020)

Is it the Minister's assessment that all school pupils have access to a laptop computer in their homes to enable home-schooling, and if not, will she inform the Assembly what steps, if any, she is taking, to ensure that they do?

Senator T.A. Vallois (The Minister for Education):

As per my answer to Written Question 164 posed by Deputy Morel, it confirms my assessment that not all school pupils have access to internet-enabled devices. This of course includes laptops. I do not believe that laptop computers are the only way to enable home schooling but I do believe it is essential that we ensure all school children are given an equal opportunity to education.

[10:15]

We must ensure a continuity of teaching to all children no matter what their circumstances in these difficult times. That is why I have asked officers to assess the need for devices so I can ensure any remaining gaps are resolved as soon as possible.

4.3.1 Deputy K.F. Morel:

We are now 6 weeks to 2 months into Jersey's aspect of this crisis and would the Minister please explain why it has taken so long to have got to the point where her officers are now simply assessing the lack? Why was this not done sooner?

Senator T.A. Vallois:

At the beginning the question was asked of officers about the accessibility in terms of laptops, *et cetera*, required. Some schools went out to carry out parent surveys to identify the needs at the beginning and were proactive. We have approximately over 300 devices that have already been loaned out. This is an ongoing feat and we continue to work directly with the schools, and I have directly spoken to teachers myself who have concerns around the remaining gaps and we are trying to plug that hole at this moment in time.

4.3.2 Deputy L.M.C. Doublet:

Forgive me if I have missed this, I have still got glitchy sound. Has the Minister considered the cost of Wi-Fi connections in families' homes? I have heard anecdotally that some families are having to consider rationing food because they are paying for additional top-ups on mobile phones to enable a data connection in the absence of any Wi-Fi connection in the home.

Senator T.A. Vallois:

There was a combined effort between Digital Jersey and the telecoms providers who have now put a scheme together where families can apply for vouchers from their school to have broadband provided free of charge. Some parents have taken this up. I believe one of the issues is the ongoing cost in terms of line rental or where they do not have a landline to fit in that broadband, which continues to be a particular issue.

4.3.3 Deputy L.M.C. Doublet:

Where the family does not have a landline is the solution for families to buy the data top-ups or are the family required to install a landline?

Senator T.A. Vallois:

I am sorry, I missed some of that question. Could the Deputy repeat?

The Bailiff:

I think the question related to the solution. Is it your answer that the solution is for families to buy data top-ups or to put in a landline?

Senator T.A. Vallois:

The precise solution is not decided as of yet. I think there is an issue in terms of whether these families could be supported in terms of if they are on low income households, in terms of the income support side of things, there is going to have to be further discussions, particularly with the broadband provider, the scheme that has been put in place, about how we can overcome this particular situation.

4.3.4 Deputy R.J. Ward:

Is this inequality in access to I.T. (information technology) and indeed Wi-Fi access not simply a reflection of the inequality we have in our education system, including funding per pupil, which is significantly different in different schools? Is it not this issue that is underlying that needs to be addressed in the longer term if we are to genuinely deal with future situations that may occur?

Senator T.A. Vallois:

It is quite clear there is inequality in our education system. That has been the case for a very long time. Something that we were trying to resolve in terms of the school funding review, which has not been completely followed up just yet because of us dealing with the COVID-19 situation. But the Deputy will know from his post-16 report that I stated that I advocate the improvement of the infrastructure of I.T. in schools and better use of information and learning technology to promote different learning behaviours and improved outcomes. We need to get to the point where we can make our education system as equal as we can but it is not going to happen overnight.

4.3.5 Deputy R.J. Ward:

Is it not the point that inadequate headroom funding means that schools in the best of times cannot meet the needs of their students in terms of equipment, *et cetera*, and when we have a crisis like this it is clear that that situation is going to be amplified and that we need to address that headroom funding and the amount of money available to schools as a matter of urgency?

Senator T.A. Vallois:

Absolutely. The Deputy is aware of my views and my concerns around the issue with headroom funding, hence the reason why we supported the Amendment for the Common Strategic Policy, and it is a piece of work that we have been working on for a long while now. I would like to ensure that any further attempts to reduce the budget within Education is considered properly and that we do not create further structural deficits when trying to support our children's education.

4.3.6 Deputy K.F. Morel:

In her initial answer the Minister said that laptops are not the only answer, and that is correct, but could the Minister confirm that the Education Department would not allow any individual school pupil to rely on the use of a smartphone as their means of access because if for no other reason than the health problems associated with eyesight? Would the Minister confirm whether the Education Department has turned down any offers of laptops from external organisations?

Senator T.A. Vallois:

I would not advocate reliance on smartphones. As the Deputy has pointed out, the issue in terms of the small devices and the ability to do the appropriate work would cause undesired effects. Also with regard to approaches from outside organisations with regards to laptops, I am not aware of any but I can go back and find out and inform the Deputy as soon as possible.

4.4 Deputy S.G. Luce of St. Martin of the Minister for Infrastructure regarding the closure of roads and lanes in Town (OQ.113/2020)

Has the Minister met the Connétable of St. Helier to discuss the closure of roads and lanes in Town in order to ensure sufficient and safe access for both pedestrians and cyclists; and if so, what actions, if any, have been, or will be, undertaken as a result?

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

My officers and Parish officials have discussed these issues and how they should be managed. The relative risk of passing encounters in an outdoor environment such as on-street in Town is low when compared to other routes of COVID-19 transmission. Thus to avoid diverting resources from other COVID-19 related work it is essential that any immediate priority interventions are led by a clinical public health requirement. My officers are liaising closely with public health officials to ensure that this is the case. I had initiated a programme with measures in the Town centre ahead of the implementation of the safe exit strategy level 3 to support the Government's response to the COVID-19 pandemic. As Town actively increases we will proceed to level 2; these will be reviewed and reinforced as necessary.

4.4.1 The Deputy of St. Martin:

Is the Minister aware that the U.K. (United Kingdom) Transport Secretary last week announced a £2 billion package to put cycling and walking at the heart of his transport policy, including emergency interventions such as pop-up bike lanes, wider pavements and cycle and bus only streets?

Deputy K.C. Lewis:

Yes, I am aware of that. I did see the news item on that particular thing. But the relative measures put in place for level 3 COVID, the safe exit strategy, are as follows. We are working on increasing bike lane bike safety with the Parish officials, car parks-wise, we are increasing parking controls. Advisory signs for COVID-19 are being put in place as regarding use of lifts, *et cetera*, not to use lifts in car parks unless it is absolutely necessary, parents with prams or somebody who may be infirm. So it is all part of our strategy.

4.4.2 Senator K.L. Moore:

Does the Minister consider that priority to improving pedestrian and cycling access around the Island and its infrastructure should be given in any fiscal stimulus programmes that the Government might present?

Deputy K.C. Lewis:

Yes, this was part of the Sustainable Transport Policy, which we were implementing prior to the shutdown. Nobody saw COVID-19 coming but, as I say, we are where we are. But this is something we are actively working on as talking with Parish officials. My team are out monitoring traffic flows and I can report that the cycling fraternity is increasing. I believe last month there were over 50,000 cycles reported coming on the cycle track from west to east.

4.4.3 Senator K.L. Moore:

As the original questioner, the Deputy of St. Martin, pointed out to the Minister, emergency measures are in place in other places to introduce rapid action points. What action points does the Minister propose to bring to the Island in short order?

Deputy K.C. Lewis:

Yes, as I have stated, my officers are in talks with Parish officials to bring in this very thing. The Parish itself has the authority to close their roads on a temporary basis should they wish to do so. My officers are working closely with Parish officers to alleviate any flows. Obviously we do not want people walking into roads to avoid each other with heavy traffic, so that is something that is being actively worked on. I would love to have the £2 billion to spend on it but we have to work with what we have.

4.4.4 Deputy I. Gardiner:

A project to relocate road space for significantly increased numbers of cyclists and pedestrians are already underway in many cities, such as London, Manchester and others, has been mentioned. The current transport policy in Jersey says we should encourage pedestrians and cycling, current health advice is to avoid public transport as much as possible. Would the Minister consider, in this new age of social distancing, closing some of our roads and streets to vehicular traffic at certain times of the day as it becomes almost impossible to use pavements and observe social distancing, especially in Town?

Deputy K.C. Lewis:

I think I have already alluded to that. My team are talking to Parish officials on this very item. But it is a very fine balance between keeping Town vibrant and keeping everybody safe. That is exactly where we are going.

4.4.5 Deputy R.J. Ward:

Is this not an opportunity to revisit the Sustainable Transport Policy given that we have growing numbers finding the benefits of cycling and walking as a necessity? This is really a chance, as other Governments have done, to invest in a future system that will give the entire population access to a healthier form of transport.

Deputy K.C. Lewis:

Yes, since we announced the Sustainable Transport Policy I have been encouraging people to cycle more or use the bus. Obviously things have changed since COVID-19 and we are telling people to cycle more but do not use the bus unless you really have to because of safe distancing. I believe we are on the same track there.

4.4.6 Deputy R.J. Ward:

Unfortunately the Sustainable Transport Policy and encouraging is not enough. This is an opportunity to provide the space for people to take that action. Is this not another missed opportunity to promote active transport and should we not be grasping this actively, right now, and as a matter of urgency, rather than just talking yet again about the Sustainable Transport Policy?

Deputy K.C. Lewis:

The Sustainable Transport Policy was key to what we were doing. We are not missing any opportunities but we do not have a huge amount of funds that we can throw at this but we are doing what we can with what we have. We are encouraging more people to cycle. There may be things coming in the future, we may widen the cycle routes along the Esplanade.

[10:30]

There are lots of things that are happening at the moment. We need to keep people safe and separate at the moment but we are on the same track.

4.4.7 Connétable S.A. Le Sueur-Rennard of St. Saviour:

Once again, and I say this every time we mention cycling, could they be told that there are rules of the road? A lot of cyclists think because we are promoting cycling and how we have been fantastic that you are on a bike and thank you very much for saving the planet. You may be saving the planet but you are not caring about the other road users and there has been a lot of controversy with people; walkers and cyclists clashing. Would the Minister consider embedding everybody that there is this problem that cyclists are great and it is really terrific but there are rules of the road that we would like them to take notice of?

The Bailiff:

What was the question?

The Connétable of St. Saviour:

Could the Minister please, when he is promoting cycling, say that there are rules that they have to take into consideration?

Deputy K.C. Lewis:

I absolutely agree. There are rules of the road which must be obeyed. Not just roads. There are rules on the cycle path, which come under policing of parks, and cyclists must show due consideration to pedestrians. We have put up signs on the cycle path, especially around the La Collette area, priority to pedestrians at all times. Please be courteous. Please use your bell. You should have one fixed. If people are walking along then please stand aside and just wave people through. Courtesy costs nothing.

4.4.8 The Connétable of St. Saviour:

He says they should be promoting, they should have a bell and all this sort of thing, but none of these things are written down. In my day we used to have the green cross code, we used to have the cycling proficiency. I know I am old. But all these things were relevant. I would think they are more relevant now with so many cycles on the road and they really are a law unto themselves. I am sorry but I really think we need to bring in registering your bike, maybe paying a tax on it, but could the Minister please ensure that although he is promoting cycling there are these rules that they do have to follow, and follow them up please?

Deputy K.C. Lewis:

Yes, there are rules of the road. I think cycle registration has been looked at several times. It is not really appropriate for Jersey. It would be fine perhaps maybe 60 years ago when there were not many bikes on the road but now we have literally thousands of bikes and many, many hundreds of electric bikes on the road. It would not be possible to have a cycle registration scheme. But regarding rules of the road, we have the highway code, which is not just a code. Much of it is embedded in law, which I am sure you are aware of, Sir, and there are laws and rules that must be obeyed. There are people who cycle on the pavements, with one or 2 exceptions, is illegal. People cycle the wrong way up one-way streets. Again in most cases that would be illegal. The highway code is there and it does apply in law.

4.4.9 The Deputy of St. Martin:

During this coronavirus crisis we have seen a massive increase in walking and especially cycling. The Minister says his officers are talking but will the Minister make his own immediate emergency interventions to promote cycling and walking across the Island as a matter of urgency?

Deputy K.C. Lewis:

Indeed. Sorry, we went off on a tangent a little there. But my officers are talking to all Parish officials with a view to doing this very thing.

4.5 Deputy M.R. Le Hegarat of the Minister for Children and Housing regarding seasonal workers (OQ.128/2020)

Will the Minister advise whether he is aware of any seasonal workers who have lost their accommodation due to the coronavirus crisis (as highlighted by the Shelter Trust) and, if so, how many; and will he state what Government investigation, if any, there has been (or will be) into this matter?

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

In March, at the outset of this crisis, I set up an emergency housing team to assist members of the public who were at risk of being made homeless during this crisis. That group includes people from the government policy team, the Affordable Housing Gateway and Andium Homes, and has dealt with a very wide variety of often very difficult and challenging cases of Islanders who have needed help with emergency accommodation. We have been pursuing our allocations purely on the basis of those emergency cases for the time being. I can say that of those that have come to us, 7 of those have been cases of seasonal workers who have lost their accommodation due to this crisis. In the main, these were informal lodging arrangements that were not caught by the Amendments to the Residential Tenancy Law that this Assembly passed, and for all of those cases that came to us we have found them either permanent housing solutions or at least temporary housing for the time being. My understanding of the payroll co-funding scheme is that one of the conditions attached to that is that employers who provide accommodation to their employees cannot evict them and if they were to do that then it would be a breach of the conditions provided in the co-funded payroll. So hopefully that will be an extra protection. But I would say to any instance where Members are aware of

homelessness cases, whether it is seasonal workers or not, is to please get in touch with us as soon as possible.

4.5.1 Deputy M.R. Le Hegarat:

At a public hearing on 5th May with the Minister for Social Security, the Minister made the same reference to the co-funding as the Minister for Children and Housing has just made. Can he please confirm to me that no firm or no company has been provided co-funding, so that each of those that have been made homeless an investigation has been made to put each and every one of them to ensure that that business has not received funding?

Senator S.Y. Mézec:

I cannot give that undertaking because the operation of the payroll scheme does not fall within my portfolio. But I think the Member absolutely raises an important point and I certainly hope that the Minister for Economic Development, Tourism, Sport and Culture is listening. But I am happy to have a conversation with him to say that this is an issue of importance because of the public health implications, so could we have a double check of this to make sure that everything is being done properly.

4.5.2 Deputy R.J. Ward:

Does the Minister believe that the C.R.E.S.S. (COVID-19 Related Emergency Support Scheme), as set up, is suitable and good enough to protect workers from homelessness, those who have been here under the allotted time or those seasonal workers?

Senator S.Y. Mézec:

In terms of homelessness, the C.R.E.S.S. scheme is not necessarily the deciding factor there. The most important thing that was done to protect people from homelessness was passing the Amendments to the Residential Tenancy Law, which provides that protection in law for people in their tenancies. Whatever contractual obligations that employers have to their employees they have obviously got to meet that. There are obviously implications for rental arrears where people are able to continue living in their home otherwise, as usual, but do not have the income to make up the full rent, so that will obviously be something that causes stress and anxiety to people in that situation. That is why we have published guidance on how that can be arranged between tenants and landlords. Again the number one piece of advice I give to people in that situation is speak to your landlord, engage in that conversation and provide evidence where you can of what your income is and try and work out what is the most acceptable situation for you.

4.5.3 Deputy M.R. Le Hegarat:

What is the Minister going to do to ensure that this situation does not continue in the future?

Senator S.Y. Mézec:

I believe that we have done really, really good work in the last couple of months providing access to emergency accommodation for people in Jersey. We have had 149 individuals or families get in contact with us. The vast majority of those have had solutions provided to them and the rest we are continuing to work with the social housing providers. The charities who have been able to have additional capacity to help vulnerable people as well because of the generous support that has come their way to give them that capacity, and also the very generous support that some in the private sector, including Jersey Heritage, who have been absolutely fantastic in providing us with some extra capacity to help people. So I think we have done a really good job there. But we do not know what we do not know. So if there are cases out there where people are not coming forward asking for help or are not being directed to us, then I simply reiterate if you are in that situation please do get in contact with us and if there are Members who are aware of those specific situations, and the more specific details we get the better our response can be, is to please get in touch.

The Bailiff:

Members on chat are expressing concern about the time that we are taking to get through questions. That is a concern I share and I was about to make one or 2 observations. Firstly, I think it is reasonable to extend the time at the moment by 5 minutes for injury time because that is probably the time that we have spent trying to put right technical difficulties. Secondly, might I remind anyone responding to a question that generally they should not respond for any longer than 90 seconds. Any responses longer than that really are outside what is accepted and normal practice within the Assembly. I would ask Members also to restrict themselves to only asking those supplementaries which they believe to be essential and obviously the usual Standing Order the question should be succinct apply equally. My perception is that the difficulty is arising both as a result of the nature of the answers and the nature of some of the questions. With those things in mind we will continue. If we reach a point where I think that there is a risk that a material number of the questions will remain unanswered then I may have to withdraw the right to ask any supplementaries, which is a matter within my discretion but we will see if we can continue under the current regime for the time being.

4.6 Connétable M.K. Jackson of St. Brelade of the Minister for Health and Social Services regarding clinical waste (OQ.112/2020)

With reference to private contractors managing the clinical waste from care homes, what guidelines, if any, are currently in place in respect of the collection of COVID-19 waste; the protection of the contractors' staff and care home staff; and when were any such guidelines provided, if any?

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

Specific guidance has been compiled for care homes on the disposal of waste and is published on the gov.je website. This includes guidance on how waste from care homes is defined, packaged and stored awaiting collection. It was issued on 28th April to expand on earlier guidance published in August 2016 for care homes on infection control. This revised guidance has a particular emphasis on waste from care homes in the light of the COVID-19 situation.

[10:45]

P.P.E. (personal protective equipment) guidance for healthcare professionals and other essential workers was updated on 24th April. It is based on information published by Public Health England and that is also available on the gov.je website.

4.6.1 The Connétable of St. Brelade:

Would the Minister agree that in the parallel the treatment given to care homes in the earlier stages of the pandemic, this was an area overlooked by Government?

The Deputy of St. Ouen:

Yes, I said in my answer that the revised guidance was issued on 28th April, which is of course fairly recently. So as a formality, it may be that the guidance that was published was not sufficient. But I do believe that our waste regulators were in touch with the various companies that are waste carriers from the outset of the disposal, giving advice and assisting them to make any adaptations.

4.7 Deputy R.J. Ward of the Minister for the Environment regarding Island-wide air quality monitoring (OQ.123/2020)

Will the Minister provide an update on the progress towards Island-wide air-quality monitoring and, given the correlation found in studies in other regions between air pollution and COVID-19 mortality rates, will he pursue such monitoring as a matter of urgency?

Deputy J.H. Young of St. Brelade (The Minister for the Environment):

Island-wide monitoring of our air quality continues and is compared to international standards. My team at Environmental Health commission an annual report to independently assess against these standards and make recommendations for the future air quality monitoring scheme. The 2019 report is in its final stages of production and will be made available on gov.je once it is complete. Initial reviews suggest our Island air quality is generally excellent but there are higher concentrations in urban areas and high-traffic areas. We continue to work with leading experts to create a real-time air quality system for the Island, for the whole Island. The initiative, which I have answered questions on before, progresses and we are currently in the quality-check stage before moving to the next phase.

4.7.1 Deputy R.J. Ward:

I ask the Minister, given that we will go to a recovery phase, this will not just be economic, but that we have an opportunity for an environmental recovery, the areas he talked about of high pollution, should they not be prioritised in dealing with that pollution given the effects on health, in particular the effects on the health of young children?

Deputy J.H. Young:

There is no question that dealing with those hot spots of pollution, of air quality, should be a priority. I have given a fuller answer in another one of my written questions about that but of course the Deputy knows that we have a project about air-quality monitoring in place and I am afraid the validation work on that has had to be temporarily suspended because the Environmental Health and Digital Jersey teams have had to be deployed to COVID work. But as soon as it is possible to get that back again we will do.

4.8 Connétable A.S. Crowcroft of St. Helier of the Minister for Infrastructure regarding cyclists and pedestrians using the promenade (OQ.126/2020)

Is the Minister aware of any increase in the number of cyclists and pedestrians using the promenade along Victoria Avenue and of any consequent increase in the risk of collisions between users of such public spaces and, if there has been such an increase, what solutions, if any, is he examining to allow walkers and cyclists to move about the Island safely while respecting the need for physical distancing?

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

According to the automatic cycle counter at First Tower there were over 50,000 cycle trips recorded last month, which is an all-time high for any April, which is excellent to see. We would encourage everyone to look out for one another as the promenade gets busier as we have to take responsibility for each other's safety, particularly at a time when there is significant pressure on the healthcare workers. We are following the advice of the medical officer for health for enabling our infrastructure to best support the public health requirements when it comes to the fight against coronavirus.

4.8.1 The Connétable of St. Helier:

I asked the Minister whether he feels it is enough to simply encourage people to look out for each other when there are so many more people, not only cyclists, but also pedestrians and joggers, using the promenade and is it not time for a fundamental rethink about the use of that space, which for most of the day is given over to the parking of cars?

Deputy K.C. Lewis:

Yes, as I mentioned earlier, this is something that we are actively looking at, whether to increase the width possibly of the cycle lanes and pedestrian area. It may involve the loss of some car spaces on the Esplanade but that is something we are actively looking at.

The Connétable of St. Helier:

Can I ask another supplementary please?

The Bailiff:

Generally the policy that I have operated up to now is that, if there are no other questions, then the supplementary is the supplementary and I do not generally allow a further supplementary, Connétable. If there had been other questions I would have brought a final supplementary back to you, but not in the circumstances.

4.9 Deputy I. Gardiner of the Minister for Home Affairs regarding the establishment of independent police complaints authority (OQ.125/2020)

Will the Minister advise what steps, if any, are being taken to allow the Jersey Police Complaints Authority either to undertake its own investigations, or to engage its own investigating officers, as a means of dealing with complaints, to ensure that it is not reliant on the Professional Standards Department of the States of Jersey Police to undertake such investigations?

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

The Deputy will be pleased to know that over the past 12 months or so my officials have been reviewing our police complaints legislation to ensure it is up to date. I have seen an initial draft of the new legislation, which will allow the Complaints Authority to commission its own legal and investigative expertise as it is recognised that members of the Complaints Authority may sometimes wish to bring an independent, a different eye to help them with a police investigation.

4.9.1 Deputy I. Gardiner:

The Citizens Advice Bureau saw a rise in inquiries related to policing matters from 38 in 2016 to 91 in 2019. Over the same 3 years complaints submitted to the authority dropped from 25 to 11. Would the Minister give an explanation to the Assembly why we have this difference between an increase in numbers of issues raised by the bureau and reduction in the numbers formally referred to the authority?

The Connétable of St. Clement:

I have no remit for Citizens Advice Bureau; people will go there for advice and they will decide at the end of the day whether they will make a formal complaint. The Police Complaints Authority believes, and I have no reason to think they are wrong, that the number of complaints has reduced since the introduction of body-worn cameras, which will obviously give very clear and up-to-date evidence.

4.9.2 Deputy M.R. Higgins of St. Helier:

Will the Minister advise Members what is the current nature of investigations carried out by the Police Complaints Authority? In other words, what do they do in the process to monitor the investigations and ensure that they are properly investigated?

The Connétable of St. Clement:

Their role is to oversee and ensure the investigation is fair, thorough and proper. This is what they do with reviewing the cases, reviewing the papers, meeting with the officers, which they do at least bi-monthly. Their role is to give assurance to the public that any complaint against the police is investigated properly.

4.9.3 Deputy M.R. Higgins:

Can the Minister explain how they are involved in the investigation? They just basically accept papers that come back from the police and rubberstamp them; does he not agree?

The Connétable of St. Clement:

No, of course not. I would refer the Deputy, and I hope he would read thoroughly, the annual report produced recently by the Jersey Police Complaints Authority. They meet with the investigating

officers; they check all the paperwork; they make sure they are satisfied that the investigation has been carried out thoroughly, professionally and properly.

4.9.4 Deputy I. Gardiner:

As indicated, the Jersey Police Complaints Authority has no investigatory powers of its own and on occasion there is a need for the involvement of an external police force because of potential conflicts and complex cases. Would the Minister advise how many times the authority has appointed an investigating officer from the external police force to gather evidence to back up or dispute the 71 complaints made over the last 5 years?

The Connétable of St. Clement:

We will bring in investigators from other police forces where there might be a conflict of interest, where there might be a particularly serious event, and we have done so, to my knowledge, certainly twice in the last 5 years.

4.10 The Deputy of St. Peter of the Minister for Economic Development, Tourism, Sport and Culture regarding Gatwick air links (OQ.120/2020)

Following the recent report that British Airways may close down its operations out of Gatwick Airport, what contingency arrangements, if any, is the Government putting in place to ensure that Jersey has regular and affordable flights to, and from, the U.K. once current travel restrictions are lifted?

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

Our colleagues in Ports of Jersey are working very closely in daily contact with our key airline partners, easyJet, British Airways and Blue Island, to be ready to restore the connectivity that is so important to Island life. The key focus areas of our efforts are: operationally, to ensure that processes and procedures are in place and to safely manage the flows of arriving and departing passengers; commercially, investing together with our airline partners to create the conditions that can restore flights; and from a marketing perspective to promote Jersey as a safe and beautiful place to visit. These unprecedented times will require unprecedented measures and co-operation between all of the key stakeholders to ensure our Islands remain connected. I am confident that we will be successful while of course stressing that we will be following the very best safety advice to protect Islanders from the spread of COVID-19.

4.10.1 The Deputy of St. Peter:

I notice the Minister mentioned “Islands” and I also note that Visit Jersey and Visit Guernsey are attempting to promote the staycation in and across the Channel Islands. This is one of the many examples where a robust inter-Island transport service is needed. What initiatives and discussions, if any, are underway between our Governments to deliver this?

Senator L.J. Farnham:

I can say that today the Visit Jersey board are meeting to discuss their revised and updated business plan, which takes into account the impact of COVID-19. Jersey and Guernsey have both been lucky insofar as we have managed to contain significantly the spread of COVID-19 and it is currently at very low levels in both Islands. That might present an opportunity for some inter-Island connectivity but of course I want to stress that before we start relaxing the rules on our borders we have to be absolutely sure that we are not going to increase the risk to Islanders in a disproportionate manner. I have said before that I and the economic team are operating to the premise that, if a business can open safely, then it should be able to do so. With the levels and the process and the framework that we have put in place, starting with level 3 yesterday, that is a very good roadmap for recovery.

4.10.2 Deputy K.F. Morel:

Does the Minister accept that Islanders will only themselves accept inbound travel if a strong P.C.R. (polymerase chain reaction) testing regime is in place at the ports? Does he believe the Island is in a position to deliver such a testing regime?

[11:00]

Senator L.J. Farnham:

Yes I do. The Islanders' sentiment is being received loud and clear and Ports of Jersey are considering the very best measures that can be put in place to protect Islanders. We all agree, as Islands, we need to be connected to the outside world and we also have an incredibly difficult task of finding the right balance that does that without adding risk to Islanders and the spread of COVID-19. I accept the points the Deputy makes.

4.10.3 The Connétable of St. Brelade:

Public perception is that the Government are quick to comply with the requirements of airlines to the detriment of Islanders. Could he confirm that Gatwick and other airports particularly, and harbours, feeding in to the Island are parties to the discussion?

Senator L.J. Farnham:

I am sorry; I am not sure I understood that question. Could the Constable repeat it?

The Connétable of St. Brelade:

The public perception is that the Government are quick to comply with the requirements of the airlines to their economic advantage, to the detriment of Islanders. Could he confirm that Gatwick and other airports particularly, and harbours, feeding in to the Island are party to his discussion?

Senator L.J. Farnham:

I want to reassure Islanders that the Government will not allow any transport arrangements that produce an unacceptable risk to Islanders. Ports of Jersey and all of their stakeholders are engaged daily in those sorts of conversations and the airlines have made it clear they would like to resume flying as soon as safely possible but they also have stressed that the safety of their passengers and staff is paramount to them. Collectively we are all in a good position; we want to restore connectivity to the Island but at the right time. I predict that will be a slow and gradual increase of connectivity in the weeks and months ahead, subject to sound medical advice.

4.10.4 The Deputy of St. Peter:

We can all accept that the COVID crisis highlights a lot of the legacy issues that we have and one of those is the connectivity between our Islands. Can I ask the Minister to ensure that he uses this as an opportunity to start working towards sustainable transport between our Islands and ensuring great improvements of connectivity outside of the Channel Islands as well?

Senator L.J. Farnham:

Yes, I will. Further, as a priority, not only for my Department, but also for the Ports of Jersey. I believe Jersey and Guernsey share the same aspirations and we want to find ways of better interaction and better transport links between our 2 Islands, but being realistic they have to be sustainable and we are going to work together to try to achieve that.

4.11 Deputy C.S. Alves of the Minister for Education regarding free broadband for school children (OQ.110/2020)

Will the Minister explain what actions, if any, are being taken to support those students who do not have access to their own internet-enabled devices at home?

Senator T.A. Vallois (The Minister for Education):

I am pleased to inform the Deputy and Members of a wide range of support offered to students who do not have internet-enabled devices at home. In some cases parents are using their devices to download and print resources; in other cases parents are collecting resource packs printed by the schools. I am confident that the lack of a device does not mean a lack of support. Some students have a preference for printed learning despite having a device. Schools have also loaned out over 300 iPads, notebooks, laptops and Wi-Fi dongles. They have done everything they can to provision online where required and printed material is made available for anyone that requires it.

4.11.1 Deputy C.S. Alves:

Has any consideration been given to ensure that all schools use the same virtual teaching and learning platforms as school access across the Island are currently using a variety of different platforms and this can cause issues with device compatibility?

Senator T.A. Vallois:

As I am sure the Deputy will know, the difficulty in terms of standardisation requirements, there is a thing called autonomy, teachers will be providing what they feel is correct in terms of the education for their children from their schools. They understand them; they know them, and are able to provide the support they feel is best for them and they are doing that on an ongoing basis in an unprecedented and a pretty difficult situation.

4.11.2 Deputy R.J. Ward:

Does the Minister feel that one standardised platform would enable greater sharing of resources so that teachers are not reinventing the wheel for each other and therefore greater efficiency in the delivery of education resources?

Senator T.A. Vallois:

The Department have provided an online home-learning website with access to different types of resources, which can be shared and accessed for all students, parents and teachers. The issue with some form of standardisation is of course children at different levels; we need to ensure that we are helping each individual to reach their own potential in the right way. But we have provided that home learning online site so that there is access to some form of standard resource.

4.11.3 Deputy R.J. Ward:

Can the Minister confirm that Microsoft Teams is the preferred platform for virtual learning environments?

Senator T.A. Vallois:

All Government of Jersey maintained schools have Microsoft Teams but not all teachers are as yet trained, so teacher email accounts need to be migrated to Office 365 before they get full integration between email and Teams and this is underway currently. So the wider use of the functionality in Teams is being rolled out across schools.

4.11.4 Connétable R.A. Buchanan of St. Ouen:

Could I ask the Minister to issue or be able to remind all head teachers that, in situations where pupils have financial difficulty in obtaining laptops and other devices, all Parishes have access to charitable funds so that they can help in difficult cases. If the teacher could approach us we can consider those cases in pretty short order in the current circumstances.

Senator T.A. Vallois:

I am grateful to the Constable for providing that further information. As I have stated in a previous question to Deputy Morel, we are assessing the current gap and we are attempting to resolve that as soon as possible, but I will keep that in mind and make the Department and all head teachers aware.

4.11.5 Deputy C.S. Alves:

The Minister mentioned that staff needed training in the area of Microsoft Teams. I just wanted to ask whether the Minister can confirm that teachers currently do not have remote access to their resources, which may be stored centrally or on the school network, as this has been an ongoing problem for many years and could be getting in the way or making it difficult for teachers to produce resources for those children that need it the most at the moment?

Senator T.A. Vallois:

I agree with the Deputy in terms of we have had some issues historically and still continue to with regards to I.T. infrastructure. There have been advances made by staff in recent years with the adoption of Office 365. We have an excellent small I.T. team who look after a vast estate of infrastructure but I recognise the points and the issues that the Deputy has raised, which is why we are always seeking to improve, but we will be carrying out an infrastructure review later this year, particularly in response to the post-16 Scrutiny report recommendations by the Education and Home Affairs Scrutiny Panel.

4.12 Deputy M. Tadier of St. Brelade of the Minister for Infrastructure regarding disinfecting of public areas (OQ.118/2020)

Will the Minister advise what chemicals are being used to disinfect high-traffic areas around the Island later this month as a response to the COVID-19 outbreak; and will he state what environmental impact assessment, if any, has been undertaken on the effects of this operation on local wildlife?

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

The chemicals to be used are sodium hypochlorite with a similar antifoam agent in a 0.1 per cent diluted form with water and will be a soft wash sprayed by hand lances. Although the disinfectant machines have a 1,000-litre capacity, this volume is clean water and is only mixed with a partially-diluted mix of the disinfectant at the pump hose. This sodium hypochlorite is a dilute bleach and is exactly the same disinfectant as supplied and currently used by the Island's dairy industry and the Island's hospital.

4.12.1 Deputy M. Tadier:

Concerns have been raised understandably by members of the public and I am sure politicians, like myself, that this may have a consequence, unintended or otherwise, on local wildlife. So, for example, if it wipes out certain types of insect that could have a knock-on effect on the food chain and disrupt the ecosystem. Can the Minister answer the question about what impact assessment has been done about the environmental impact that this spraying would have?

Deputy K.C. Lewis:

There has been a misunderstanding somewhere along the line. This is primarily designed for disinfecting toilets and sadly stairwells of car parks that have been used for the same purpose. This is just a very, very mild bleach. There seems to be a misunderstanding with the term "high-traffic areas". This is more of a generic term meaning an area that is highly used, which in our case are going to be toilets and car parks, *et cetera*, nothing to do with spraying the streets as they did in China, which is what a lot of people have referred to. As I say, this is just a generic term, it is very mild diluted bleach, impact assessments have been done, but likewise if anyone in their home has used bleach you must not get it on your clothing and certainly not on your hands and obviously safety clothing and eye protection must be worn.

4.12.2 Deputy R.J. Ward:

Given that there will be perhaps an increased use of these hypochlorites and that chlorine compounds can react in water supplies to produce dioxins, can the Minister assure us that measures of dioxin

levels will be monitored carefully so that we can prevent any unwanted contamination for our aquatic life?

Deputy K.C. Lewis:

Absolutely; all the staff and contractors have been fully trained in its use and, I repeat, it is a very, very mild bleach, but obviously we have to be careful with water courses and any areas that are very sensitive.

4.12.3 Deputy R.J. Ward:

Does that training include the monitoring of dioxin levels then or how will that be monitored?

Deputy K.C. Lewis:

Dioxin levels; that would be monitored by our colleagues at Environment, but, as I say, I repeat, all the staff have been very well trained.

4.12.4 Deputy C.S. Alves:

The Minister has at various times mentioned a mild bleach solution. Is the Minister aware that there are people who are allergic to bleach and that this could trigger off allergic reactions or other, for example, asthma attacks as well? Can the Minister give some reassurance that this solution will be washed away sufficiently so that it would not cause asthma attacks or allergic reactions, for example?

Deputy K.C. Lewis:

Yes, indeed. If, for instance, a toilet facility is being cleaned by our own people or contractors, then the area is sealed off, the area is pressure-cleaned and well ventilated and cleared before anyone is admitted.

4.12.5 Deputy K.F. Morel:

Would the Minister explain why this deep-cleaning regime that he is implementing appears to have been instigated by private companies with equipment donated by private companies?

[11:15]

Why was the Government of Jersey unable to make this decision and provide its own equipment?

Deputy K.C. Lewis:

The equipment used by the private company is a matter for them. We do have our own equipment, which is purchased with our own budget.

4.12.6 Deputy K.F. Morel:

Would the Minister confirm that this initiative was the initiative of the Infrastructure Department rather than the initiative of a private company?

Deputy K.C. Lewis:

It was more of a joint venture. It was initially brought to the attention of Infrastructure that this equipment was available and an arrangement was made that we would purchase one and the company concerned had funding for their own equipment.

4.12.7 Deputy M. Tadier:

It does follow on from Deputy Morel's question. We were told from the *Bailiwick Express*, so even though I am Minister for the Environment, Assistant Minister, our Department found out via the *Bailiwick Express* that a bank in Jersey donated 2 disinfection packages, which would be mounted on vehicles. The question is why does one need to mount disinfecting packages and equipment on

top of a vehicle simply to clean toilets and car parks, which should be happening routinely anyway? Why has this new equipment come in that seems to differ from business as usual?

Deputy K.C. Lewis:

It is business as usual. We are mounting it on a truck because that is the most convenient way to carry it from A to B. It is not a new truck; we found an old truck, which was in part of our cleaning regime. The vehicle is over 2 years old, and it was used for cleaning toilets, so we have just mounted this new equipment on an existing truck because it was more prudent to do so.

The Bailiff:

Before moving on, we have gone through 12 questions of 23. Given the number remaining and the time available to us, in my judgment it would not be appropriate to continue to allow supplementary questions, so the questioner will have the usual final supplementary but anyone with follow-on questions will not be able to ask a supplementary to those follow-on questions.

4.13 Deputy K.G. Pamplin of St. Saviour of the Minister for Infrastructure regarding Clinique Pinel (OQ.121/2020)

Further to his response to Written Question 543/2019, will the Minister update the Assembly on the planning application made on behalf of the Health and Community Services Department for the work to be undertaken on Clinique Pinel and the surrounding area, including the provision of a place of safety and the transfer of functions from Orchard House?

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

I can confirm that planning permission has been granted to transfer the functions of Orchard House to a dedicated facility at Clinique Pinel. This will include 26 en-suite bedrooms, a place of safety, a tribunal suite, and a new staff training facility. The tender process is underway and once complete the contract will be making an application for a construction permit in order to get these works underway.

4.13.1 Deputy K.G. Pamplin:

I thank the Minister for his answer and it is very reassuring to hear, but can I push him further on the timeline for completion as we talked about this subject last time, there were delays and obviously including the current scenario, can he give us, to the best of his ability, a timeline now for this project?

Deputy K.C. Lewis:

Yes, the essential upgrade works to the existing Orchard House were nearing completion at the point of lockdown but once the contract has secured a construction permit to resume we envisage that a further 3 to 4 weeks of time remain. The target commencement date for the works prior to lockdown was mid to late April 2020. At the point of lockdown, progress was within 2 to 3 weeks of target. This will now be exacerbated by the duration of the current lockdown or delivery of a permit, whichever is furthest.

4.14 Deputy M.R. Higgins of the Minister for Health and Social Services regarding coronavirus statistics (OQ.129/2020)

Given that there are currently 12 presumptive deaths among the 24 people reported to have died from COVID-19 in Jersey, will the Minister advise Members what steps, if any, are being taken to determine conclusively the cause of death of these 12 presumptive victims and, furthermore, to ensure that, in future, any deaths from COVID-19 are accurately and conclusively determined?

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

I believe this question may be based on a misunderstanding, the certification of probably COVID-19. That is a legitimate and determinative cause of death in itself being based on other diagnostic tools or methods other than a positive COVID laboratory test. In line with U.K. standard guidelines concerning policies on death certification of COVID-19, a doctor can certify COVID-19 based either on a positive laboratory test or based on symptoms, clinical examination and investigations, such as a chest X-ray, and that diagnosis would be probable COVID-19. In certifying a cause of death, a doctor is required to provide a legal declaration that they have diagnosed the causes of death to the best of their knowledge and belief.

4.14.1 Deputy M.R. Higgins:

The Minister has given an explanation there but can he tell us in the 12 cases where people are presumed to have died, were their bodies examined, has there been a post-mortem on those people to determine definitely the cause of death rather than the suspicion that it is COVID-19 because of certain of the factors, which also relate to flu in many cases, which were diagnosed beforehand?

The Deputy of St. Ouen:

I can confirm that all bodies were examined by doctors as that is a requirement of our death certification process; that is a legal requirement. Some may have been subject to post-mortem but not all of them would have been. The Deputy has spoken about suspicion; that is the wrong word to use, this is based on, as I have said, symptoms, clinical examination and investigation, and the doctor certifies from the knowledge of the medical history of the deceased that the probable COVID-19 is a cause of death to the best of that doctor's knowledge and belief.

The Bailiff:

Before moving on to the next question, could I just clarify, in case it had been misunderstood, when a questioner asks a question and the Minister answers, it is open to Members to ask further questions. I merely will not allow supplementary questions to those further questions of the same Minister, other than one supplementary available to the initial questioner. I hope that is clear and we now come to question 15 that Senator Moore will ask of the Chief Minister.

4.15 Senator K.L. Moore of the Chief Minister regarding savings and cuts to government departments (OQ.116/2020)

Will the Chief Minister update the Assembly on any work that is being undertaken to review prospective savings and cuts in relation to government departments and government-commissioned services; and will he advise whether there are any plans not to reopen some government services as the Island comes out of the COVID-19 pandemic?

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

Members will be aware of the significant economic challenges the Island faces and the impact on government resources. The Council of Ministers is looking at the impact of COVID-19 on our financial plans including planned and future efficiencies. But no decision has been taken in respect of government services or commissioned services at this time, although this will be one of the focuses of the political oversight group that I am in the process of establishing to lead on the economic recovery of the Island. This recovery will be a mixture of elements including savings, efficiencies, measures to support and grow the economy, and the re-profiling of cash flow as well as expenditure. I would note there will also need to be appropriate consideration of related non-economic issues as the Island exits from this crisis. Importantly, we will be arranging a briefing for Members on the financial impact of the crisis on the Island in due course.

4.15.1 The Deputy of St. Mary:

Will the Minister confirm that the review will extend to, not only departments of the government, but also to States-controlled bodies such as Ports of Jersey so that the review encompasses capital projects, which might need adaptation in the light of the post-COVID world?

Senator J.A.N. Le Fondré:

At this stage nothing is in and nothing is out. As will be made clear to Members when we do give the financial briefing, it is important to understand the consequences of the crisis and therefore how we will be focusing on the challenges that will be with us for probably the rest of the year. But nothing is in and nothing is out.

4.15.2 Deputy S.M. Ahier:

The need for digital acceleration in the public sector is essential. Does the Chief Minister accept that automation to reduce costs is required?

Senator J.A.N. Le Fondré:

Absolutely is the answer. As the Deputy will recall, and as Members will recall, we were investing a lot of money into our I.T. structures. I will absolutely praise our present information technology team, our information services team, because if we had not put the investment into Office 365 at the time we did we would not be having this Assembly today in quite the way it is operating. We should be commending everybody who is keeping those services operational. The point I would say is that it is also very clear that, with these type of issues, the issues that we were previously identifying on our I.T. services still remain, those issues, we still have to spend that money. It has also become clear, as we have all adapted to new ways of working, there are other areas that will come to the fore in terms of the impact of how we have been using that technology. We had already said in the Government Plan that a number of the efficiencies further down the line that made up part of the figure we were working on would be due to the I.T. investment that we were making. I agree entirely with the thrust of the question from the Deputy.

4.15.3 Deputy R.J. Ward:

Can I ask the Chief Minister, as he develops the response including the question that was asked by Senator Moore, will he have what would be traditionally called think tanks to help advise him? If so, will he publish the names and membership of those think tanks to the Assembly and to the public?

Senator J.A.N. Le Fondré:

If it is appropriate to publish those names, I am very happy to reveal them to Members. What I cannot recall quite off the top of my head is what the protocol is around naming members of the public within the Assembly, if that makes sense. But anything that requires to be included, for example in a Ministerial Decision, if that identifies those names then absolutely.

4.15.4 Deputy K.F. Morel:

If everything is in and nothing is out as far as review of expenditure is concerned, could the Chief Minister confirm whether that would include the high salaries of the Chief Executive and Director Generals and whether they would be subject to potential review?

Senator J.A.N. Le Fondré:

As I said, at this stage, and as Members will see, we will have to look at all aspects of what we do as Government looking forward. That is my opinion now. Obviously, as matters progress, we will have a better handle on what the financial impact is going to be. We are waiting for figures to come from the Income Forecasting Group imminently, which obviously will be shared once they have been shared with Ministers, they will be shared with Scrutiny, but then that will hopefully form the basis for Members to understand the issues we will be facing.

4.15.5 Senator K.L. Moore:

In the current difficult situation with government staff under extremely high amounts of pressure, managing staff working from home, and a high level of anxiety, does the Chief Minister consider that it is appropriate for managers who are having to deal with those issues to also simultaneously create plans that could see a number of staff, including themselves, being made redundant?

[11:30]

Senator J.A.N. Le Fondré:

I am unaware of that taking place.

4.16 Deputy K.F. Morel of the Minister for Infrastructure regarding an agreement to disinfect the public realm (OQ.115/2020)

Prior to entering into an agreement for the deep cleaning of St Helier's public realm, were environmental impact assessments undertaken by the Minister's Department and, if so, will the Minister share the findings of any such assessments with the Assembly?

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

I can confirm that we have no agreement with the Parish of St. Helier for deep cleaning of the public realm. I have always believed in reducing duplication. We were approached many years ago now by the Constable of St. Helier who suggested that the Parish would clean everything within the Ring Road and T.T.S.(Transport and Technical Services), as was, now Infrastructure, would clean outside of the Ring Road and, apart from a few exceptions such as the market we still clean and one or 2 other areas, that has worked extremely well.

4.16.1 Deputy K.F. Morel:

The Minister failed to respond to both Deputy Tadier and myself in respect of an environmental impact assessment so I will put it another way. With regard to the cleaning regime that has been questioned twice in this Assembly today, will the Minister confirm whether environmental impact assessments were carried out in advance of any cleaning, whether it is of public toilets or public car parks or anywhere else, will the Minister confirm whether environmental impact assessments were carried out and, if so, will he share those impact assessments, the results, with the Assembly?

Deputy K.C. Lewis:

That was not quite the question but I can confirm that, yes, impact assessments have been done and the staff have been fully trained. They are using a very, very diluted bleach, which is 0.1 per cent, and the staff have been fully trained on how to use the equipment.

4.16.2 Deputy M. Tadier:

Can I ask the Minister why there is not a deep cleaning taking place of the public realm given the fact that we have a pandemic outbreak and would he also provide a list of all the places in Jersey that will be cleaned with this equipment, whether by his Department or by the municipalities?

Deputy K.C. Lewis:

Yes, I can provide a list of the areas that will be cleaned by our own teams or contractors. I am not sure what the Parish of St. Helier cleaning regime is for their particular properties but I will endeavour to find out.

4.16.3 Deputy K.F. Morel:

Would the Minister provide the Assembly with the evidence to show that the cleaning regimes he is talking about will in any way be effective against COVID-19 because there has been no evidence provided so far?

Deputy K.C. Lewis:

It is just general cleanliness; that is what we do. It is wash your hands, clean your equipment, and places where the public have access to will be cleaned by my team or contractors, which is public toilets, handrails of multi-storey car parks, anywhere that the public would touch with their hands will be cleaned, all the buttons, *et cetera*, on the lifts, anywhere where the public will touch will be cleaned with this very diluted bleach.

4.17 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding how the Mental Health Service is coping during pandemic (OQ.122/2020)

Will the Minister provide an assessment of how effectively the Mental Health Service is operating during the COVID-19 pandemic, and confirm whether both mental health patients and front line staff are being tested for COVID-19?

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

May I ask my Assistant Minister, Senator Pallett, to answer this question?

Senator S.W. Pallett (Assistant Minister for Health and Social Services - *rapporteur*):

To ensure all service users under the Mental Health Service receive the care that they need under the current circumstances, we have had to reshape how we deliver our community care, community contact and our outpatient appointments. I believe this reshaping has been effective in supporting those in need during the pandemic. We have developed 3 services, which will work with each other to ensure that service users receive the right level of input as identified by their review care co-ordinator and case manager and these 3 services are the Mental Health Liaison Team, the Home Treatment Team and the Mental Health Contact Team. The Mental Health Liaison Team has been established to ensure there is provision for people who may be experiencing mental health difficulties while the Island's health and social services are facing increased demand because of the global COVID-19 pandemic. The Home Treatment Team is available to support all existing service users known to the Jersey Adult Mental Health and Older Adult Community Mental Health teams. We will respond and provide urgent intervention to service users in mental health crisis of such severity that without a response significant harm to themselves or others or an admission to an inpatient ward is improbable. Finally, the Mental Health Contact Team supports existing service users that are already known to the Jersey Adult Mental Health and Older Adult Community Mental Health teams, Jersey Talking Therapies, psychology and drug and alcohol. In terms of the other part of the question around testing, a planned programme of testing for COVID-19 commenced for all patients being admitted to Jersey's mental health inpatient wards from Monday, 4th May 2020. This brings mental health inpatient areas in line with the testing carried out across general hospital settings across the Island. In order to effectively complete testing reliably it is necessary to ensure existing patients are tested before the testing of new admissions commences; this being consistent to the process for testing of patients admitted to the Jersey General Hospital and the planned rollout of additional testing as part of a wider strategy.

The Bailiff:

Could you bring your answer to an end; you are 30 seconds over the normal limit.

Senator S.W. Pallett:

I am just about to finish. Testing of patients being admitted to mental health inpatient units was not introduced as a result of an increase in admissions.

4.17.1 Deputy K.G. Pamplin:

I thank the Assistant Minister for his answer. I note it is International Nurses Day and we pay tribute to all nurses, especially our mental health nurses. Does he agree with me that the need for our mental health services will only increase to support all Islanders going forward that he can reassure all of us that the budget that was agreed in last year's Government Plan is safely secured going forward in the new Government recovery plan and that in fact maybe more resources are found to support all those who support those with their mental health needs?

Senator S.W. Pallett:

Dealing with the last point first, I have no reason to believe that the resources that were going to be put into mental health services are not available. I am certainly going to be championing to ensure that the resources are made available. As I have already said to the Deputy that, if further resources are required, we find those resources. In terms of service currently, we have not really seen an increase in numbers at the current time but from third sector agencies it is clear that there are concerns out there with the public in all sorts of areas that may well put strain on mental health services moving forward.

4.18 Deputy M. Tadier of the Minister for Health and Social Services regarding a radiotherapy unit (OQ.119/2020)

Are there any plans for Jersey to have its own radiotherapy unit; if so, will the Minister set out the timeline for its introduction; and if not, will he explain why not?

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

My Department is working closely with stakeholders to develop a comprehensive cancer strategy and part of that strategy will incorporate a review of our current radiotherapy provision and what options exist for an on-Island service. We do recognise the importance of being able to provide this treatment on the Island if possible. We acknowledge that the stress often caused to patients and their families when treatment has to be provided off the Island; I personally would very much like this to happen. But the work has been delayed because of the need to respond to the COVID-19 pandemic. Our intention as we move through lockdown on to different levels is to resume this workstream as quickly as we can. Fortunately there are no fixed dates or timeline just at the minute.

4.18.1 Deputy M. Tadier:

I thank the Minister for that initial response. Can I ask if it is envisaged that the radiotherapy department would be completed before the new hospital build or after?

The Deputy of St. Ouen:

Some of this is part of the planning, the assessment of spatial areas that will be required in the new hospital, so all of this is feeding into those plans but it is not yet determined that this will or can be delivered safely in the Island. That work is ongoing.

4.19 Deputy I. Gardiner of the Minister for Economic Development, Tourism, Sport and Culture regarding supply of labour in essential areas during Covid-19 (OQ.131/2020)

Will the Minister advise what plans, if any, are in place to ensure that on-Island workers are redeployed, in the first instance, before any outside workers are brought in to ensure that there is a sufficient supply of labour in essential areas during the COVID-19 crisis?

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

I have set out the plans and actions being taken across Government in this area in the written answer to the Deputy's question 181. The Government's top priority is to support the population move safely through the safe-exit framework so travel to and from the Island is not allowed except in exceptional circumstances. Outside labour is currently not being brought to the Island and this will not be permitted until at least level 2 of the framework is reached. But I am confident for now that we have the workforce we need on-Island to support Island businesses in this difficult time. The latest economic indicators report from Statistics Jersey has confirmed that over 2,500 people were registered as actively seeking work on 3rd May. The Back-to-Work team is supporting all these workers into vacancies that are available wherever possible and will continue to work with employers to match people into more roles as they become available. Back-to-Work services have been extended to support workers with under 5 years' residence. Ministers have also made temporary changes to support the use of on-Island workers. Control of Housing and Work Law controls have temporarily been amended to allow registered and licensed workers to take up any vacant job for up to 3 months where the vacancy has been made due to a worker leaving Jersey. I am also aware of the good work being undertaken within commercial organisations to redeploy staff within and between businesses to support priority areas.

4.19.1 Deputy I. Gardiner:

Following the answer that I have received, we have now 1,260 new people on income support, 6,608 people on payroll and 380 on the career scheme. It means that about 8,000 more people have been financially supported since mid-March, which is absolutely right within the current situation. Going forward, does the Minister accept that bringing labour into Jersey, even in the level 2 of our exit strategy, will increase the risk of re-infection with COVID while more than 8,000 people are under-employed and should not happen, would he bring to the Assembly a plan to make full use of our locals as a first choice of human resources?

Senator L.J. Farnham:

Yes, the Government does recognise the risk of relaxing restrictions on incoming people to the Island, as I mentioned in a previous answer. We do currently have good plans in place, good processes currently underway, and a lot of very good work going on by the Back-to-Work team to redeploy currently workers that are actively seeking work into as many jobs as possible. Obviously there are still one or 2 skills gaps, which are causing problems, but I do believe that we are doing our very best and that on the whole it is working well.

[11:45]

4.20 Deputy R.J. Ward of the Minister for Health and Social Services regarding P.P.E. resources available to States and Parish nursing homes (OQ.124/2020)

I thank the Minister for an email sent at 10.03 a.m. to all Members that listed the P.P.E. equipment¹⁰ so I will move straight on to my supplementary, which is simply does the Minister believe that the level of the equipment provided is adequate to fully protect our elderly population and workers?

¹⁰ The Minister for Health and Social Services provided the following information:
The relevant nursing homes St Ewolds (Parish of St Helier), Maison St Brelade (St Brelade) and Sandybrook (Government of Jersey) have received over 160,000 items of PPE between 13 April and 6 May 2020:

		Quantity per unit	Total pieces of PPE
PPE Cell - From 13 April to 6 May inclusive	Units Approved		

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

The equipment provided has been in accordance with the guidelines for P.P.E. so it is adequate. I do assure the Deputy that if he wishes to raise any concerns we will look into them because the implication is that it may not be adequate. But moreover the care homes themselves have direct access to the P.P.E. sale, which I have spoken about previously, on a daily basis they can raise any concerns they might have with those who are providing and distributing the P.P.E. and there is a means of escalating concerns also. If it is the case there are concerns I would urge him or the homes themselves to communicate that.

Deputy R.J. Ward:

3M PAPR Hood (must be used with appropriate PAPR equipment)	4	1	4
Aprons	157	200	31400
Cleaning wipes, e.g. Clinell (including dispenser)	64	1	64
Cleaning Wipes, e.g. Clinell (refill)	170	1	170
Desktop Dispenser (approx. 500ml)	153	1	153
FFP3 Mask - 3M Aura Unvalved 1863+ (or compatible)	46	20	920
FFP3 Mask - 3M Aura Valved 1873V+ or 9332+ (Compatible fit)	76	10	760
FFP3 Mask - Cardinal Health RFP3FV	2		
Gloves - Long Length - Large	1	100	100
Gloves - Long Length - Medium	1	100	100
Gloves - Long Length - Small	4	100	400
Gloves - Standard Length - Large	43	200	8600
Gloves - Standard Length - Medium	62	200	12400
Gloves - Standard Length - Small	39	200	7800
Goggles (reusable)	26	1	26
Gowns - Non-Sterile - X-Large (Box 60)	4	60	240
Gowns - Non-Sterile (Box 28/30)	8	30	240
Gowns - Sterile - (Box 28/30)	27	30	810
Gowns - Thumb-Loop (Box 50)	91	50	4550
Long Length - Large	14	100	140
Long Length - Medium	27	100	270
Long Length - Small	21	100	210
Personal Dispenser (60-100ml)	72	1	72
Standard Length - Large	109	200	21800
Standard Length - Medium	167	200	33400
Standard Length - Small	73	200	14600
Type IIR (Fluid Resistant) Surgical Masks	425	50	21250
Visors	162	1	1
Wall-Dispenser Refill (1200ml)	42	1	1
Wipes - Clinell (including dispenser)	22	1	1
Wipes - Clinell (refill)	32	1	1
Wipes - Large Bucket (Alcohol Free)	9	1	1
Wipes - Medipal 3 in 1	12	1	1
(blank)			
Grand Total	2165	2262	160485

May I say there was not an implication it is inadequate; it was a genuine question, but I am encouraged by the Minister saying that, if homes, who would know best about this, want to raise that as an issue, then they can. I thank him for that.

4.21 Deputy M.R. Higgins of the Minister for the Environment regarding actions to rectify department's failings (OQ.130/2020)

Following presentation of the Comptroller and Auditor General's recent report, *Use of Enforcement Powers* (R.40/2020), will the Minister advise Members what actions he is taking to address the findings of the report in respect of his Department and, in particular, to clear the backlog of outstanding enforcement actions?

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

The Comptroller and Auditor General's report on the enforcement services will be acted upon by the Director General of G.H.E. (Growth, Housing and Environment) Department. While some of the conclusions of the report are acknowledged, I do not believe in particular that it adequately reflects the difficulty of enforcing planning and building controls in a small Island. We have seen strong criticism of the service from those who believe it has been too harsh on some while others consider it has not been tough enough and this is a very difficult balance to strike and be effective. The service has of course struggled to find appropriate staffing for the last couple of years and remains still under-resourced. By the end of February the list of outstanding compliance cases had reached 232. The Department employed a temporary contract member of staff to reduce this and as at 10th May it has fallen to 163 registered cases and we continue to prioritise the matter and will reduce the figure further throughout 2020, provided of course we can keep the temporary resource that we have now managed to get.

4.21.1 Deputy M.R. Higgins:

The Minister knows from correspondence and communications we have had between us it is the substantial backlog in certain areas, which do not seem to be addressed, and also the Department is inconsistent with enforcement, it has penalised some to the extreme and let off others who I could argue have some connection with the Department going forward. Will the Minister give an assurance that his Department operates without fear or favour and it will deal with this backlog of cases expeditiously?

Deputy J.H. Young:

I am slightly troubled about the Deputy's suggestion that there is deliberate partiality going on there. The fact is that it is extremely difficult to enforce planning matters within a small Island when people's connections of families, friends and workplaces, are so close. But nonetheless we do manage to resolve the majority of them in time but of course people's expectations I think sometimes in the planning enforcement system is not right; it does not take account of people's legal right to do things and the court processes. So I will give a commitment that we will try to do our best but there is a big issue of resources, which, as far as I am concerned, I am focusing on.

4.21.2 Deputy K.F. Morel:

Given the Minister's answer to Deputy Higgins's first question, I am slightly troubled to hear him say that the Director General of G.H.E. will address enforcement issues. Surely there is meant to be a wall between the regulatory aspects and the other aspects of G.H.E. and in fact this is something that the Minister himself has said there is a wall between them, so how will he square the fact that he said the Director General of G.H.E. will oversee the changes to the enforcement aspects of the Department?

Deputy J.H. Young:

A very good question; I would like to separate it briefly in 2 parts. Firstly of course the Director General would not be looking at the substance of individual cases. The role of the Director General is organisation as a business unit, the kind of standards and goals and the resourcing that one works to. Why is it the Director General, and I asked that question myself, and of course there was a protocol agreed between the Public Accounts Committee and our new One Government structure in November 2018, which I have to confess I was not aware of and had never seen, that indicates quite clearly that the Comptroller and Auditor General reports are seen as executive matters and politicians have very little role in this process under the procedures. I am happy to provide a copy of that protocol to the Deputy if he wants it.

4.21.3 Deputy M.R. Higgins:

Will the Minister give an undertaking that he will prioritise the cases that have been outstanding the longest? Some of the cases that his officers should have been dealing with have been basically been on the books for almost 2 years or more, so will he guarantee that those cases will be the first to be dealt with?

Deputy J.H. Young:

We always prioritise but the Deputy will know that every single planning enforcement case probably has its own history, which often goes back sometimes many years. Often there are matters before the courts and we have of course to follow those rules, and quite often persons affected by enforcement invoke those rights, so we take time; so one just cannot give an absolute assurance that time is the only factor. What we will try to do is, particularly the degree of transgression there, but we will have to work within the court processes that we currently have. Personally, my aspiration, I would like to see a very different law to try to strengthen the whole way enforcement is carried out but that is a story for another day. At the moment I will give that assurance within the current rules as they are, which I have to say are very, very far from perfect.

4.22 The Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the winding up of joint C.I.C.R.A. (OQ.127/2020)

Will the Minister advise Members of any cost to the public of separating C.I.C.R.A.; and will he explain why it was determined that it was not possible for a pan-Island approach to continue?

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

I mentioned in a previous answer that it was estimated that the cost would be between £100,000 and £400,000. No figures have been provided as yet and I have asked the J.C.R.A. to provide those figures for an effective but affordable organisation that is more fully focused on Jersey competition issues. Any increases will be met, as is usual for regulatory bodies, from licence fees from the sectors with which they regulate, so there will be no direct cost to the public. As I also said in a previous answer, there are differences in political and legal systems between Jersey and Guernsey, political priorities, political cycles, and both Islands have their own processes for board appointments. While it is intended that Jersey and Guernsey competition authorities will continue to co-operate where appropriate, on balance we are of the view that withdrawing from C.I.C.R.A. and enhancing the Jersey Competition Authority under its own board, executive and staff, is a better way of delivering competition oversight and regulation and in the best interests of Jersey and will play a key role in driving productivity and rebuilding our economy.

4.22.1 The Connétable of St. Helier:

Does the Minister believe that C.I.C.R.A. represents value for money for the Jersey taxpayer?

Senator L.J. Farnham:

There is a great opportunity for it to do so if they really get to grips with markets that we need to drive better competition. We all know that certain sectors, I am not going to name them at this stage, could be working better. There are some huge price discrepancies between Jersey and the U.K., for example, notwithstanding the expense of coming across the Channel and we really want to look closely into those markets to make sure Islanders are getting the best possible value and that businesses can still succeed with those sorts of pricing structures.

4.22.2 Deputy K.F. Morel:

Does the Minister believe that at time of crisis, in which we have been told by various Ministers cash is king, is an appropriate time to be spending an extra £100,000 to £400,000 of public money?

Senator L.J. Farnham:

I do not think that is the cost over a whole year and, as we establish a new Jersey Competition Authority and get it working and more focused on Jersey markets, that will be a very justifiable increase in expense and will deliver good dividends for the Island and for its consumers, so, yes, I do.

The Bailiff:

That brings the time available for questions with notice to Ministers to an end.

5. Questions to Ministers without notice

The Bailiff:

We now move on to the further period of one hour for questions to Ministers on the subject of the Government of Jersey's response to the current coronavirus situation. The States Greffe has circulated a note to Members as to how I propose to take this. Could I remind Members that I would allow relevant questions and one supplemental question from the Member asking before moving on to the next person wishing to ask a question? I am proposing to allow one hour; that will take us past the time normally permitted before we move to an adjournment, so I will stop at around about 12.45 p.m. to see if Members wish to adjourn until this afternoon. There is a large number of people who have indicated a desire to ask questions. Deputy Labey, a question to the Minister for Economic Development, Tourism, Sport and Culture.

5.1 Deputy R. Labey of St. Helier:

I have family in retail, I receive no financial interest; I just wanted to make that declaration. To the Minister for Economic Development, Tourism, Sport and Culture, I am struggling with the rationale behind allowing only the big stores to open at this stage to sell non-essential goods when smaller stores with the ability to admit just one or 2 customers at a time are by far the safest, why not give the public that choice?

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

Yes, I cannot help but agreeing with the Deputy's sentiments and those were part of the very difficult conversations we have been having at ministerial level when agreeing level 3 of the safe-exit framework. But we are following what I believe to be sound medical advice and the decision was taken on the back of staging the opening of shops to ensure that Town, for example, was not overwhelmed with consumers making it very difficult to safely physically distance. Of course we perhaps could have done it the other way around but it was deemed that the larger shops, because of the large amount of space in those stores, could possibly provide safer conditions for physical distancing. But I would like to stress however that it is our intention to ensure that the smaller shops can open as soon as safely possible and I would very much hope that will be from the beginning of next week. We cannot guarantee that because it all depends on how things work this week, but the

Deputy can rest assured, as can all small retailers, that we are working towards that as quickly as possible because I do agree it is arguable that some of those small shops could do it in as safe a manner, if not safer manner, by allowing one-in/one-out or 2-in/2-out, or even by appointment. It is not ideal but we are working towards it quickly.

5.1.1 Deputy R. Labey:

Firstly, not all shops are in Town and, secondly, I find this advice alarming, it must come from people who have not been shopping recently, because when I go to Waitrose, a large Waitrose, or a large garden centre, I see people coming within 2 metres of one another regularly.

[12:00]

But when I go to the smallest shop that I can use at the moment, an off-licence, which admits one or 2 people, there is never the opportunity to come within 2 metres of somebody. So it is obvious that the small shops are safest and it seems that the big boys have been given an advantage over them.

Senator L.J. Farnham:

I completely understand but that is not the intention and we can make lots of comparisons that just do not seem to be logical, I get that, and it is supremely difficult to strike the right balance. As I said, we have followed the very best medical advice at this stage and also one of the arguments, which I found very poignant, was if we open too much too soon we might see a sudden spread of the virus, which would cause everything to step back a bit, so while I do feel deeply and understand the frustration of the smaller businesses I ask them please just to be patient for a few more days and to make sure we can continue to move the economy forward step by step in a safe way.

5.2 The Deputy of St. Martin:

Many of the population in Jersey were locked down before the Government interventions and I believe it is their responsible behaviour as to why we are now in a situation where we have almost no new cases of COVID so we are literally a stone's throw away from a virus-free Island, so does the Chief Minister agree with the growing number of Islanders that relaxing restrictions as he is proposing to do now appears to be snatching defeat from the jaws of victory?

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

I love the expression but, no, I do not agree. We are absolutely following the medical advice we get on how we progress through this crisis. As the Deputy may recall, we had the briefing for States Members last Thursday and a very similar question was asked, if not directly by himself. The Deputy Medical Officer of Health answered that question and from what I recall he made it very clear that the virus is in the Island and it will continue to be transmitted in the Island. It remains absolutely around making sure that that transmission does not get out of control and that we do not overwhelm the health services on the Island. That remains the case and, therefore, irrespective of when one eases matters, that virus will go through the Island. Part of the concern, as I understand it, is also keeping an eye on what happens in October, November, December when traditionally winter bugs, as it were, get more prevalent and there is further pressure added to health services. Therefore, one wants to try to avoid that all hitting at once. Also, we must keep in balance the overall health of the Island and that is the mental health impacts, for example, of people being kept in lockdown for longer than is appropriate.

5.2.1 The Deputy of St. Martin:

I thank the Chief Minister for his answer, but can I just ask this? The Government Plan and the Island Plan both have to come to the States Assembly for approval. Why is it then that the Chief Minister's, the Government's, policy or plan for this crisis, a policy dealing with fundamental freedoms and matters of life and death, does not come before the Assembly?

Senator J.A.N. Le Fondré:

We have endeavoured to keep the Assembly informed at every stage but this is under the definition of an emergency and we have accordingly acted under that emergency. I am not aware of any other Assembly or Parliament elsewhere that has had a debate on Government strategy to deal with a crisis during the middle of that crisis.

5.3 Deputy L.M.C. Doublet:

Does the Minister agree with me that we should urgently provide assistance to families at this time in the same way that we have to businesses, and quite rightly so to businesses? Can she accordingly reassure the Assembly and the public that the next phase of the family-friendly legislation will still be brought in by June/July as planned?

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

Sorry, I lost the sound halfway. I think on the overall question I am very disappointed that the Deputy does not think that we are supplying support to families. There has always been income support. We now have C.R.E.S.S. We are working with C.Y.P.E.S. (Children, Young People, Education and Skills) and different departments to make sure that children are supported. On the last bit I did catch, there is going to be an announcement very shortly and I need to go through the processes, so I cannot reassure the Deputy either way but the Assembly will know very shortly.

5.3.1 Deputy L.M.C. Doublet:

Can the Minister give an indication whether there is going to be a delay or not, please?

Deputy J.A. Martin:

I think that is a very good try, Deputy. The announcement will be made. As I say, there is 2 or 3 processes I need to go through. I will give the reassurance that there will be a decision by Monday or Tuesday of next week and the Deputy, with everyone else, will know.

5.4 Deputy K.G. Pamplin:

Does the Minister agree with me that now we need to start seeing sight of the medical advice from the medical officers of health and that future press conferences or announcements must be accompanied now by the Chief Medical Officer of Health as other leaders across the United Kingdom and around the world are doing for public and all of our assurance?

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

I am sure the Deputy understands that our public health team here in a small jurisdiction does not have the resource or the personnel available to, say, the U.K. The people he is talking about are engaged on other valuable work to do with our COVID response, upscaling our testing regime, examining all sorts of research from around the world. I think the best course of action is that where there is a specific medical initiative that is being announced then it would be right to bring them to a press conference, but it is elected Members of this Assembly that are responsible to the Island for the strategy that is being followed and not public officers in the public service. I think it should continue to be politicians fronting the general press conferences and officers where there is something specific to be announced.

5.4.1 Deputy K.G. Pamplin:

My supplementary is that the medical officer of health is simply not an officer. In respect of the officers, there are in fact 3 individuals who could, under the circumstances the Minister explained, make themselves available. I think the Island and all of us would prefer a press conference or information provided to the public that fitted around the 3 available people that could deliver that

advice and information that you are making those decisions on. Will he commit to endeavouring to push towards that, because this is a big outcry from our constituents?

The Deputy of St. Ouen:

It is the case that those officers have attended conferences. Only last week the Medical Director, Patrick Armstrong, was one of the persons attending the press conference. Those officers are attending on appropriate occasions and they will continue to do so where appropriate.

5.5 Deputy K.F. Morel:

Following his media comment about hoping that he will not have to legislate to require people to take a vaccine, will the Minister confirm that the Government of Jersey will never seek to extend its mandate far beyond the acceptable and into the realm of dystopia by forcing people to have a vaccine inserted into their bodies, which after all are their bodies and not the Government's? Will he instead confirm that any vaccine programme against COVID-19 will only ever be voluntary?

The Deputy of St. Ouen:

I cannot envisage a time when we would enforce such a thing but it is never advisable, I suppose, to say never. We are looking around the world at the measures taken in other parts of the world, measures that are taken in the U.K. jurisdictions also, and all public health authorities are trying to learn from each other. The provision of a vaccine is some months away, some will say even a year-plus away. There is time to consider all of these things. Vaccines in Jersey are never imposed on a mandatory basis. We have good take-up of our vaccination programmes in the Island and I have every anticipation that that will continue and we would not need to talk about any sort of compulsory enforcement here. I cannot envisage that debate happening at the present time, but we have seen in the last 2 months just how the world has changed so we must allow for change to take place in the next period. It will be up to the Assembly at the end of the day should that question ever be raised.

5.5.1 Deputy K.F. Morel:

Does the Minister accept that a forced vaccine is a violation of someone's body and a violation of their human rights?

The Deputy of St. Ouen:

Every intervention of the sort the Deputy is talking about would need to meet human rights requirements.

5.6 Senator K.L. Moore:

What plans does the Minister for Health and Social Services have to introduce guidelines that will allow some residential care home residents out of their rooms for activities and exercise purposes?

The Deputy of St. Ouen:

Aside from one home, my Department does not have any jurisdiction over the residential care homes and I cannot direct how they should operate, but I do know that some of the homes are permitting people out of their rooms and residents are meeting together where it is deemed safe to do so. The operation of those homes is in the hands of the managers of those homes who are taking advice from our public health team and others. I think it remains a question of assessment of the best care available and the risks within that home. We will do all that we can to ensure that our care home residents are properly protected and at the same time enjoy a good quality of life.

5.6.1 Senator K.L. Moore:

As there is no testing regime available to care home workers currently, does the Minister have concerns by the methods that are being adopted in terms of restricting the movement of care home residents around the premises in order to maintain their COVID-free status?

[12:15]

The Deputy of St. Ouen:

I would urge that any concerns that may be expressed on those lines be referred to the Jersey Care Commission because that would be the appropriate body to consider the regulation and the running and the standards maintained in the homes.

5.7 Deputy R.J. Ward:

What is in place to protect workers who do not feel safe in returning to work? Will the co-fund scheme continue for these workers or will the safety net be removed and people effectively be forced back to work in order to survive?

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

The short answer to that I believe is no. I understand that the Minister for Social Security's team is working on a new scheme now that is just about ready to launch - and the Minister can feel free to jump in and correct me if I am wrong - that will deal with some of the issues and concerns about this.

5.7.1 Deputy R.J. Ward:

The Health and Safety at Work (Jersey) Law does have provision for the provision of a safe workplace. Most employers will hopefully provide safe working but what will be in place for those, hopefully few, who flout the law in order to provide safe working, particularly at this significant time as regards COVID-19?

Senator L.J. Farnham:

I am simply not able to give the detail on that presently other than to say it is being worked on as a matter of urgency. Perhaps if another Minister has a bit more detail than I do currently then please feel free, if you would allow them, Sir, to step in.

The Bailiff:

I am not sure I can do that, Minister. I think the question posed to the Minister must be answered by the Minister. If there is any doubt if the question is asked to the Chief Minister, then the Chief Minister can allocate that to a Minister, I think.

Senator L.J. Farnham:

Thank you, Sir. I will just reiterate that a scheme is being put in place and the detail will be available quickly, but we have noticed that there is a real need to help people in vulnerable positions like that and we are working quickly to bring something into play.

5.8 The Connétable of St. Brelade:

Would the Minister for Infrastructure confirm that the cost of the reinstatement of the Nightingale hospital site back to playing fields in due time is included in the £14.5 million budget figure attributed to the temporary hospital?

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

Yes, to the best of my knowledge it is. I will double check on that but I am pretty sure it was.

5.8.1 The Connétable of St. Brelade:

Would the Minister agree that the removal of the concrete base will take significant time and effort?

Deputy K.C. Lewis:

I lost the Constable there but I think he is referring to considerable time and effort to remove the concrete base. The answer, of course, is yes. It is a huge area to clear but the agreement was it would be returned to a green field, so we will honour that.

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

It was announced last month that Guernsey's Government will have to borrow up to £0.5 billion to deal with the economic fallout caused by the coronavirus pandemic. The sum of money described by Guernsey's Chief Minister is eye-watering. I am sure there is a great deal of income and expenditure forecasting that has been conducted at Government H.Q. (headquarters) recently. Could the Chief Minister indicate if we, like our Guernsey counterparts, will have to borrow substantial amounts of money to see us through this pandemic?

Senator J.A.N. Le Fondré:

As the Deputy will recall, the Assembly did give the Minister for Treasury and Resources permission to borrow money. My understanding is that that has been pursued. What I am not clear on, but it is purely a matter of timing, is whether that has been finally signed off or not. As I have alluded to, there is a plan, fairly obviously, to bring a briefing to States Members essentially as soon as we receive the updated figures from the I.F.G. (Income Forecasting Group). I am hoping that will be coming to Ministers probably towards the end of this week and that will give me a timeframe to arrange a proper briefing to States Members to understand the context in which we are operating. But please be under no illusions, there is a requirement to borrow in the short term some quite considerable sums of money to get us through this crisis. Part of that is the logic. We have said about the use of the rainy day fund or the Strategic Reserve and part of that is to avoid selling assets, which at the moment have shown a drop in value although some of that has come back with market activity very recently. In lieu of taking losses on assets, the advice has been to examine the borrowing position.

Deputy G.J. Truscott:

There is no supplementary. I just want to thank the Minister for his answer and I look forward to the briefing.

5.10 Deputy C.S. Alves:

The Minister has stated, or his officers have stated, in the past that the turnaround for the test results for COVID-19 is 48 hours. Can the Minister confirm whether this is still the case and whether these 48 hours include bank holidays and weekends?

The Deputy of St. Ouen:

I believe it is still the case that the normal turnaround is 24 to 48 hours, with some extension to that time over bank holidays or weekends, but I do know that work is going on to provide a digital means of either sending data or receiving the test results back that would enable a more rapid turnaround.

5.10.1 Deputy C.S. Alves:

Will the Minister consider publishing data regarding the test result turnaround times? Just this past week I have heard of 2 individuals who were told 48 hours and for one of them it took over 100 hours to get the result back. Obviously this is causing a high level of anxiety.

The Deputy of St. Ouen:

We will consider that and I do acknowledge that that wait will cause anxiety in some people. We will do all that we can to minimise it. I will just point out that there are going to be a number of streams that are coming into operation. We are doing some local testing but also tests are being sent to at least 2 U.K. facilities, so there will be different time periods for each and we will be monitoring each of the times.

5.11 Deputy I. Gardiner:

Will the Chief Minister advise what is the size of our internal economy? If we created an Island bubble and had no restrictions internally so everything was open in Jersey but no people were moving in and out of Jersey how much would our economy suffer?

Senator J.A.N. Le Fondré:

I do not have that data to hand. I can endeavour to try to find that out. What I will say as a principle is that there is the medical advice and then there is the economic advice. This is about the overall health of the Island. I do keep reiterating it. It was put by Members to the Deputy Medical Officer of Health last week and so it is the same response I am going to attempt to give, which is that even if we were completely isolated the virus is on the Island and as we ease restrictions it will pass through the Island. Therefore, the strategy remains the case of making sure that we try to control the passing of the virus through the Island in such a way that it does not overwhelm the health services. There are comparisons with other jurisdictions. We have got to look at each jurisdiction separately. We have got to look at how does Jersey, for example, sit. We are quite a well-connected Island and we also have people who travel in and out for all sorts of purposes. It then comes down to while there are some people who want to remain locked down until a vaccine arrives, which may be 12, 18 months away, there are other people who wish to get off the Island for compassionate reasons or for other purposes. That is when we get into all sorts of legal rights, human rights and all those issues around liberty and mental health. But I reiterate, to date the advice we have received and was conveyed to Members last week is that the virus will spread through the Island as soon as we ease any of the restrictions we have had in place.

5.11.1 Deputy I. Gardiner:

As we are preparing to enter level 2 of our exiting strategy, would it be more sustainable for Jersey to keep our borders closed except for compassionate and essential travel, and to become a coronavirus-free zone, meaning that we could leave everything open, let children go back to education and allow people more freedom on the Island?

Senator J.A.N. Le Fondré:

There are 2 issues there. One, as I have understood it from the Deputy Medical Officer of Health, is that we cannot become a coronavirus-free zone because it will go through the Island. I think even other jurisdictions that have been held out that way still will have pockets of coronavirus arising in their jurisdictions. I would also just clarify that at the moment all we are focusing on is the phasing of going through level 3. We only came into level 3 yesterday, so certainly at this point Ministers are not focusing on moving to level 2 or even when that might occur. We have to focus on when we might move to a further phase within level 3 first and identify what those consequences are and how that affects transmission within the Island. My expectation at the moment is we are a certain period of time away from even having to think about level 2.

5.12 Deputy M. Tadier:

As the Minister will know, children and infants are spending more time at home than they would normally and the Government stats earlier this year showed that around one in 6 of all babies born in Jersey were living in a household where they may be exposed to tobacco smoke by an adult. Firstly, is this a matter of concern for the Minister and, if so, what action, if any, will he take?

The Deputy of St. Ouen:

The harms to children as a result of the lockdown are a matter of concern to myself and my Department. The question of tobacco smoke has not been specifically raised with me recently during this emergency but it obviously is a concern. It is illegal to smoke, I believe, in that closed environment and the normal enforcement measures would be available.

5.12.1 Deputy M. Tadier:

I think this is the issue. It is not illegal for people to smoke in their own homes in front of a child, even when the child cannot move. It is illegal for them to smoke in a vehicle. Will the Minister seek to close this loophole and bring forward emergency legislation to deal with this matter or does he think that the rights of smokers should supersede those of immobile and mute children?

The Deputy of St. Ouen:

We will take advice. If the Deputy wishes to consult with me offline with any information he has or further studies, we will certainly take that on board and see what might be necessary to do at this time.

[12:30]

5.13 Deputy J.H. Perchard:

Given the fact that nothing has changed in terms of how contagious coronavirus is, what is the justification for encouraging the greater movement of people by relaxing stay-at-home guidelines?

Senator J.A.N. Le Fondré:

As I said, the justification is always based on the medical advice that we receive and, as I have hopefully tried to explain to Members and the public previously, it is always a very fine balance as to which way we go. Part of that balance is around the overall health of the Island and that is about taking - we have just heard a question from Deputy Tadier - the other medical impacts of people being in lockdown, whether it is the one that Deputy Tadier referred to, or about mental health, or about people not pursuing or being able to pursue certain medical treatments that they would ordinarily be doing if the crisis was not with us. So all of those come together, plus, based on the data we had, which was where the transmission rate was very much tailing off - and I think of something like over 500 tests in the last 7 days we have had one positive case - the advice being that the virus is still on the Island and it will pass through at some point. It goes back to the point that the Deputy Medical Officer of Health was making to Members last week, that it is about controlling the rate at which it goes through. It is still on the Island and, therefore, the problems we have with this is that if we wait for a vaccine to come through, which we believe is 6, 12, 18 months away, what are the consequences of that to Islanders and remaining in the lockdown position we were in up to 8.00 a.m. on Monday. Sorry to labour the point. There is also a test that the Minister for Health and Social Services has to consider as to whether it is proportionate to maintain the restrictions that were in place.

5.13.1 Deputy J.H. Perchard:

Does the Chief Minister accept that that results in our increasing infections and, therefore, an increase in the number of deaths? Why does he think relaxation of restrictions is justified?

Senator J.A.N. Le Fondré:

The concern on all of this is that at some point the virus comes through the Island in an uncontrolled way, which would overwhelm the system and would result in more people being severely impacted and not being able to cope with looking after them. If there is a small increase in transmission that means it is passing through in a controlled way and it means all the right people can get the right medical attention at the right time. On that basis, hopefully the impact on them will be less severe than if we were to be overwhelmed. That is one of the considerations we have to have in dealing with this.

5.14 Deputy G.P. Southern:

Following up the question on family-friendly activity, could I ask the Minister if she will act this year on such issues that could be regarded as business as usual, improving the minimum wage, adapting

the living wage, zero-hours contracts? Above all, will she assure the House that there will be no cuts in benefit levels under her watch?

Deputy J.A. Martin:

All these things are coming to the weekly Social Security meeting at the moment. I can confirm there are no plans to cut anything. I had a written question from Deputy Gardiner today to ask what is the amount of income support being paid to new claimants. It is exactly the same as it was to old claimants and all the rates went up on 1st October. The minimum wage went up on 1st April this year, and that was when we were in lockdown. We are still in talks with the forum that we will do the minimum wage and the Deputy knows that we go through there. I am not sure how practical it will be to go out to consultation at the moment; but there are no plans at the moment to cut anything and I am doing my best to keep business as usual, as the Deputy says, and to make sure that people are getting the right benefits that support them in this time.

5.14.1 Deputy G.P. Southern:

No plans for cuts at the moment. Is that an assurance?

Deputy J.A. Martin:

The Deputy asked me have I had any talks. I have not had any discussions.

Deputy G.P. Southern:

No, assurance.

Deputy J.A. Martin:

The Deputy wants me to say something. At the moment I have not discussed any plans to cut benefits. If that is the assurance the Deputy wants, that is the assurance I can give the Deputy.

5.15 Deputy M.R. Higgins:

If the Chief Minister cannot answer this, I hope the Minister for Health and Social Services can. I recently sent some details of a biotechnology device to the Chief Minister and to the Minister for Health and Social Services, which is in the form of a patch that can be worn, for example by elderly people in care homes, that will give advance warming of temperature and other problems so we can get care to those people very quickly. Has the Chief Minister considered it and is he going to follow this route of using the technology to help us in the fight against COVID-19?

Senator J.A.N. Le Fondré:

I thank the Deputy for his question. I did briefly scan the article, as has the Minister for Health and Social Services, and it has been forwarded to the right people to consider. I would make the point that it was a very interesting article. From memory, it was only available in small batches and was effectively on a trial basis, but we have forwarded it to the right people to see if they could do some evaluation of it.

5.16 The Deputy of St. Martin:

Due the current COVID crisis, the majority of our fishing fleet is tied up in harbour, not fishing and with access to export markets denied. We are, with Guernsey, the only 2 places in Europe with no specific scheme to help fishermen. Meanwhile, our French neighbours have access to French and European tie-up schemes and sales markets and indeed continue to fish in Jersey territorial waters to the detriment of our Jersey fleet and the sustainability of stocks. What is the Minister doing about this?

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

I think the Deputy's description is very accurate and Deputy Guida, who chairs the Marine Resources Panel, and I have met with the industry several times. We have come to the conclusion very early that the existing scheme of payroll support phase 1, which excluded fishermen, or indeed the phase 2 one, did not meet the need to keep the fishing fleet at sea. A scheme of financial support, based on meeting the costs of keeping vessels in the water in a safe condition and based on the landing history that we have, has been put forward. Unfortunately I am rather frustrated because that scheme is in the pipeline still, the business case is in the chain. I am not quite sure where it is but I do not have access to the funding, so I would probably divert that to the Treasury and the Minister for Economic Development, Tourism, Sport and Culture as to where that proposal is. But I believe it is absolutely imperative we provide that financial support because otherwise we would be the only jurisdiction in the British Isles not supporting our industry. Just dealing with the French very briefly, of course the COVID situation came on top of existing preconditions with agreements with the French post-Brexit. We believe there are reports of French vessels increasing in numbers in our waters, going for working our spawning grounds, and we need to take measures to stop or prevent that occurring. I have asked the officers to draft some regulations, which will come forward very shortly, to define areas and metiers where we do not want to see that happen. So I am afraid there are serious issues and we have to make sure that our fishing industry is there and comes out of this crisis. We need sustainable local fisheries.

The Deputy of St. Martin:

I thank the Minister for his comprehensive answer. I do not have any supplementaries.

The Bailiff:

We are now almost at the time when normally we would adjourn. I have seen some exchanges on the chatline that suggest that Members might be minded to go until the end of this session, which would be at 12.57 p.m. Chairman of P.P.C. (Privileges and Procedures Committee) do you have any Proposition at this point?

Deputy R. Labey:

I would suggest that we finish questions either when the hour is up or when the questions have run out and take an hour for lunch. I just worry about yourself and the Greffe staff being able to have something to eat and do the work that you have to do to make the Assembly run again for the next session. If it were 2.15 p.m. I do not think anyone would be complaining about that.

The Bailiff:

Can we assume the suggestion from you is to carry on until the end of the question period, with a minute or 2 to deal with any sort of injury time, and then we reconvene at 2.15 p.m., which I think would be easier for those here who have obligations to perform over the lunch adjournment?

Deputy R. Labey:

That would be my proposal.

The Bailiff:

Thank you very much. I am not sure we need to put the matter to the vote and I wonder if Members could indicate on the chatline whether there is a general agreement with that or if people particularly wish to speak on the matter. Very well, the preponderance of those indicating a view is that we should carry on in that manner, so we will carry on now until the end of the question period or we run out of questions, which I will now extend to 1300 hours to allow for the present exchange.

5.16.1 Deputy L.M.C. Doublet:

My question to the Minister for Health and Social Services is on an issue that I raised with him quite a while ago, back in March, about safe and legal access to abortion. Can he confirm whether he has

considered the issue of the 7-day wait and whether he will be able to make an adjustment to that at this time of crisis?

The Deputy of St. Ouen:

I understood that there had been communication with the Deputy to explain how this had been resolved. I hope the Deputy will forgive me. I am struggling to remember exactly how with so many other issues having to be dealt with. If the Deputy has not been informed, which is contrary to what I believe, I will ensure that she is. It is not believed that it is appropriate because there are other means of dealing with these issues, so there is no need to legislate at this time, but I will ensure the Deputy is fully informed.

5.17 Deputy L.M.C. Doublet:

The Minister states there is no need to legislate to temporarily suspend the 7-day waiting period. Can he explain what the position would be for a woman who presents at the eleventh week of pregnancy and how she will access safe and legal abortion with the travel restrictions that are currently in place?

The Deputy of St. Ouen:

In that sort of extreme situation, which does not arise often, the travel restrictions would not hinder a patient going to the U.K., which is the usual procedure.

[12:45]

Therefore, the usual procedures could be followed in this instance by the flight availability that we have.

5.18 Deputy M.R. Le Hegarat:

I would like to follow up on the question in relation to the fishing fleet and, therefore, put this question to the Minister for Economic Development, Tourism, Sport and Culture. What financial support is he looking at in relation to the fishing fleet and, in particular, what was put forward by the Minister for the Environment?

Senator L.J. Farnham:

Following the good work of Deputy Guida and officers, a draft paper has just been received, which is due for consideration by the Council of Ministers as soon as possible. It sets out a course of financial support to help our fishing fleet through the pandemic. The previous paper that was presented to the Council of Ministers was not approved on the grounds that there was a cost of many, many millions of pounds attached. That previous scheme proposal also did not take into account that the fishing fleet was able to get access to the phase 2 payroll scheme, which it is doing now. I hope the Council of Ministers will consider the case that is being presented. It is a much more realistic and financially affordable position, so hopefully we will come to a satisfactory conclusion. As I said, the final draft of the paper has just been presented and so that is ongoing business, which I hope can be concluded as soon as possible.

5.19 Deputy K.G. Pamplin:

It is apparent from all medical advice from the World Health Organization and many other leading figures in the attempt to control the pandemic lockdown procedures that again the message is test, test, test and isolate and trace. Can the Chief Minister today give the reassurance of what the robust measures, as of today, what numbers of testing are going on and what the issues are still remaining with testing for Islanders?

Senator J.A.N. Le Fondré:

That is a long question. To give some assurance on something else, one of the medical officers, that the Deputy was asking about in his previous question, is giving interviews to the media today on a

whole variety of areas, so there is still access going on. But to go back to testing, the information I have at the moment is that we have 60 tests in a lab locally per day now and 175 swabs go to one of the London laboratories. We have had some issues with reporting between the labs and getting the information back, to the extent I believe at one point individual tests were coming back in individual reports and had to be effectively manually transferred into our central reporting. These are all process bits that have added to delays in getting results back to us. Through the good offices of a variety of people, including Digital Jersey, we have been working on those processes to improve things. Where we are now is that we presently have the capacity to have another 300 swabs per day, which is 2,100 a week, tested at another U.K. lab but there are a couple of I.T. issues that we have to fix in the Jersey lab and also get some extra mobile workplace testing units in place. The intention - we have been aiming for this and I am told it is likely to be at the end of this week - is aiming to hit 500 tests per day. The present figures are 60 locally and 175 in the U.K. and intending to still hit the capacity of 500 per day hopefully by the end of this week if we can get the technical issues sorted out. There is no desire not to do so.

5.19.1 Deputy K.G. Pamplin:

A long answer to a long but important question. The way that the success will be determined of easing the lockdown, which informs the decisions to ease which restrictions up or down, is the reproduction number. We still do not have an assurance of what that is because of the low number of testings and where we find ourselves in this pandemic. Does he not agree that the measures that are being put in place have to be categorically determined by the evidence, scientific and medical, and can we please see that as soon as possible?

Senator J.A.N. Le Fondré:

It is based on the medical and statistical data that we receive. We should be very pleased with where we are in terms of the data that we have put in place. To give the Deputy some assurance - and I hope to see his picture with a smile on his face in a minute - my understanding is that Stats Jersey will be producing the R number on Thursday.

5.20 Senator K.L. Moore:

I would like to ask the Minister for Health and Social Services, now that we have moved to phase 3 of this process, when will he be giving regulations to the dentists in relation to the P.P.E. that they may use in their surgeries so that they can return to practising and at least seeing those patients who are in need of emergency treatment?

The Deputy of St. Ouen:

We recognise the unavailability of some dental treatments at the moment, although some is being carried out within the urgent treatment centre at the General Hospital. Discussions are ongoing with the dentists. It is complex because their professional body, the General Dental Council, has prohibited all dental work taking place by members. In the U.K. it is manageable because they are employed as part of the National Health Service. In Jersey, of course, that is different. There are talks going on as to exactly what can be conducted safely within a surgery and I can assure the Senator that this is something that is actively happening and we are liaising with them with a view to having those facilities available where safe to do so.

5.20.1 Senator K.L. Moore:

It is becoming an increasing tendency of Ministers to say that they are actively dealing with something but there is never any timeline. Given the needs of the public, who are experiencing pain in relation to dental issues, when will the Minister be dealing with this? It is my understanding that the G.D.C. (General Dental Council) simply needs a stipulation of the P.P.E. that would be seen to be acceptable to the Minister.

The Deputy of St. Ouen:

It is not a question of a shortage of P.P.E. The Island is well provided and for persons who are in pain and in urgent need of treatment that P.P.E. will be prioritised and made available. The work will be done as soon as it can be. I know officers are working on it. I received an email on Thursday to explain what is going on and I will make further enquiries following the States sitting.

5.21 Deputy K.F. Morel:

Following on from the previous question, would the Minister please advise whether he is satisfied that businesses in Jersey have appropriate access to personal protective equipment? Would he advise the Assembly as to any measures that his Department is taking to ensure that this is the case?

Senator L.J. Farnham:

That is a very good question given the current move to level 3 as we see more businesses opening. Businesses have found that accessing small amounts of personal protective equipment can be very expensive, so it is important we can find a way to consolidate the purchasing by businesses to make sure that the equipment they need is affordable and viable for them. Deputy Morel has been helpful with this so far. We are looking at a number of options. There are wholesalers in the commercial sector that are providing a service for that now, which seems to be improving. I think there might be an opportunity for the States supply, if you like, to be able to provide assistance in certain aspects of that, and that is what we are looking at.

The Bailiff:

The Minister for Infrastructure has asked to clarify a previous answer.

Deputy K.C. Lewis:

It is a reference to the question from the Constable of St. Brelade regarding the Nightingale unit. I just need to clarify that a lot of the costings have been done regarding taking the building down, shipping the building back to the Netherlands and stripping out of all the equipment. However, the concrete base has yet to be costed. The team are working on that over the next 2 weeks. I would just like to emphasise that a lot of the equipment can be reused. The 180 beds, which are brand new, a lot of the technical equipment and the oxygen plant will be reused.

The Connétable of St. Brelade:

I am grateful to the Minister for that response and look forward to receiving the costing for removing the slab in due course.

5.22 Senator S.C. Ferguson:

There will be significant contamination of the Nightingale site. Has the Minister arranged for an environmental impact assessment and what about the cost of digging up the tarmac, which will severely contaminate the ground?

Deputy K.C. Lewis:

That will be part of the process regarding the costing for the base. I was referring to generically all the groundworks. That will be carried out. It is the agreement that it will be returned to a green field and that is what we will do. We are very, very grateful to the Boot family for letting us use the field. They have been absolutely marvellous and it is the agreement that it be returned back to its original state. That will be done.

5.22.1 Senator S.C. Ferguson:

What is the current estimate of the cost of remediation and will the Minister let us have it as soon as he has it?

Deputy K.C. Lewis:

I think, as with the Constable of St. Brelade, that is being worked on over the next few weeks. They have started that work but everything is costed with the exception of the removal of the base area. Hopefully we will have that in a few weeks.

The Bailiff:

There are now, at the most, 2 minutes before question time comes to an end. I have no more questions notified, so unless someone wishes to ask a very quick question now, we will conclude this part of the Order Paper.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

I have allowed enough time. Before we adjourn, could I let Members know that they will receive an invitation to join this afternoon's sitting. It will not, however, be time limited. There will be no 4-hour time delay, so it will be possible to carry on beyond 5.00 p.m. without the difficulties that we encountered on the last occasion. Very well, the States stands adjourned until 2.15 p.m.

[12:59]

LUNCHEON ADJOURNMENT

[14:18]

The Bailiff:

Apologies to Members, who hopefully now can hear and for the slight delay. It appeared that the Presiding Officer was not needed from an I.T. point of view but I have managed to persuade individuals that I should take part in this afternoon's sitting. Before moving on with the Order Paper I was asked to consider the adequacy of certain answers given to written questions. I had hoped to be able to do so over the luncheon adjournment, I regret that I have simply been unable to do that within the time available to me so I am very much hoping to give a ruling on adequacy tomorrow morning at the beginning of the session. Very well, we now come to Statements on a Matter of Official Responsibility and the Assistant Chief Minister will make a statement regarding the "Our Hospital" project, at the end of which, of course, there is a 15-minute opportunity to ask questions.

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

6. The Assistant Chief Minister will make a statement regarding the "Our Hospital" project

6.1 Deputy L.J. Farnham (Assistant Chief Minister):

The "Our Hospital" project remains a priority for Jersey. While many things have been affected by the current pandemic the need for a new hospital has not. Our tremendous health staff continue to work in challenging conditions and we owe it to them, as well as all Islanders, to keep pressing ahead with our promise to deliver Jersey a new hospital. But doing so during the COVID-19 outbreak has brought its own set of challenges. While there is no change to the overall timeline and delivery date of the building, the virus has impacted on some of the more immediate work of the project, most notably the efforts to appoint a preferred delivery partner and to identify a suitable site. For this reason some of the announcements that were due to be made at the end of the last month have now been deferred and the political oversight group have felt it important to give Members an update. Understandably there are tremendous demands on clinicians' time at present and it is vital that the project does not move on without their input. We have said all along that this project will be clinically led and it is important that we stick to that principle. The appointment process for the design and delivery partner is rightly undergoing further scrutiny. As the landscape has changed considerably it is vital that more work is done to ensure that the shortlist of bidders that we have to design and build

our new hospital are still in a position to deliver the project. We are therefore looking in more detail at their proposals as well as their financial stability and their overall capability to begin work in such challenging conditions. We also need to take into account the emerging Jersey Care Model brief which will guide, but not dictate, the final outcome of the project and to make sure that we remain aligned both in terms of our aspirations and understanding of what modern and future healthcare needs to look like. We have also changed our planning approach. Instead of presenting an outline planning application in March 2021 we will now move to a full detailed planning application in September 2021. The advice received from our colleagues in G.H.E. (Growth, Housing and Environment) suggests a timetable for planning consent that gives us a start date of March 2022, a few months before the next elections. Using this approach means we will reduce the time needed to be spent on pre-application and will provide a very strong incentive to ensure that we get it absolutely right first time. Our new adjusted timetable, which I reiterate does not impact on the final delivery date of the new hospital, means we will be able to announce our shortlist of sites and our point of delivery partner by mid-July. It is a short delay but one which I am sure colleagues will understand and support to enable us to deliver on our commitment to build Islanders a new hospital. Thank you.

The Bailiff:

Thank you very much, Assistant Chief Minister. There is now 15 minutes available for questions should anyone wish to ask any questions arising out of that statement. If Members could indicate on the chat as usual.

6.1.1 Deputy G.J. Truscott:

I note from the Assistant Chief Minister's statement that the status of the Future Hospital planning application has changed from seeking outlining planning permission to a full planning application. Could the Minister explain the rationale behind that change and could he indicate the extra costs that will bring to the project?

Deputy L.J. Farnham:

The rationale behind that change is to expedite the timeline. In relation to costs I think by using our design and delivery partner who will design, plan and build the new hospital, it is a far more efficient way of doing it, rather than go through the outlining planning consent process and then on to a full detailed process. We are going straight to the detailed process cutting out the outline process. If there is an element of risk it means we have to make sure that when we get to the detailed planning permission stage we have considered absolutely everything and worked very closely with all the stakeholders. But it will mean that we can begin the hospital project sooner, subject of course to the full planning process and ultimate approval.

6.1.2 Deputy G.J. Truscott:

A supplemental, if I could? As no planning application is a given, plainly there is a risk associated with seeking full planning permission at this stage. Now, the plans could well be rejected and returned to the drawing board. At a time of extreme pressure on the public purse, can the Minister indicate who made this decision and was Scrutiny made aware of the change?

Deputy L.J. Farnham:

The process was agreed by the political oversight group and we are updating Scrutiny on a regular basis. I understand they are aware of the current situation and timeline.

6.1.3 The Connétable of St. Brelade:

The Minister has suggested that the timeline of the development indicates that the project will bump into the next election, if I may use that word, and consequently risk derailment. Will he therefore let Members know how he plans to mitigate against this risk and endeavour to bring matters forward?

Deputy L.J. Farnham:

If I can just run through the proposed timeline between now and then. I do agree with the Constable, we believe that it is absolutely essential that the project is commenced before the next elections and does not overlap into a new Assembly, which has the potential to cause significant delay to the project, which we cannot afford to do. So from now until early June additional due diligence on the financial supply chain, resilience of the design partners is being undertaken and then in May and June we will see the update to the Jersey Care Model in light of COVID-19, site shortlisting with this context will be finalised. Early July will be the appointment of the design and delivery partner and announcement about the shortlist of sites. In November, pushed back from September, States Assembly debate on the preferred site and an update on the strategic outline case. May 2021, 12.4, the outline design, updated strategy outline case including the financing proposition will be brought to the Assembly for debate. November 2021 detailed design, outline business case and the planning for the planning application ready. March/April 2022, anticipated planning consent. March/April onwards building contract signature and start on site. That is the timeline we are working to and, yes, there is a risk. We have identified the risk of this timeline. It is a timeline that we need to try and stick to which makes it really important that we follow the process very, very carefully all the way through to avoid delays. People of Jersey have put up with far too many delays to this project and I think the States Assembly must be united and determined not to let that happen again.

The Connétable of St. Brelade:

I thank the Minister for his answer and urge him to not let the timeline slip.

6.1.4 Deputy M.R. Le Hegarat:

I would like to put it on record ... and the Deputy Minister has mentioned the Jersey Care Model. We, as Scrutiny, asked for the PwC report 3 weeks last Friday because we were aware that the report had been received. As Scrutiny, we are entitled to this report. We have, as yet, not had it and we have asked publicly again and again. We will say here, and I am coming to a question, will the Minister please assure the Scrutiny Panel that we will get this report from the first draft to the final draft? Because if we are to scrutinise it in order that the hospital can continue, he needs to make those assurances. Can the Minister answer that question and ensure that we get that document?

[14:30]

Deputy L.J. Farnham:

The PwC report is a very extensive report covering all aspects of the potential new care model. The report is effectively the property of the Minister for Health and Social Services. I understand that the current situation is that PwC have produced a draft which was considered by the Executive Leadership Team this morning. The process from there, which should move quickly, is that it will go to the political oversight group and then on to the Council of Ministers. Once the Council of Ministers have seen and approved it it will then be passed on to Scrutiny.

6.1.5 Deputy M.R. Le Hegarat:

A supplementary, please? The Health Department has already been quoted the rules that set down that we are entitled to that report. I do not wish to ask the Minister again. Can he please assure me, as the Health Scrutiny Panel Chair, that we will receive a draft of that document as received by that Department 3 weeks ago by the end of play today?

Deputy L.J. Farnham:

No, I am afraid I cannot make that assurance to the Deputy at this stage. It is an assurance for the Minister for Health and Social Services to provide in the first instance, but as I have outlined there is still quite a lot of work to do in refining from the draft, that work is going to be done as quickly as possible. From the Hospital Political Oversight Group's position, we are wanting to continue to work

with Scrutiny as closely as possible. From that perspective, we will do everything in our power to ensure they get a draft that has been worked upon with them as soon as possible but it is not within my power to give an exact date at this stage, I regret to say.

6.1.6 Deputy G.P. Southern:

Just briefly. Failing his powers, will the Assistant Minister lean on the Minister for Health and Social Services to make sure there is no further delay in us receiving that particular report because a delay to scrutiny is a delay to your hospital?

Deputy L.J. Farnham:

It is our hospital and I do not think I need to lean on the Minister of Health and Social Services. We share the opinion that we want to get on and we want to share the report with whoever needs to see it as quickly as we possibly can, but because it is such a large and extensive report it also needs to have some work put in on it so when we do share it it is fully in line with the work and the processes we are carrying out now.

6.1.7 Deputy J.M. Maçon of St. Saviour:

I thank the Minister for going through that timeline because I had not thought we had agreed a site. Can the Minister just explain how his officers are able to put forward a full planning application when the site has not been agreed?

Deputy L.J. Farnham:

The Deputy might be getting a little confused and apologies if I did not explain it clearly. The States Assembly will be asked to approve a site in November. We were going to ask the States to approve the site in September, that has been delayed slightly for the reasons that I outlined in the statement. After that, work on the planning application will begin in earnest. So the States agree the site first and then we start the planning process.

The Bailiff:

Supplementary, Deputy Maçon?

Deputy J.M. Maçon:

I might do it another time, Sir.

6.1.8 Senator K.L. Moore:

What is being done to rein in the potential costs of the “Our Hospital” project given the COVID-19 situation and the impact that it is inevitably having on our public finances? The Minister has previously said that it is unlikely the cost will be reduced on that that was predicted for the previous hospital project. Could the Minister address what is being done now to reassess the potential costs of this hospital?

Deputy L.J. Farnham:

We are running with the very same careful due diligence and attention to detail that we have been right the way through the project. It is very difficult to say at this moment in time what the implications on cost will be of the COVID-19 outbreak. That is one of the reasons we are carrying out further due diligence with our potential build project partners. I am afraid I cannot give a concise answer to that question at the moment but can reassure Members that very careful attention to detail and due diligence is being carried out to make sure ultimately whatever the cost is it will deliver the best value for money as possible. I would remind Members that will be a role for the Minister for Treasury and Resources and her team to bring to the States for debate and approval at the appropriate time.

6.1.9 Senator K.L. Moore:

I think the Minister could be a little more precise here and at least give the Assembly some indication as to what his priorities are or where his priorities lie in terms of addressing the needs of the public, the needs of the hospital and any potential for reducing costs.

Deputy L.J. Farnham:

My priorities remain to build the hospital, to stop delay, to stop procrastination and build and deliver the people of Jersey the hospital they have been promised for so long. We wasted enough time and enough money on this in the past so the priority is to work with Scrutiny and all States Members and I appeal to all of my colleagues to work as collegiately and collaboratively as possible to achieve this. We will keep Members and Scrutiny fully informed as the costs, the exact costs of the project become clearer following the COVID-19 outbreak. I undertake to keep Members informed, as I have been doing in the past, with regular statements to the Assembly.

6.1.10 Deputy G.P. Southern:

Is the Minister aware - and he will be if he looks on the chat column - that the Minister for Health and Social Services is talking about the procedures around policy and development. Policy and development is used as an excuse not to give reports to Scrutiny. So it looks like he might wish it to be done and dusted ...

The Bailiff:

Deputy, this has to be a question directed to this Minister, there is about 30 seconds to go. Please ask the question.

Deputy G.P. Southern:

The question was: is he aware, and he will be if looks on the chat board?

Deputy L.J. Farnham:

I can only reiterate what I have said before and I have discussed this with the Minister for Health and Social Services and the members of the political oversight group, and there is no barrier whatsoever from us to share information but at the appropriate time. There is no point giving a report to Scrutiny that is going to need changes made to it and we just ask Scrutiny be a little bit more patient with us while we get those changes done so we can give them something really worthwhile for them to work on.

PUBLIC BUSINESS

The Bailiff:

Very well. That brings the question time allocated for questions to this Minister to an end and we now move on to Public Business. But there are matters of procedure to be dealt with in advance in terms of late tabling. I ask the Greffier to take the Chair.

The Greffier of the States (in the Chair):

Can the Assembly hear me? I am looking at my colleagues. Excellent, OK. There are a number of Propositions for the Assembly this afternoon which have not yet discharged their full lodging periods. Amendments to P.43 and P.52 and Propositions P.53, P.54, P.57 and P.58. I think it would be sensible if we could deal with the different Amendments and Propositions at this stage to work out which are going to be debated in the Assembly this afternoon. Before I go on to that there is a question from Senator Moore. Senator, do you want to fire away?

Senator K.L. Moore:

It was, I am afraid, in relation to the previous question period following the Minister's statement. I had indicated in the chat that it would be helpful if the Attorney General could advise the Assembly about Article 49 of the States of Jersey Law and whether a Scrutiny Panel can receive a copy of a

report once it has been requested. I have to tell the Assembly that the Panel have made it very clear to the Minister that they would like to see the first draft, the instructions following the first draft from the official team, and then any subsequent drafts that are provided to the Council of Ministers. We see no reason why, under the law, the Minister can deny the Panel that.

The Greffier of the States (in the Chair):

I will take that as a point of order, it is not directly relevant obviously to the arrangement of business for the afternoon. Attorney General, are you available?

The Attorney General:

Yes, I am. This is the first I have heard of the question, I am quickly turning to Article 49 of the States of Jersey Law now but I do not think I can answer the question immediately.

The Greffier of the States (in the Chair):

Senator, it is quite an involved question, perhaps the Attorney General could come back to you later in the day.

Senator K.L. Moore:

We would be very grateful, thank you.

7. Reduction of minimum lodging periods

The Greffier of the States (in the Chair):

If we can come back to the Propositions which need to have their lodgement periods reduced in order to be debated. The first 2 are Amendments to Propositions. The first one is the Amendment of P.43 from Deputy Tadier. This was lodged only yesterday so it also involves the raising of Standing Order 32, which normally requires 3 working days before a sitting for something to be debatable. Deputy Tadier, do you wish to propose that this be debated at this sitting?

7.1 Deputy M. Tadier:

That depends on what assurances I can get politically from the Minister in charge and perhaps whether the information that was sent to the Constable of St. Ouen could be shared. I am not sure if that is currently in the public domain. As things currently stand P.43 is in time and can be debated today. It can be debated as amended by myself but that would clearly need the leave of the Assembly. I think it would be helpful to hear from the Assistant Chief Minister before I decide what action I would prefer to take.

The Greffier of the States (in the Chair):

Do any of those Members wish to speak to help Deputy Tadier out?

7.1.1 The Connétable of St. Ouen:

Yes, I can speak. I think my preference would be that this debate is put off because the nature of the Amendment substantially changes the nature of the first Proposition from being a COVID-19 type of Proposition to a more general Proposition. To be frank, those of us who had this Amendment in the afternoon have not had the opportunity to consult with people who it affects and it is going to make debating it today very difficult. Clearly it is the Deputy's choice but my preference would be for him and I to work together with the Bailiff and law officers to look through the substantial changes that he has made to this Proposition to determine whether they are viable or whether perhaps a slightly different Proposition needs to be brought back to be debated. I can assure him that he has my full support in terms of what he is trying to achieve. I just think trying to push it through this quickly may not achieve the result that he wants.

7.1.2 Deputy M. Tadier:

I have not heard the reassurance that I wanted. It was my understanding ... and I got given a letter which was written by the Bailiff saying that as of this week, so it should be yesterday and today, the courts would resume normal sittings and that the public gallery would be open so that 10 or fewer people would be allowed to access the gallery. I need that to be confirmed here in the States Assembly otherwise I am minded to proceed with the debate today.

[14:45]

The Greffier of the States (in the Chair):

We do have to know whether there is a Proposition for the Assembly to consider otherwise it becomes a bit of a messy informal question time. I do need to ask whether you intend to put to the Assembly that the lodgement period is reduced for this Amendment to be debated today.

The Connétable of St. Ouen:

Sorry to interrupt, perhaps I can help clarify the situation. My understanding is that that is the case and that as of yesterday the galleries would be open to a limited number of people to view any court proceedings. I have a copy of the letter from the Bailiff that states that.

Deputy M. Tadier:

I think this needs to be circulated and understood so at the moment I will be maintaining P.43 which is in order and in time and I will the ask the Assembly to consider whether they want to debate it as amended or not.

The Greffier of the States (in the Chair):

Can I make a suggestion, Deputy? Given that there is a little bit of time before your Proposition would come up on the Order Paper, we have got P.35 first, if, as I understand it, the Constable is intending to circulate something or might circulate something to Members, perhaps it would be better to allow that to happen and then come back to this when we reach P.43.

Deputy M. Tadier:

Thank you, I agree that no decision needs to be made at this point.

The Greffier of the States (in the Chair):

OK, so we will leave P.43 for now. Next we come to the Amendment of P.52, which is Deputy Southern's Amendment to his own Proposition on Jersey Gas. Similarly lodged very recently. Deputy Southern do you wish to propose that the lodging period be reduced in order for it to be debated today.

7.2 Deputy G.P. Southern:

Yes, Sir, I do. It is in fact a very simple Amendment in the fact that it actually takes out a catchall that was put in there deliberately to try and have a wide debate which turns out to have been a blockage along the way because of people putting conditions on any alternative similar financial assistance to what is proposed. I do believe it is a very simple Proposition which takes something out and does not change fundamentally the nature of the Proposition. I would ask the House to remove the standing ... the time ... I have lost the word.

The Greffier of the States (in the Chair):

We know what you mean. Is that Proposition seconded? **[Seconded]** Does any Member wish to speak on whether the lodgement period on the Amendment to P.52 should be reduced? If not, I am going to assume that the Assembly is reasonably content with this, unless I hear otherwise, perhaps Members could indicate in the chat. I think there is a general level of contentment and we can move on to the other Propositions. I am going to take Propositions P.53, P.54. P.57 together. These are Propositions to do with the period of questions without notice. All of them are seeking to be debated

within the lodgement period so it is the usual reduction of a lodgement period under Standing Order 26(7) from Deputy Ward, Deputy Labey, Deputy Tadier. Do you all 3 Members intend to maintain their Propositions today?

7.3 Deputy R.J. Ward:

Yes, please.

Deputy R. Labey:

Yes.

Deputy M. Tadier:

Yes.

The Greffier of the States (in the Chair):

Is anyone prepared to second the Proposition that they all be debated today? [**Seconded**] Does any Member wish to debate the matter? Senator Farnham.

7.3.1 Senator L.J. Farnham:

I have a question in relation to P.52 which I have just realised could be a slight problem. The Proposition asks to request the Minister for Economic Development, Tourism, Sport and Culture to include Jersey Gas on the list of employers to participate in the payroll co-funding scheme. Technically speaking, or legally speaking, the lead Minister or the Minister with the final say on the scheme is the Minister for Treasury and Resources so I am not sure I would have the vires to, should the States support this position, actually follow it through. Could I have your advice, please?

The Greffier of the States (in the Chair):

I think to some extent that is a matter for the debate on P.52. My view would be if the Assembly agrees with the Proposition it can be taken as a request to Ministers generally and if the wrong Minister has been selected in what is confusing and fast-moving times, I would hope that Ministers collectively would accept that the decision taken by the Assembly was not a decision that depended upon precisely which Minister the matter was directed to and that it would be picked up by the Council of Ministers or by a transfer across to the Minister for Treasury and Resources. But that really is a matter for debate and if there is a significant issue with what I have suggested and the Senator sees significant problems with the wording of the Proposition, I am sure that can be said in the debate and Deputy Southern will reflect on that.

Senator L.J. Farnham:

Thank you for the clarification, that is fine with me.

The Greffier of the States (in the Chair):

Nobody has indicated that they are wanting to speak on whether we reduce the lodging periods on P.53, P.54, P.57 so therefore I will ask for a vote. The Greffier thinks we should have a proper vote using a form and my knuckles have been rapped for allowing you to vote in the chat so we are going to put a link in the chat box for a vote on reducing the lodgement periods on P.53, P.54, P.57. The link has appeared so if you could, please ... we will give you a few moments to cast your vote. [**Aside**] Do you want to tell us in the chat? Just say your vote, Deputy of St. John, in the chat and then we have a record of it and we can use that later.

Deputy K.F. Morel:

If I may, I also was asked for identification but just kept pressing next and you do get to the end of that. My concern being that this is going to happen every time you come to vote if Members do not

go through that whole procedure now. At least this vote is not as important as a vote on a formal Proposition.

The Greffier of the States (in the Chair):

I think we need to draw a close to this. Members will know that if they cannot vote using the box they can put something in the chat function and we will pick it up later on. We have had a sufficient number of Members vote for us to be able to declare a result. The vote is closed and I am going to ask the Deputy Greffier to give us the result from the form. As I have said, Members who have been logged out in some way or being asked to identify themselves, if they put their votes in the chat we can pick up on that later on.

POUR: 43		CONTRE: 0		ABSTAIN: 0
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. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy G.J. Truscott (B)				
Deputy 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)				

I am going to move on to P.58 finally, which is a ministerial Proposition from the Minister for Health and Social Services, it is a COVID regulation. Minister, I assume you wish to debate the matter at this sitting?

7.4 The Deputy of St. Ouen:

We do. Senator Pallett will be *rapporteur* for this Proposition.

The Greffier of the States (in the Chair):

Does any Member second the proposal to reduce the lodging period for this Proposition? **[Seconded]** Does any Member wish to debate this? I do not see any wish to do so in the chat function, therefore will have to have another vote so I hope Members have had the chance to identify themselves. The Deputy Greffier is just readying herself for another vote which will appear shortly in the chat box, which will be for the reduction of the lodgement period on P.58. It is the final one we have had to do in this little stretch. We are still preparing the vote. I think we will just have an illegal standing vote, I think that is probably the best thing to do at this point. Can Members just indicate in the chat function if they are happy to reduce the lodgement period on P.58? Everyone is content with this proposal. So we can now move on to the substantive business of the Assembly. Thank you very much.

8. Draft Limited Liability Companies (Amendment) (Jersey) Law 202- (P.35/2020)

The Greffier of the States (in the Chair):

The next Proposition is P.35, which is the Draft Limited Liability Companies (Amendment) (Jersey) Law 202-, which has been lodged by the Minister for External Relations. I will ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Limited Liability Companies (Amendment) (Jersey) Law 202-. A Law to amend the Limited Liability Companies (Jersey) Law 2018. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

8.1 Senator I.J. Gorst (The Minister for External Relations):

Perhaps I need to apologise in advance that I might just have a noisy period and I am struggling with my technology so I ask that Members bear with me while I propose these Amendments. Members will be aware of the approval of the Limited Liability Companies (Jersey) Law in 2018 which created, in effect, the Jersey L.L.C. (Limited Liability Company). That was a new vehicle for Jersey giving extra flexibility and, of course, Members will be aware that it is a vehicle which is well-known and understood by businesses in the United States. Since that was approved, my officials have continued to work with the Jersey Financial Services Commission and the L.L.C. working group to make sure that the Jersey vehicle was appropriately flexible and attractive to that particular market. These Amendments today give some clarity to the decisions that were made at that time and also I think improve the flexibility of that vehicle. It is very important that Jersey maintains its well-respected regulatory framework and these changes enable it do so. I suppose the main Amendments that Members will have picked up from reading through the changes are the way that an L.L.C. should make its registration. It was proposed that what was required for registration or the application process would be decided by Order. During this extra ongoing work, as I indicated, because the

Jersey register is maintained and run by the Jersey Financial Services Commission, as Members are fully aware, it was agreed that registration for L.L.C.s would take place via their online portal and therefore it was logical that they should be the ones in charge of what needed to be designated and specified by the company register rather than being made by Order.

[15:00]

I am very conscious that a telephone is going off in the Gorst household and therefore for the first time in my entire political life I shall have to pay a fine. The other Amendments that Members will be aware of is that it was initially envisaged that the L.L.C. would be governed by Jersey customary Law of partnerships but that is, under further review, seemed to be perhaps not as flexible and therefore a more bespoke and integrated approach is required. That is what these Amendments allow as well. There are a number of smaller Amendments as well which should be self-explanatory to Members in this First Reading. I hope Members recognise that although this is not COVID directly related legislation, it is important that we continue to refine the instruments and the service abilities that we have to ensure that Jersey remains an attractive market with attractive products to the global community as we come out of this crisis. I make no apology for asking Members to agree these changes today. I think that they will make the L.L.C. a more flexible and attractive product to the international marketplace and I ask that Members support these changes. I stand ready to answer any questions that Members may have, technology allowing.

The Greffier of the States (in the Chair):

Thank you, Minister. Are the principles seconded? [**Seconded**] Before we go on, Deputy Tadier, did you have a point of order at this stage? Perhaps not. Does any Member wish to speak on the debate on the principles?

Deputy K.F. Morel:

Deputy Morel, if I may speak?

The Greffier of the States (in the Chair):

Deputy, if you could indicate in the chat function that would be helpful. Deputy Morel, you can speak now.

8.1.1 Deputy K.F. Morel:

I was about to but then thought it seems quicker to use the microphone because nobody else was also asking. I just wanted to say that Economic and International Affairs Scrutiny Panel have received a briefing on this. It was introduced to us as a Proposition which principally tidies up, removes stray commas and words but it is more substantive than that so we did take a closer look and contacted Jersey Finance for their views. Having said that, we are happy that the Proposition is as Senator Gorst has explained and importantly from our perspective we still maintain that we, as a Panel, will monitor or ensure that the Department monitors the use of L.L.C.s because we still have a concern that they could, if used inappropriately, lead to certain reputational damage to the Island just because of the way that we see L.L.C.s used within the United States. While I know there is no intention for that and the Jersey Government and the Financial Services Institute will do all they can to ensure that L.L.C.s are used appropriately, it is something that we feel still will need to be monitored. That said, we issued a comments paper and it is easy to follow and will give Members a fuller understanding of the Proposition before them. I urge them to read that before the end of the debate if they have not already. We, as a Panel, I believe are happy to support this Proposition.

The Greffier of the States (in the Chair):

Does any other Member wish to speak in the debate? I have seen no indication of a Member wishing to speak so I will call on the Minister to reply.

8.1.2 Senator I.J. Gorst:

I am grateful to the Chair of the Scrutiny Panel for his comments because it is an issue which has been raised on a number of occasions when I have appeared before his Panel and I understand the concerns of the Panel. What I hope of course - and the Chair alluded to this - is that Jersey is recognised as a very well-regulated jurisdiction; it is not easy to open accounts or set up legal instruments or structures in Jersey. That, in the current climate, and the climate prior to COVID is going to be even more important. Therefore I think that the Jersey L.L.C. where it is appropriately used, where it is seen to be being created in a jurisdiction of high probity, I think we can help to raise the bar but we do need to be very mindful of the comments of the Chair that there is, or there can be a potential for L.L.C.s which are created elsewhere to be used sometimes inappropriately. But we equally, of course, must remind ourselves that as far as the Americans are concerned, they do not understand the company structure as we in the United Kingdom and in Jersey understand a company structure. They are used to everyday using the L.L.C. structure and therefore I think that what we offer in regard to being a well-regulated and respected jurisdiction that helps facilitate flows around the globe, adding the L.L.C. and making these Amendments to the Jersey L.L.C. which will, as I say, make it more flexible and attractive, are absolutely the right things that we should be doing in order to help with the recovery phase which we know is going to be extremely difficult, not just for ourselves but for many other countries and jurisdictions as well. Therefore, I maintain the principles and I call for an *appel*, please?

The Greffier of the States (in the Chair):

Thank you. While we are preparing the form for a vote on the principles, which is now available in the chat box so Members can cast their votes, I have a couple of things to say while Members vote. One is that Office 365 does require quite a lot of additional check ins and authentication as part of its normal security, that is why Members are receiving those requests, it is not unusual. Secondly, to the Minister, I am sure he will find a way of replenishing my charity fund because of his telephone call, despite these times of social distancing. I think Members have had the opportunity to cast their votes so I am going to ask the Greffier to close the voting.

POUR: 46		CONTRE: 0		ABSTAIN: 0
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. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
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)				

Deputy Morel, I think this matter would fall to your Panel, do you wish to call it in?

Deputy K.F. Morel (Chair, Economic and International Affairs Scrutiny Panel):

No, thank you, Sir.

The Greffier of the States (in the Chair):

Minister, can you tell us how you would like to deal with the Articles?

8.2 Senator I.J. Gorst:

Yes. Indeed I will find a way of paying that fine in due course. I am assuming you would like it in monetary form rather than potatoes but we will deal with that when I pay the fine. Yes, indeed, I would like to take the Articles *en bloc* in Second Reading. Hopefully they are self-explanatory. I have tried to highlight the main Amendments in the principle introduction and I would seek to answer any Member's questions ...

The Greffier of the States (in the Chair):

Can I just ask for all Ministers to turn off their microphones, please, other than Senator Gorst? It is very distracting to have other Members crashing across the Member who is speaking.

Senator I.J. Gorst:

Thank you. Yes, as I said, I will try to answer any questions that Members may have in second reading.

The Greffier of the States (in the Chair):

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on the Articles? No, if that is not the case then we will move to another vote. I know some Members are still having some problems getting through the authentication so if I can repeat what I said, have a go with the form, if

it is not working just tell us in the chat box and we will make sure those votes are counted in ... I have just seen that we have a good number of Members, yes. I will ask the Greffier to close the voting because sufficient Members have voted and we will publish the outcome in the chat function very shortly.

POUR: 41		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Ouen				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Minister, how do you wish to proceed in Third Reading?

8.3 Senator I.J. Gorst:

Yes, if I may, I propose the Amendment *en bloc* in Third Reading and if any Members have any questions I will endeavour to answer them. Thank you.

The Greffier of the States (in the Chair):

Is the matter seconded in Third Reading? **[Seconded]** Does any Member wish to speak on Third Reading? I see no indication of that so we will attempt another vote. The Greffier is just preparing the voting form. If Members can bear in mind the advice they have received from their colleagues about getting through the authentication and if it is really problematic tell us your vote in the chat area. The link is now available so Members can cast their votes. The link is in the chat so it should appear for everybody who can see the chat in this meeting. I think we have had enough time for a sufficient number of Members to cast their votes and I am going to ask the Greffier to close the voting and publish the outcome.

POUR: 48		CONTRE: 0		ABSTAIN: 0
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. Lawrence				
Connétable of St. Saviour				
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 of Grouville				
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)				

[15:15]

9. Court proceedings: provision of live-streaming for sittings normally held in public (P.43/2020)

The Greffier of the States (in the Chair):

Next we come to the Proposition Court proceedings: provision of live-streaming for sittings normally held in public, P.43, lodged by Deputy Tadier. Now, we need to return to the matter of whether the Amendment, which was lodged yesterday by Deputy Tadier can be taken, which involves lifting Standing Order 32 and reducing the lodgement periods. We left that as a matter to be resolved. Deputy Tadier, do you want to say whether you wish to propose that?

Deputy M. Tadier:

Sir, it would be helpful to know from the Attorney General, if he is present, or some representative of the courts, when the courts reopened or when they will reopen, if that is possible. Or the Minister in charge.

The Connétable of St. Ouen:

I have sent round a letter from the Bailiff and also I have sent around a press release. I am having trouble accessing it from here but if I can find a date ...

The Greffier of the States (in the Chair):

Is the Attorney General available to help with this matter?

The Attorney General:

Yes, I am here. I do not have personal sight of the letter from the Bailiff, I have heard it referred to. In terms of Deputy Tadier's question concerning the opening of the courts, to clarify the courts have not been closed. I think the Deputy is referring to the reopening of the public gallery and that is the public gallery in the Royal Court. I have not seen the Bailiff's letter myself but I understand that the Bailiff has agreed as of this week, so yesterday, the public gallery would be open for up to a maximum of 10 people to sit in the public gallery to view proceedings and that it would be managed, so that those persons attending would be able to view the particular matter that they are wishing to attend in relation to. Say 15 people had turned up in court to come to the public gallery and, say, the first 10 wished to see the first matter that was being heard by the court, then those 10 would attend. They would then leave the public gallery, allowing the remaining people to see the other matters of business that are being dealt with by the court accordingly. That is a procedure that I understand is to apply in the Royal Court. As regards the Magistrate's Court, the size of the court there is different and so the Greffier has conducted measurements to see how many people from the public could attend in person at the Magistrate's Court. My understanding is that it is only about 2 people could attend with safe physical distancing in the Magistrate's Court but that is only simply because of the physical size of the courtroom by contrast with Court No. 1 in the Royal Court. As I say, the courts remained open, so they carry on dealing with business and advocates and other parties involved in the proceedings attend routinely through video conferences. In addition, members of the press are attending by video conferences. The court lists and the results of court proceedings are also published, so that there is a very significant degree of information that is going to the public. I am

afraid that is the limit of my knowledge because I have not seen the Bailiff's letter but I hope that is of some assistance to Members and also to Deputy Tadier in relation to his question.

The Connétable of St. Ouen:

Sir, I might just carry on for a couple of seconds, I have in front of me now the press release, which confirms that the Royal Court public gallery will reopen on Monday, 11th May 2020. I have sent to all Members a copy of the press release and a copy of the letter that I received from the Bailiff on this subject.

Deputy M. Tadier:

If I can thank the Constable and the Attorney General for speaking. My concern here is that I am not even sure if that press release has been sent. We have a situation where I have certainly not seen anything in the media, I may have missed it and the Attorney General did not seem to know whether the courts were open in terms of the public gallery or not. It does not instil great confidence in what I am trying to achieve. P.43 is in time, I think it is up to Members to decide, in the light of what has been said, whether they will allow me to take it as amended or whether we consider having a debate on P.43 unamended. I ask for the lodging time for the Amendment to be reduced, please.

The Greffier of the States (in the Chair):

Just to clarify, your Proposition is to take the whole thing as amended and as part of that to reduce the lodging period.

Deputy M. Tadier:

Yes, so I am asking that the lodging period, first of all, be reduced but ...

The Greffier of the States (in the Chair):

There are 2 separate things.

Deputy M. Tadier:

That is right.

The Greffier of the States (in the Chair):

Reduce the lodging period is one and the second is whether it should be debated as amended. Shall we take the lodging period first?

Deputy M. Tadier:

Yes, please.

The Greffier of the States (in the Chair):

Fine. Is that seconded? **[Seconded]** The matter is seconded. Chief Minister.

Senator J.A.N. Le Fondré:

I suppose the query in my mind is obviously by taking an Amendment significantly early, I mean obviously the Assembly has been very patient with Ministers during the crisis and allowing legislation to come in very swiftly and Scrutiny have moved mountains to deal with this on a considered basis. But that has been because of a crisis and something like this seriously urgent. For some bizarre reason I have an email coming up on my screen; I do not know if other Members are getting it, I am getting a Members' email coming through.

The Greffier of the States (in the Chair):

Yes, I think there was a problem where Members shared their desktop but we have dealt with that now, Senator.

Senator J.A.N. Le Fondré:

But what I am puzzled about is I am not entirely sure why, given the courts ... sorry, for the avoidance of doubt, my understanding is that there was an article in the written media yesterday, which was based on the press release that was issued about the court opening times. I am sure we can arrange to get a copy to Deputy Tadier if he missed it but it was circulated to Members as well. Essentially, it is whether the urgency is still there in order to take the Amendment to the Proposition. The Proposition itself was in time but the Amendment, as you rightly pointed out, I think was only lodged at 4.00 p.m. yesterday afternoon and there are consequences to that. On that basis, it is a matter for Members but I do think that the shortening of these lodging periods should only be in the matter of matters that are urgent and relate to the COVID crisis or other equally urgent matters. This is now becoming more what I call a policy procedural thing in which ordinarily there should be time for consultation and all that type of stuff. I will not be supporting the shortening of the lodging period.

The Connétable of St. Ouen:

I would just like to, firstly, confirm that the press release was pushed out on 6th May and did appear in the *J.E.P. (Jersey Evening Post)* I think yesterday. As far as the original Proposition is concerned, I believe that aside from some details around the Magistrate's Court, we have pretty much resolved that issue and that was very much a COVID-related issue. As for the Amendment, that significantly changes the Proposition and I am not sure why we want to push ahead with this, without having had the opportunity of consulting with all parties. Once again, I reiterate 2 things, firstly, I assure Deputy Tadier of my assistance in bringing this matter to a satisfactory conclusion at a future Assembly and, secondly, to urge him to reconsider his decision to push ahead today and to think about withdrawing the Proposition, doing the ground work and coming back on another day with a Proposition that has a broad groundswell of support.

Deputy J.M. Maçon:

I think, as Deputy Tadier said in the Assembly himself, that when these shortenings come forward the Standing Order says it has to meet the public interest to do so and I do not believe that Deputy Tadier has made the case as to why his Amendment lodged at 4.00 p.m. yesterday meets that. I have just looked it up because I have not had a chance to look at it overnight. I have just looked at it now and it does require some greater thought, not that I would disagree with it but I just do not think that at the moment, without the proper consultation with the relevant people, it is right to debate that element at this time.

Senator I.J. Gorst:

I am pleased to follow Deputy Maçon and my own Constable because I think they make very good points. I hope that Deputy Tadier hears the spirit in which they are being delivered. I understand the concern that he had about the courts being closed to the public and I am grateful to the Constable, the Assistant Chief Minister, for working with the Bailiff and relevant officials to get the position changed so that the galleries would be open. Of course there is a slight difference, a nuance in the Bailiff's letter that suggests he was minded to open the galleries of the courts, plural, rather than just the Royal Court, as per the media release. Therefore, I think there is more work for the Constable to do with the judiciary and the Judicial Greffe and not just limiting these issues to the COVID period but beyond as well, and that is a much longer piece of work. I think that Deputy Tadier will find he has got probably quite broad support across the Assembly for some of these changes but Members have not had time to appropriately consider his Amendment, nor his original Proposition in light of the changed position of the Bailiff as well. I would reiterate the words of Deputy Maçon and the Constable of St. Ouen and ask Deputy Tadier to withdraw not just his Amendment but his whole Proposition today so that we can think about these issues on a slightly longer timescale. I know he will not think that we are trying to be supportive but for my part I think we are.

The Greffier of the States (in the Chair):

Does any other Member wish to speak in this debate on reducing the lodging period?

Deputy J.H. Young:

I might just want to agree with the last few speakers. I think I have to admit, to be frank, I am quite confused where we have ended up. It seems to be an odd bits and pieces of various elements, neither of which are coming together in a very clear picture. I request that Deputy Tadier has a rethink because I am very much keen on having openness and having transparency and I particularly like part (b) of his Amendment, which talks about the availability of transcripts and access to that. But my feel is at the moment it has become very confused and we are likely to make a wrong decision. I really think that because of the importance of making sure we get it right, particularly looking beyond COVID, we should come back with something which does improve access to information on what is going on in justice.

Deputy G.P. Southern:

Yes, to use the words of the previous speaker, this is better access and what we are seeing here is the usual parade of one rule for the Ministers and one rule for the rest of us. There is absolutely no reason why this should not go ahead, as far as I am concerned. It is clear and it does increase transparency around the courts.

Deputy M.R. Higgins:

I would agree with the last speaker. I believe that Deputy Tadier should be able to bring forward this Amendment, which I think is long overdue, certainly in terms of part (b). I think to deliver a legal system that is transparent we do need these changes.

[15:30]

The Greffier of the States (in the Chair):

Does any other Member wish to speak? If not, I will call on Deputy Tadier to reply. Sorry, very late, Deputy Martin, you have just got in in time.

Deputy J.A. Martin:

It was just because of the last 2 speakers and I do take offence, this is one rule for one and one for the others. I want to be like the Constable of St. Ouen, absolutely support Deputy Tadier and I think it is a longer-term piece of work that he wants doing. I really do not want to vote against this being accepted today to shorten. If he persists I am afraid I am going to have to because we are in danger of changing some really, really big laws and I know we are going on to whether to debate the Proposition amended, which I certainly will not support. But I just say to Deputy Tadier, I think he is pushing at an open door. You do not need to push it through in COVID and the courts are now open, so I really do not understand the urgency. Absolutely agree, we have been looking at the justice system for years and the bit of work needs to be started and finished and in a real time. Sorry, I just got in and thank you very much.

The Greffier of the States (in the Chair):

Does any other Member wish to speak in the debate? I think not and, therefore, I call Deputy Tadier to reply.

Deputy M. Tadier:

I take the Members' comments and in particular Deputy Maçon's point that the public interest test needs to be made. For some reason it was probably my own lack of awareness that I should have made the case of that before making the Proposition but I think I either was not given the opportunity to speak or did not take the opportunity to make the case, so I will do it in responding to other

Members' queries and concerns. The first point I make is that P.43 is in time and it can be debated today, if Members decide not to, so it is my prerogative to take that today. But it would be quite strange for me to take it unamended because it does not reflect the changes that have happened in quite short order. I think it is unreasonable to criticise me too harshly for putting an Amendment in at the last minute, for 2 reasons; the first is that I only became aware of the developments in the middle of last week and, secondly, I had entrusted the matter to Senator Gorst and the Constable of St. Ouen, who were looking to get an Amendment to my Proposition anyway and who had been liaising with the Bailiff and the courts to see what could be done. But of course there was no Amendment forthcoming and I have been told subsequently that the Constable is quite satisfied that the courts are open. But they are not truly open in the sense that I would like to see. We are still not quite clear what is happening with the Magistrate's Court, for example. I think I picked up that maybe one or 2 people could access the Magistrate's Court safely with social distancing. That means that public access to the courts and, moreover, a public trial, which is a human rights obligation under the E.C.H.R. (European Convention on Human Rights), is not truly being met I do not think. What I believe is that the Amendment, which is quite clear and straightforward and which seems to have widespread support in the Assembly I am being told, certainly makes P.43 more coherent, given the current update that we have had from the Bailiff's office. If I just read the wording of the Amendment, it says: "Court proceedings, which are normally held in public, should be live-streamed or recorded and uploaded on to a website which can be accessed securely and then later on that there should be transcripts which should be available for viewing." The reason this is COVID-related is just because the courts may be partially reopening to the public does not mean that all members of the public can access. There are still people who are going to be in quarantine who might have a legitimate interest in following court proceedings and they will not be able to do so. This is very much a court-related Proposition and a COVID-related Proposition and the Amendment seeks to react to the events that have happened to make the P.43 Proposition, which has been laid for the requisite amount of time, more sensical. I do ask Members for their support in reducing the lodging period.

The Greffier of the States (in the Chair):

Thank you very much. We now move to a vote on whether to reduce the lodging period on the Amendment to P.43. The form is available in the chat bar; if Members could use that to vote, so I will give a fair amount of time for this. As usual, if anybody encounters significant technical problems, please vote in the chat. Because there are votes *pour* and *contre*, you will need to give us a little bit of time just to make sure we capture the results as best as possible.

Male Speaker:

Sir, may I just say that I believe there are people in the wrong chat channel hitting their votes because I am getting notifications up as if it was coming from a different chat channel.

The Greffier of the States (in the Chair):

There is a limit to what we can achieve at the moment, I am afraid. Members should have found their way to the right chat by now. A sufficient number of Members have voted using the form, first to be able to close the voting and we will be publishing the result from the chat very shortly from the chat form.

POUR: 13		CONTRE: 33		ABSTAIN: 0
Senator K.L. Moore		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator L.J. Farnham		
Deputy G.P. Southern (H)		Senator S.C. Ferguson		
Deputy M. Tadier (B)		Senator J.A.N. Le Fondré		
Deputy M.R. Higgins (H)		Senator T.A. Vallois		
Deputy L.M.C. Doublet (S)		Senator S.W. Pallett		

Deputy L.B.E. Ash (C)		Connétable of St. Helier		
Deputy K.F. Morel (L)		Connétable of St. Clement		
Deputy M.R. Le Hegarat (H)		Connétable of St. Lawrence		
Deputy J.H. Perchard (S)		Connétable of St. Saviour		
Deputy R.J. Ward (H)		Connétable of St. Brelade		
Deputy C.S. Alves (H)		Connétable of Grouville		
Deputy K.G. Pamplin (S)		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 K.C. Lewis (S)		
		Deputy M. Tadier (B)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy of St. John		
		Deputy S.M. Ahier (H)		

Members can see in the chat there is one extra *pour*, a significant number of *contres*; we will need to tot those up. But it is clear that the Proposition has been rejected and the Amendments cannot be debated at today's sitting. Deputy Tadier, how do you wish to proceed with your Proposition?

Deputy M. Tadier:

I think Members have not allowed me an amendment, so we have to debate it unamended, which is not satisfactory but that is how it will be.

The Greffier of the States (in the Chair):

OK. In that case I will ask the Greffier, when she is ready, to read the Proposition.

Deputy M. Tadier:

I did not hear it being read but I do not think that is necessarily a problem.

The Greffier of the States (in the Chair):

I heard it. A number of Members did not hear it, by the look of it. I think we need to broadcast it across the Island, so if I can ask the Greffier to try again with the microphone on.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) that court proceedings which are normally held in public should be live-streamed on a publicly-accessible website during the period in which courts are closed because of COVID-19 and (b) to request the Judicial Greffier to ensure that live-streaming is in place by 31st May 2020.

9.1 Deputy M. Tadier:

We are in a position today where the Assembly, I think we all agree that this is a suboptimal Proposition but I have not been allowed to amend it to make it more sensible, so I think we have to deal with that as it is. In the absence of exactly knowing for sure because I do not think anyone has popped over to the Royal Court today to see what is going on or if they can get in or how people can access the Magistrate's Court at the moment if they wished to; I think other provisions need to be made. While I am mindful of some of the comments that the Attorney General has issued and that he made in the last debate, and I was quite careful during the last debate because it was very much a technical Amendment we were debating last time about allowing the court to live-stream if they wanted to and it seems that we would not even allow that to happen. The concern I have got, of course, is that lots of people at the moment cannot get into the courts for whatever reason. While people can follow what is going on in the States Assembly, if they want to, if they have got the free time they can log on to a website. I am not sure if that is currently happening at the moment but I think there are links out there. There is certainly the audio stream that they can listen to States debates on. They can read through the Hansard, which is a verbatim transcript of what we say and do in this Assembly and how we vote, so people can follow up the logic of that. I have had constituents, not just in my Parish but including in my own constituency but throughout the Island, who over the last 10 years have come to me and said that they do not trust the court system, that they think that they have seen evidence of witnesses and lawyers who have perjured themselves in front of the court and that when they have tried to prove that they have no real way of being able to do it. Because there is not a video, there is not an audio that they can refer to and catch people out with. I take all of these comments, of course, with a pinch of salt; I do not make any judgment one way or the other but I have to listen to my constituents when they come and talk to me. It seems to me that if the same were to be said of a Minister or a States Member, of course sometimes we do misspeak, sometimes we might say something that is not entirely accurate, we will get pulled up on it and we will be told what you have said was not right and you say I am sorry, I did not mean to say that or I was misinformed. On some occasions it has been ruled that States Members have lied before the States Assembly, in camera for example, and they have been censored subsequently. It is very difficult to do that with an apparatus like the courts, which does not have the same level of transparency. I know that there are, of course, reasons why certain things remain sensitive in court. Last time when the Attorney General spoke, and he will no doubt do it again, I thought he gave us some quite extreme examples. He was talking about sexual assaults and I will not go into the details because I do not think it is necessary to repeat them here. But what I would say is that the court is within a position of knowing what they can and cannot broadcast and they also can control which way the camera is pointing. If you have got sensitive witnesses there talking about issues who you do not want identified, you simply do not point the camera at them, OK, so I think there is a way forward here. I am very interested in how people during this period who are locked up in quarantine who might have a loved one who is in a criminal case or in a civil case or who is a witness in one of those cases, how do they access the courts at the moment when they are locked up at home and they cannot leave the house? Having a maximum of 10 people in the Royal Court is absolutely no use to them. They have an absolute right to follow what is going on. Similarly I think their family members have a right to know that they are listening and that they can follow what is going on. I suspect I am going to lose this today and, to be honest, it is no skin off my nose because I can come back with my amended version and we can have that working party. But my challenge really is to the courts and of course people will pick holes in this and say it is not perfect. I was not allowed to put a perfect Proposition to the States Assembly today because Members did not allow me to do that. I will be coming back in the future. I think I have made the points that I wanted to make and if I could ask, Sir, I am not going to make the Proposition today, I have made those points that I wanted to and so I will wait until a future point. But I ask Members to be circumspect in their decision-making and to really take these matters into consideration because these issues are of public interest.

The Greffier of the States (in the Chair):

Thank you, Deputy. You are not choosing to maintain your Proposition and it is withdrawn at this stage.

Deputy M. Tadier:

That is correct, Sir.

10. Social Security Fund: repayment of States contribution for 2020 (P.44/2020)

The Greffier of the States (in the Chair):

We now move on to P.44, Social Security Fund: repayment of States Contribution for 2020, which has been lodged by Deputy Morel and I will ask the Greffier to read the Proposition.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that the sum of £65.3 million should be paid to the Social Security Fund to compensate for the lack of any contribution by the States to the Fund in 2020 and (b) to request the Council of Ministers to include a structured proposal within the 2021 Government Plan for such funding to be made within the next 15 years.

[15:45]

10.1 Deputy K.F. Morel:

I regret to say that this Proposition is one that has been borne out of frustration, a frustration that comes from 2 years of asking straight questions on behalf of the people of Jersey and, as we heard this morning in relation to written questions, all too often I and others are given in return deflection, obfuscation or, in this case, nothing at all. If I may, I would like to ask the Assembly to cast its collective mind back to 27th March of this year and the last sitting that took place at Fort Regent. It was during that meeting that we first encountered P.31/2020, the Draft Social Security (Amendment of Law No. 12) (Jersey) Regulations. Its proposed Amendment requested that the Assembly remove the obligation to pay into the Social Security Fund an amount for the year 2020 or 2021. You may remember that after the principles were passed the Proposition was called in by the Health and Social Security Scrutiny Panel, which subsequently proposed an Amendment to remove the reference to the year 2021. The Amendment was accepted by the Minister and so when the Proposition finally passed it did so in reference to the £65.3 million allocated to the Social Security Fund by the Assembly-approved Government Plan for the year 2020 only. I am sure Members remember the course of events and so I can imagine they may be asking: why the frustration? The cause of frustration was quite simply a failure by the Minister to answer a question I posed during the course of that first debate. On the day I posited a simple request, which went as follows and I am quoting: “So, I really do ask the Minister, if she wishes for my vote, would she please give us an indication of how she intends to make up these funds from 2022 onwards?” My question was clear and asked twice but, sadly, the Minister did not respond with any clarity. In fact this is what she said and, again, I quote: “Deputy Morel sent me an email and he wants to know exactly what it is going to do and do not put it just the corona. Everything is corona. We need money, there is more coming. We probably will need a hospital or something, money. We have got to go out there and get things. If we are fighting with somebody who has got the testing kits, we have got to pay the money but, no, it has not gone through the right process and literally I think that we had better send it back because it will be fine next week.” I respectfully asked this simple and straightforward question. I did not receive the same respect in response. Rather than simple and straightforward, I got garbled and unintelligible. It seemed to me that the only way in which to get a straight answer would be to lodge a Proposition requesting the Council of Ministers to do that which I think is right, which is to eventually pay those monies into the Social Security Fund. Importantly, when presenting the regulations in the Second Reading, the Assistant Minister, Deputy Maçon, attempted to clarify the Minister’s position by stating and, again, I quote: “Can I just assure Deputy Morel and other Members there is no one keener than the Minister for Social Security in order to get money back into this fund?” The Proposition

itself is quite a simple one, part (a) asks the Assembly to decide whether they believe the £65.3 million should be paid into the Social Security Fund at some point. This is money that directly supports Islanders via pensions and other benefits and the Assembly must choose whether it feels the States of Jersey, having previously agreed to pay that money, is morally obliged to one day do so. Part (b) asks for a plan from the Council of Ministers to be brought forward in the next Government Plan, showing how that money will be paid at some point in the next 15 years. The Proposition is purposely broad in its timeframe in order to make it as easy as possible for the Council of Ministers to deliver the request. If the plan for payment were to be spread over 15 years the Government would pay on average £4.35 million per year on top of any other supplementation. This Assembly has wasted far greater amounts in my short time here. I suggest that requiring an annual £4.35 million a year be set aside to directly benefit Islanders, particularly in this - the aged are the most vulnerable - is a small ask, even during and after this crisis. Put simply, this Proposition asks the Government to do what is right and that is to stick to its previous agreements and to put Islanders first. With that I maintain this Proposition.

The Bailiff:

Is the Proposition seconded? **[Seconded]**

10.1.1 Deputy S.J. Pinel of St. Clement:

There is notes of an old song, when I became Minister for Treasury and Resources I left part of my heart in Social Security. For that reason, I completely understand Deputy Morel's motivations in bringing this Proposition. Our system and the funds that back it are precious and must be protected. Because I feel that way, Deputy Morel and the Assembly in general should take some assurance from the fact that I have no hesitation in asking you to reject this Proposition. Deputy Morel's Proposition is entitled Social Security Fund: repayment of States Contribution for 2020. Can I correct that? Nothing has been taken from the fund; there is nothing to repay. My colleague, the Minister for Social Security, asked this Assembly to cancel 2 annual payments into the fund from taxpayer-funded spending. After an Amendment, which was accepted, one payment of £65.3 has been cancelled. That £65 million has already made a huge difference, together with the power granted to me by the Assembly to approve an extra £100 million of spending. It has meant I have already been able to approve the following funding and I would like to apologise if this is a long list but I think the Assembly needs to know. There is £4 million for phase 1 of the co-payroll scheme, which is for businesses and individuals; £1.7 million for serology testing kits; £710,000 for the C.R.E.S.S. scheme to support Islanders who have been here for less than 5 years; £300,000 for Jersey Business to enhance services to local businesses; £185,000 for prescription delivery; £330,000 for an agreement with Blue Islands to provide essential flights; £5 million for additional P.P.E., including £900,000 for coveralls and £1,925,000 for masks, goggles and sanitisers for front line staff; £718,000 for additional testing kits; direct employment of G.P.s (general practitioners) by Health and Community Services and up to £5.3 million of that from the General Reserve, which was reimbursed by transfer from the Health Insurance Fund following States Assembly approval; £14.4 million for establishment of a field hospital; £1.28 million for additional key-worker accommodation; £138 million for phase 2 of the co-funded payroll scheme and £644,000 recently agreed for C.A.M.H.S. (Child and Adolescent Mental Health Service). That is the difference we have made and we should take pride that we have acted in such a speedy and decisive way. There is more to come. Our experts' advice has enabled us to contain the risks to health but once immediate health risks have subsided we need to recover; as individuals, as an economy and as an Island. Members may say repaying £65 million over 15 years is nothing; we can afford it; £65 million over 15 years is approximately £4 million a year. That £4 million, as I have hopefully demonstrated above, will make a massive difference in each and every year. Compare that difference with the impact on the Social Security Fund of not making that £65 million payment. There is just under £2 billion in the Social Security Reserve Fund, not £2 million or even £200 million, £2,000 million. At the date of the last actuarial review when

the balances were not as high as they are today, the actuary said that funding was enough to make payments for 6.7 years, even if there was no income to the fund, and by 2077 the Reserve Fund will represent between 5½ to 10 times annual expenditure, depending on the level of inward, I hesitate to use the term, migration. So, £65 million is a lot of money; it will make a big difference in terms of spending and our ability to make the lives of Islanders better in the current crisis. It makes a very small difference to the Social Security Fund. I ask Members to reject this Proposition.

10.1.2 Deputy S.M. Ahier:

The ripples of the economic damage that is now unfolding will be felt for many years to come. We know, at the very least, businesses will close and we will see sharp rises in unemployment. The income substitute package will be expensive and there will surely be an imminent requirement for cash to finance the Government's response. I am sure that the Treasury is also concerned about the debt consequences of the current crisis and it is my belief that the repayment of these should not simply be left for the younger generations to take care of. It is imperative that they are not saddled with a pernicious debt burden and we must, therefore, demonstrate fiscal discipline in the here and now wherever possible. We also have to accept that a comprehensive free-trade agreement between the U.K. and the E.U. (European Union) by the end of this year may not be achievable and that a hard Brexit is now a real possibility, with all the corresponding trading difficulties that such an outcome will entail. We must be prepared for a no-deal Brexit and for the financial consequences that will surely accompany it. When making economic decisions concerning COVID-19 we must consider previous pandemics and specifically the ability of viruses to re-emerge in mutated form. The Hong Kong flu, which many of us who are of a certain age may recall, killed thousands in the U.K. and over a million worldwide in the winter of 1968/1969. It then returned in the winter of the following year, resulting in an even greater loss of life. It is perfectly feasible that the same scenario might play out with the coronavirus and that the Treasury will then ask the Assembly to cancel the grant to the Social Security Fund in 2021 and beyond. With all of these things in mind, all we can say for certain is the economy of 2021 will look starkly different to what has previously been forecast. The next actuarial review will be undertaken in 2022 and I do not believe that any further grants need to be made to the Social Security Fund until the results of that review have been assessed. I will respectfully be voting against this Proposition in order to prevent us from allocating funds that it is far from certain at this moment will be available.

10.1.3 The Deputy of St. Peter:

I cannot support this. At the moment we have urgent expenditure outlined by the Minister for Treasury and Resources that she has been spending on our behalves necessarily. The Treasury needs to find cash that they can get their hands on quickly and cheaply. When we are out of this crisis we will know the true value of our reserves. We will then better understand our financial position and, more importantly, our financial future. It will then be the time to determine when and how our reserves are replenished.

10.1.4 Senator K.L. Moore:

Just to quickly respond to the Deputy's comments there, this Proposition does put in place not an amount to be repaid next year but that the fiscal rigour and the structures put in place next year in order to see that the money is replaced in the fund in the next 15 years, which is a vastly different thing. The Deputy of St. Peter is absolutely correct, that we do not know exactly what the financial impacts will be next year. There may be stagflation. There may be a real need to provide yet more money to the vulnerable and the older members of our community through the Social Security Fund.

[16:00]

I agree absolutely with the comments of Deputy Ahier, who argued very reasonably and eloquently that we must, when considering this, consider the needs of future generations. We most certainly

should and we most certainly should maintain in the forefront of our minds the very purposes that this fund has been built up over many years. Albeit we have great call on our funds at the moment and a need to find additional money to deal with the COVID crisis, it is absolutely imperative, in my view, that we pledge to repay the money as soon as possible. I will be supporting Deputy Morel's Proposition today, as I think it is a responsible thing to do.

10.1.5 Senator S.Y. Mézec:

I agree with the Minister for Treasury and Resources and I will also be opposing this Proposition, I think, first and foremost, for the reason that it is premature. I was one of those who, when the proposal was first suggested when we were looking at 2 years of not providing into the Social Security Fund, was quite nervous and uncomfortable about that. But then I became much more relaxed about it when it became one year because I think that was a reasonable balance for enabling us to respond to the current crisis we are in. But I think without a greater think about this it is not right to commit ourselves to what the Deputy is proposing in this fashion. It is the case that even before the crisis hit there was a legitimate debate to be had about the Social Security Fund, how it is contributed to over the long term, and when we say "long term", we are not just talking about years but decades. Since it is such a long-term view, it is wrong to take knee-jerk responses to it. In a crisis when stuff has got to happen quickly, OK, you can make decisions quickly and deal with large amounts of money, but we are talking about a fund that will last for decades and decades and decades and has to be in a healthy position, so I think it requires a greater think. I am somebody who has spent quite a lot of my time and effort in the Assembly trying to fill the Social Security Fund. I want more money to go into it because that enables us to provide better financial support to Islanders, whether that is in enhanced parental leave or sick pay, and it also makes us less reliant on supplementation. But I have always been clear in my contributions on those debates previously that one of the key ways that you provide more income into the Social Security Fund is through examining, changing and scrapping some of the regressive and, frankly, nonsensical limits there are into people paying social security contributions at the same rate as most working people in the Island. That, for me, is absolutely fundamental to be part of the debate on the long-term future of the Social Security Fund, ensuring that all Islanders contribute fairly into it, not in the regressive and unfair way that currently happens. So I would like that debate, once this part of the crisis is over and we do start thinking about the long-term future of the various funds that we have, not just the Social Security Fund, but of course all the other ones as well, the rainy day fund and so on. I want that to be done in a coherent way with that principle of Islanders' contributions into that fund being a fundamental part of it. I worry that with this being premature like it is, asking us to decide this when we do not have a clear picture of what the future is going to be, is premature and so I ask Members to reject this Proposition.

10.1.6 Deputy G.J. Truscott:

I can totally understand where Deputy Morel is coming here and I can feel his frustration over the airwaves, but for one, we are not sighted. We will have a better idea later this week, by the sound of it, as to where the Government's borrowing requirements will be. As explained today, that Guernsey are looking at borrowing £500 million and tucking into their reserves, so I think until later this week, until we can get a better understanding where the Island's financial position is, I think tying the hands in this way of any decisions going forward or any Government into the future I think is a mistake. You read the papers and you hear the news. We are facing the biggest recession since 1706 and the U.K. economy is going to shrink by approximately ... well, it is an estimated 30 per cent. They are talking about a rebound next year and I certainly hope that is the case, but certainly currently things are looking rather grim. I have also got to remind Members that there is a significant amount of outgoings that this Island faces, notwithstanding the fact that we have got a £400 million wage bill to service annually, so it is important that we keep our options open and do not tie down our financial options. As I say, I have a degree of sympathy with Deputy Morel on this, but I cannot be supporting, under the circumstances, his Proposition.

10.1.7 Deputy K.G. Pamplin:

I thank Deputy Morel for bringing this debate. I think it is really important, because with these such debates you hear from Ministers and other Members of the Assembly, which is really helpful. I would like thank Deputy Ahier for his speech and others, but particularly the Minister for her speech, because what she has given us today is some detail of the spend of this money by us taking that - this Assembly did - to help the collective Government, so I think that is very reassuring to us. As a point of clarity, I was trying to do my maths, and as my daughter has found out with home schooling, it is not my best subject, but it is just what the total of that amount was and if she would be willing to circulate that to Members, because it was really helpful and it has raised more questions for me when she ended by money being distributed to C.A.M.H.S., for example, as our Health and Social Services Scrutiny keep a very close eye on the mental health of our young people. So if that information can be circulated as soon as possible, that would be really helpful. This is why it is so important for Back-Benchers to bring debates like this forward because we have these discussions, therefore that is what democracy is about. We may not agree and there are certain parts of this I certainly do not agree, but I think it is really important and I would like to thank the Deputy for that. As he referenced, we did as much hard work as we have done, as much as we can, like all Scrutiny Panels, in this incredible time period to scrutinise the emergency legislation. As he referenced back, that period when we were at Fort Regent was a very busy time for all of us, but because our Panel had scrutinised it in great detail in the Government Plan debate last year, it was something that we did have a concern because it was very clear that bringing back and re-establishing ... and I will just reread the Regulation 2 that we approved in this Assembly in November to the Social Security (Jersey) Law 1974: "Regulation 2 re-establishes the formula to set the level of the States grant into the Social Security Fund for 2023 and future years." The £4 million now takes account of the annual Government Plan process. It also takes account of the additional contribution income that is proposed, as we debated, to support the cost of parental benefits which we are now hearing there may be a problem with some part of that. For 2020 and 2021, the value of the grant was set at its current value of £65.3 million. As our Panel, we brought the Amendment to deal with one payment and then take a restock and see if we have to at a later date, and thanks to Senator Mézec for his note of that. In 2022 the value of the grant is set at the intermediate value of £76.14 million and then in the financial and manpower implications notes in that paper as part of the proposal, the staged reinstatement of the States grant over the years 2020, 2021 and 2022, rather than immediately reinstating at its full value, which we understand from Ministers there was debate about that in the Council of Ministers, and then this was put forward. Also the States released a total of £50 million by 2023 while still ensuring the long-term sustainability of the fund. So obviously we raised that as a concern and we totally understand that the world has changed and our financial situation has changed, but what has not changed is this grant had fallen behind and the fund was being affected from the previous mid-financial plans from previous governments. This was urgently being put forward because we needed to have this grant topped up and we do need to do that for future generations, because as we are hearing, there is a lot of ... we do not know the future here. There are lots of theories being bandied about and where we are going to be and the reality is we do not know because the COVID situation, we do not know the outcome and how things will go down, but we do know there are going to be struggles and there is going to be some reaction. We know that, but one thing we can say for sure is that Social Security Fund is going to be as valuable for ever, for now and our increasing elderly population and more and more people take retirement and more and more people need us to support them. So absolutely this Assembly took the right decision in supporting the Minister for Treasury and Resources, as she so elegantly describes, but equally we have a commitment to the future that we engage with the Government as a constructive part of this Assembly to say can we just make sure that when we go forward that, yes, we are dealing with the immediate issues that have to be dealt with. There is going to be a reaction, as Deputy Truscott mentioned as well, but that Social Security Fund, for future generations it is our responsibility now and for the years into the next Assembly, into the next

Assembly after that, that whatever the outcome that that is really thought through and we see sight of that and we can all work together on it. That is all I had to say at this stage, but if the Minister for Treasury and Resources could pass around those totals, those numbers and that detail, I think we would all be very grateful.

10.1.8 Deputy G.P. Southern:

This is a perfect illustration, it seems to me, of what happens when we let feelings dominate our thoughts and replace feelings when we should not be. In this case, we are talking about frustration from the proposer of this particular Proposition and what we get is something that probably makes him feel better, but is not the right answer to the problem that we are facing. That frustration comes out, it feels good, but it does not do the trick. Having said that, what we have got here is our best long-term reserve fund, which stands, as somebody said, as the auditors have said. If we stopped it tomorrow and we did not pay a penny more into it, it would still take 6.7 years to dwindle down to nothing. That is a fairly long time and we can improve that as we go through the years. That has gone up year on year on year. The fund is working. As I say, it is long term and if we are looking at long term, one has to look at the definition of the auditor because I know it is a cliché, but it is true, I think, an auditor is someone who has tried accountancy and finds it too exciting, but it is an achievement to make something last and grow as well as this Social Security Fund. Now, it was built - and this is addressing the question of supplementation - on the one-third, one-third, one-third principle in that the worker, the employee, paid one-third in theory; the employer pays one-third; and the Government contributes one-third. I think when this was set up back in the 1970s, 1974, that Government contribution, it was not about the hard numbers, it was about selling it. It was saying: "There you are. Here is a pension fund you can rely on in the future and the Government will add to it, so you pay in and the Government adds to it, making you even better off." It was seen as a bonus, as it were, to sell this to workers. To that extent, it works, but it was presented as if members of the scheme were building their own pension fund.

[16:15]

In fact, as we know, what is happening is that you pay into it and it goes out straight away, not to your pension fund, but to pension funds now, today, so what you pay in goes straight out. The fact is, as has been pointed out, the real numbers attached to this fund were not £63.5 million. We did well to say: "We can see that we have got a problem with our financing. Why do we not take ½ of the sum that you are demanding?" I think that was very successful. It left the Minister for Treasury and Resources with some satisfaction and some scope to spend straight away, which she has illustrated today, but still retains the principles of the fund itself, but that number, as somebody said, it was not £63.5 million because that was frozen some time ago when the then Treasurer decided he needed some extra funding and so he had frozen that £63.5 million. By the time we take it, it should be around nearer to £90 million than £63.5 million, but nonetheless, that is just how the numbers have changed over this relatively short period. Having said all that, what we need to do, as Senator Mézec has suggested, is a root and branch review of what this fund needs to do and what can be done with it to make it far more fairer, far more progressive than it is at the moment, because we do have caps, limits on what we can put away and they are regressive. The first thing we must do is restructure this so that it does what we want and it does it in a progressive way. That is the real answer that we should be looking for, not the relief of frustration on behalf of one Member.

10.1.9 Deputy R.J. Ward:

First of all I would like to compliment the Deputy on his attempts to protect the Social Security Fund and I share that key principle of a fund that is a secure safety net for the future of Islanders is so important. I also share Deputy Ahier's concern over any future raids on that fund, which we must prevent, and I was pleased when the second year was not taken from the fund and I thought that was a success for the Assembly. I also understand the frustrations. I feel them myself quite frequently

when we are trying to deal with different situations, but I would say do not let the frustrations get to you too much. They can really eat you away and it is so difficult. However, I do have some concerns which I think need to be addressed with this Proposition. The proposal asks for a 15-year plan to repay, but it does not give a suggestion of a plan. It is clear, I am sure, that I would suggest that the removal of a cap is one exact thing that we should be doing and we have suggested this on a number of occasions to protect exactly the same fund. My concern is that this gives free rein for any future Government to simply repay a set amount each year to this fund with no clear guidance on what it will be. That, to me, opens the door for regressive taxation increases, such as on G.S.T. (goods and services tax), for example, and being given a specific reason to have that. I certainly do not believe that that is the way forward with anything like this because those are the sorts of taxes which disproportionately affect those least able to pay in our society and there is no way that I would want to support those. It is counterintuitive if you want to protect a fund that is there to protect the most vulnerable, so therefore I cannot support this open door to future taxation without definition. It needs some detail and some reassurance and what we really need is a co-ordinated approach to recovery, to recovery of funds such as the Social Security Fund and so much of our economy, with the key of it being to put people first on this Island and have a more equitable society, so therefore I am struggling with this Proposition in its current form.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the Proposition? Very well, then I close the debate and I call upon the proposer to respond.

10.1.10 Deputy K.F. Morel:

Thank you to everybody who got involved in that debate. I had a fear that no one would want to speak, so it is nice to see that people did indeed. Thank you also. Very much this debate, as Deputy Pamplin said, it is important to put these matters to debate because that debate was denied us when the Propositions were first spoken about in the Assembly on 27th March and 2nd April. This debate is about hearing the truth, because what was clearly missing during that initial debate was the truth. The truth is, as we now hear, that the Government have no intention of paying this money back into the Social Security Fund. We have heard that from Deputy Pinel, who has decided to take the semantic route and talk about the title of the Proposition and, yes, it should have been “payment”, not “repayment” but I do not think that damns the Proposition itself. We heard from Deputy Ahier, who is concerned about the economic consequences of the crisis and quite rightly so. We also heard that from Deputy Truscott and others. I would say to them - I do say to them - the economic crisis is going to be felt by pensioners. Indeed, the economic crisis is going to hurt the Social Security Fund itself, which could well dwindle further over the coming years, if not topped up by the States itself with public money, money that comes out of the pockets of Islanders. I thank Deputy Pamplin and Deputy Moore for speaking in favour of the Proposition and certainly, as I have already said, Deputy Pamplin was right that this is about having the debate and having the truth heard. I find it interesting that other Members who ordinarily defend Social Security have spoken the truth of not being so interested in defending Social Security when it comes to having to toe the party line. But in summing up, as well as thanking Members for engaging with the debate, because, as I said, the most important aspect of this Proposition, one which was denied us by Ministers in the first opportunity, was not so much about whether or not the £65.3 million should be paid into the Social Security Fund, but to hear what the Government’s views upon that were. When looking at this Proposition, and I do feel that some Members have chosen to think of this as £65.3 million that needs to be paid back in the next year, that is not the case with this Proposition. I would like to impress upon Members the enormous flexibility that I have provided within the Proposition itself. If they agree with part (a), that as a matter of principle the sum which had previously been promised to the elderly and vulnerable of this Island by this Assembly should indeed be paid at some point, then the Proposition gives the Government 15 years within which to do so. This means Ministers could spread the payment across

the whole decade and a ½, thereby hugely reducing the burden on the taxpayer to just £4.35 million a year on average. Alternatively, they could say in the Government Plan, in response to this Proposition, if it were to succeed, that the whole lot will be paid, £65.3 million in 15 years' time, giving the Government plenty of time to wiggle out of that, I am sure. In much of my description of this Proposition I have talked about the need for straight talking from Ministers. If ever they are to gain the trust of Islanders or indeed this Assembly, it is vital that Ministers start just being straight with us. In that first debate on 27th March, my straightforward question went unanswered, and as a result, the Council of Ministers has had to spend more time on the subject responding to my Proposition, drafting and agreeing a comments paper and then debating it today. All of that could have been avoided if only the Minister had provided the Assembly with a straight answer to my question back in March. How much time, effort and money could have been saved? But this Proposition is not just about giving answers, it is also about keeping promises. Those promises extend beyond that given by this Assembly when it promised to pay the £65.3 million to Islanders via that fund within the Government Plan. During the debate held on 27th March, during which Members passed the principles, based on, among other things, comments made by Ministers, the Chief Minister said something very clearly and I quote the Chief Minister. He said: "I absolutely agree that we will need to refund the Social Security Reserve Fund if this measure is approved, no question." Those were the clear, succinct words of the Chief Minister and it was on those words that many people agreed to back the Proposition. So having made the promise via the Government Plan, having heard how keen the Assistant Minister and the Minister for Social Security were for getting the money back into the fund and having heard the Chief Minister reinforce this with a very clear, simple and unambiguous statement, I ask Members: how can you not support this Proposition? Given the enormous flexibility built into this Proposition and given those statements by the Ministers in charge, I wonder how the Chief Minister can allow the Council of Ministers to oppose this Proposition and so deny Islanders the money with which he himself has said will need to be refunded to the Social Security Reserve Fund. If the Council of Ministers cannot bring itself to plan - merely to plan - to pay the money in 15 years, then I suggest that the Council of Ministers has no intention of ever paying the funds to the Social Security Fund. I put it to the Assembly that the original Proposition was passed precisely because the Chief Minister and the Assistant Minister for Social Security had reassured us that the money would be paid. It is extremely saddening that the Chief Minister has since gone back on his word by opposing this Proposition, but fortunately this Proposition takes the final decision out of his hands and gives us, the States Assembly, the primary legislative body in this Island, the power to do the right thing by Islanders and to make him stick to the pledges he had previously made. If indeed we wish Jersey residents to maintain confidence in this Assembly and in the Chief Minister's Government, then the right and good thing to do is to vote for this Proposition and, by doing so, let Islanders know that we stick by our promises and that we do look after Islanders into their old age. In the coming 15 years, our economy will recover and we will be able to afford £4.35 million a year. Indeed, I suggest that we could afford it today, so please, when you come to vote, remember those words of the Chief Minister: "I absolutely agree that we will need to refund the Social Security Reserve Fund if this measure is approved, no question." Indeed, there is no question, so please hold the Chief Minister to his word by voting in support of this Proposition. I maintain the Proposition and I call for the *appel*.

The Bailiff:

Thank you very much, Deputy. In a moment the Greffier will add a vote into the chat channel of the meeting. It is there.

Deputy M.R. Higgins:

Is it possible for part (a) and (b) to be separated?

The Bailiff:

It is your Proposition, Deputy. It is a matter for you. You have not called upon them to be taken separately. Let me just - Deputy Morel, did you wish them to be taken separately or together?

Deputy K.F. Morel:

If I could ask for your advice, because I do not see how they can be separated in the sense that part (a), if it were to fail, would surely mean part (b) falls away.

The Bailiff:

Yes, part (b) refers to “such funding.” The funding refers to the funding in part (a). I do not think the 2 can be separated.

Deputy K.F. Morel:

Thank you, Sir.

The Bailiff:

Yes, very well. The link has been posted on the chat. I ask the Greffier to open the voting and Members will please register their votes in the usual way. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

[16:30]

POUR: 9		CONTRE: 37		ABSTAIN: 0
Senator S.C. Ferguson		Senator I.J. Gorst		
Senator K.L. Moore		Senator L.J. Farnham		
Connétable of St. Lawrence		Senator J.A.N. Le Fondré		
Connétable of St. Saviour		Senator T.A. Vallois		
Connétable of St. Brelade		Senator S.W. Pallett		
Connétable of St. Mary		Senator S.Y. Mézec		
Connétable of St. Martin		Connétable of St. Clement		
Deputy K.F. Morel (L)		Connétable of Grouville		
Deputy M.R. Le Hegarat (H)		Connétable of St. John		
		Connétable of Trinity		
		Connétable of St. Peter		
		Connétable of St. Ouen		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy 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 G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		

		Deputy S.M. Ahier (H)		
		Deputy J.H. Perchard (S)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		
		Deputy I. Gardiner (H)		

11. Jersey Gas: inclusion in payroll co-funding scheme (P.52/2020)

The Bailiff:

The next item is the Proposition entitled Jersey Gas: inclusion in payroll co-funding scheme, P.52, lodged by Deputy Southern. I ask the Greffier to read the Proposition as amended by your own Amendment, Deputy, in the light of the agreement of the Assembly earlier.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion - to request the Minister for Economic Development, Tourism, Sport and Culture to include Jersey Gas on the list of employers able to participate in the payroll co-funding scheme or to provide similar financial assistance.

Deputy G.P. Southern:

I am not hearing anything.

The Bailiff:

Did you hear the Proposition read, Deputy?

Deputy G.P. Southern:

Just about, Sir. There was a lot of echo on it.

The Bailiff:

All right. Well, the Proposition as amended has been read and you are therefore to open the Proposition.

Deputy G.P. Southern:

Thank you. I have accidentally unmuted. Can we start again?

The Bailiff:

Please do start again, Deputy, yes. We are anxious to hear from you.

Deputy G.P. Southern:

It feels very strange, as I said, not to have to stand to address the Chair, but nonetheless ...

The Bailiff:

You are welcome to stand if you would like to.

11.1 Deputy G.P. Southern:

I probably would speak away from the microphone then. It sounds bad enough as it is. Anyway, right, and first things first, why the Amendment? Because the Amendment, while the intention was that it should include a wider range of options to see if we can get some support into Jersey Gas and especially their workers, ended up looking like it was a blockage in the way, so the Jersey Recovery Fund, which I notice would have been available, did not prove to be a suitable vehicle. By far a more direct method is to use the payroll co-funding scheme, which achieves the design, I believe, or would achieve the design of assisting the workers, who are all highly skilled, to maintain themselves while we got to a position where COVID was over and we could get back to whatever passes as normal in

this particular case. I thought that our utilities and this utility, as it were, were the perfect targets for this sort of assistance in that they are all highly skilled workers who would be very difficult to replace were we to let them go and then re-employ people when we are over COVID. What we have got, and this is where we find some difficulties already, I think, we have got our 4 utilities, J.E.C. (Jersey Electric Company), J.T. (Jersey Telecom), Jersey Water and Jersey Gas. Of those, we have at least a share and some say in what their policies will be. For example, J.E.C. not only makes a profit on which it pays tax to us, but pays us a dividend as well, as does J.T. Jersey Gas, however, is different and is unique among our utilities in that it is totally privately owned, so what that means is effectively we have got very little control over what it does and in fact some would say we have got no control over it, except that in the 1989 gas law, we do have the ability to state what tariffs will be charged. I am very surprised, as part of what has ended up as a negotiation going on between Jersey Gas and the Minister for Economic Development, that we have not used that clause to negate what seems to be the threat of rising gas prices and increased tariffs. I wonder why that should be the case. The second thing to note is that the argument used by the Minister is that we have not seen what their books look like and it is not clear that they need the help when in fact some time back, a few weeks back, Guernsey Gas was in the same position as we are, but they eventually decided to include Guernsey Gas in their scheme, whereas we have stuck out and said we will not include Jersey Gas in our payroll co-funding scheme because we do not trust the books. I think that is what apparently has happened and I find that strange because now Guernsey has extended its measures to Guernsey Gas. So let us have a look at the state of play of Jersey Gas. Jersey Gas has a total of 46 staff and the managing director of the Energy Group has said that Jersey Gas has seen reduction in sales of 45 per cent since the COVID-19 lockdown. That is significant. Business has been particularly affected because their customer base provides energy services to around 70 per cent of the Island's hospitality sector. Almost all the main hotels and leisure facilities use this service. Hospitality is one of the biggest economic casualties of COVID-19, as we know. We have got no visitors full stop and we are not likely to have any visitors in the foreseeable future. Almost all staff are no more than 20 per cent utilised at this point in time and many of their workers have been told to go home and sit at home full stop. Salaries in turn have been reduced across the board for all staff, including the directors, by 20 per cent and the reality is the vast majority of Jersey Gas employees are skilled, experienced gas engineers. They cannot lay off staff and hope to recruit at the end of the pandemic. Skilled staff are not readily available in Jersey. Neither, they say, Jersey Gas cannot just switch off part of its network because of a significant reduction in sales. They still need the same production facility and network to supply 50 per cent of their customer sales, whatever happens. Effectively Jersey Gas has an asset heavy cost base, meaning the majority of their costs are fixed costs. They are in trouble and the question is why can we not, like many other businesses, help them out? They say that without some help they cannot afford to keep on trading and that could mean redundancies *en masse* and extreme difficulty getting back into supplying what are essential services to our Island. The underlying rationale of the payroll scheme is that it is better to have people in work rather than risking them being made redundant, which would be more expensive to the public purse and put additional pressure on income support at a time when they are already extremely busy. In addition, it would be difficult for some companies to resume normal business when we start to come out of lockdown given that their key staff may no longer be available for work. This is absolutely the case for Jersey Gas, which relies on its trained workforce. So after all the rapid changes in the last 2 months, we are on phase 2 of the payroll scheme, which talks about who might qualify for assistance. The words they use are "material detriment" and material detriment - you have got to be suffering from material detriment - will be determined by a loss in turnover over the relevant period of at least 30 per cent and Jersey Gas is well ahead of that, it is 45 per cent compared with a previous comparable trading period. As they say, if a business believes it has suffered a 30 per cent loss of turnover for the relevant period, but not a 50 per cent loss in detriment, an application is invited. Now, both Jersey Gas and the unions associated, the representatives of the workers, have asked that they put in an application for payroll support and they have been turned down. The question is why. If I could just quote from

the company, they suggest: “We cannot continue to operate at a loss. Unfortunately we have a decision to make imminently regarding the ongoing employment of staff. This is a decision we have now accepted will need to be made unless access to some form of external support is forthcoming” hence the application for the payroll co-funding. Notice the imminent nature of what looks like redundancies, saying: “We cannot afford to do otherwise unless we get some help.” “As a critical service provider, we have taken the view that we are unable to close our gas distribution and retail operations, unlike many businesses, even if we are operating at a suboptimal economic level. There is a fixed cost associated with ensuring we operate safely and maintain the security of supply, which includes having a minimum level of appropriately skilled workers to respond to any emergency repairs on our network, plant operations and customer premises and homes.” I know personally that that has been a problem for them and they cannot get into my home, for example, to service my gas heater because it is not an emergency and they will only come in if it is an emergency. That is the extent to which this is affecting their activities. “To hopefully avoid redundancies and tariff increases and as a critical service provider unable to close, we are seeking payroll co-funding to continue to operate our business through the coronavirus impacted period.” My Proposition is simple. It says: “Please consider Jersey Gas as eligible to receive some support.” They have been deemed to be unable to get support on what appears to me to be fairly arbitrary decisions of who can and who cannot receive support. I would argue that this Assembly should look at that decision, review it and say: “Let us go ahead.” This is an essential utility. Certainly in the longer term we have to look at this structure that says we do not own anything in the Jersey Gas makeup and there is an issue to be debated in that, but that is not for today. Today deals with the short-term question about how do we support these workers and make sure that Jersey Gas can restart when it needs to as quickly and as safely as possible and that looks like not happening if we maintain this company is not eligible. So I urge Members to vote for this change.

The Bailiff:

Thank you very much, Deputy. Is the Proposition seconded? **[Seconded]**

[16:45]

Does any Member wish to speak on the Proposition?

11.1.1 Senator L.J. Farnham:

Can I thank the Deputy for his Proposition, for deferring it once? I agree it does need, I think, discussing today. The payroll co-funding scheme was intended to protect jobs and target those industry sectors suffering from the greatest detriment and which without assistance could quickly become unviable or even face collapse. Inclusion is based on industry sector, as defined by the recognised standard industry classifications or S.I.C. codes, as we know them. We have also had legal advice that reinforces this approach and it also provides businesses with the greatest clarity and means the scheme can operate consistently. Utilities were initially excluded from the payroll support scheme on the basis that they continued to trade in an almost business as usual fashion, so it has been clear from an early stage that Jersey Gas were not eligible for help from this source. However, the Government recognises that other forms of assistance would be needed so that we could tailor financial support for businesses that did not follow the broader sector trends and this is why the Jersey Recovery Fund was created. This £15 million scheme is open for qualifying businesses that deliver a public good or serve an essential strategic purpose for the Island, and it is available to Jersey Gas. Support may be provided in the form of grants or loans which provide a viable and time-bound recovery plan for the business and an exit strategy for the Government. It means we can provide help and possibly of a greater amount to Jersey Gas without redesigning or undermining the payroll scheme, which could set unhelpful precedents. Our discussions with Jersey Gas have been ongoing since early April and they have provided us with certain information, good information, but only the information that they deemed appropriate and only the information deemed necessary for the payroll

scheme, for which they are not eligible. We have asked for more details that we feel are reasonable and these include what actions its shareholders are taking to provide the necessary working capital for the business, what discussions have been undertaken with its debt providers and funders to provide assistance, such as additional loan facilities, interest deferrals, interest rollups or similar mechanisms. However, their parent company does not appear to be willing to provide the financial details that would help us assess suitability for a guaranteed loan or a Government grant. We find ourselves therefore in a position where we are willing to help, but Jersey Gas is effectively refusing the offer unless it is on their terms and exclusively from the payroll support scheme. We do accept that Jersey Gas has suffered significant detriment in a way other utilities have not. Their reliance on the tourism and hospital sector, for example, which has been severely impacted since the start of the pandemic, has put additional pressure on the company. However, material detriment is different to financial need. Not all businesses that suffer a downturn in income require Government support to continue to operate. We understand that since Jersey Gas was acquired in 2016 that it had been owned through a private equity infrastructure fund and unless we are diligent, there is a risk that significant amounts of public money could be used to support private equity fund assets. We need, especially at this time, to be judicious with taxpayers' money and have a duty to ascertain whether financial assistance is required rather than simply desired in cases such as these. So until we have appropriate answers to these questions, I would urge Members to vote against this Proposition, while of course reiterating that Jersey Gas is a critical infrastructure provider and we remain open to providing comprehensive assistance. I urge Jersey Gas and their parent company to please work with us on this in the interests of their local customers, their employees and their businesses. Thank you.

11.1.2 Senator S.Y. Mézec:

I think both Deputy Southern and Senator Farnham made some really, really important points in their contributions that highlight just what an absolute mess we are in and a mess that has proven itself to be unique among our utilities. When you compare the response from the other utilities to this pandemic, I think they have been first class, the telecoms company providing extra support for internet access and working from home for people, the postal workers of course are an essential part of our community, checking up on people and making sure people in our community are safe. The electricity company as well I am aware deferred what was meant to be a planned price increase too. Here we have what is an essential utility to the Island and it is essential at least for now because of the number of people who have to benefit from the service that Jersey Gas provides, the heating, cooking facilities that they are not capable of moving away from, converting to electricity because they may be people who are not affluent enough to be able to afford the upfront cost. Many people are renters who are not allowed to make that choice and move away from it. These people, I worry about the impact that will be had on them by I think the callous and immoral way that this company has chosen, at very short notice, to increase their prices in the middle of a health pandemic when there are clearly still more opportunities to engage with the Government and find a solution that provides value for money for taxpayers and provides a solution for a company that, at least for now, we need to survive and continue to provide that service. So I think the situation we are in is a mess. Members may be aware of comments that have gone around about the future of this company, how it does, if we are honest with ourselves, ultimately provide a product which we want Jersey to become less and less reliant on and to do so as quickly as possible. Having that in our minds when deciding whether to support them is a difficult one, because the future of the Island in our journey towards carbon neutrality means moving away from this as a product. But the simple fact of the matter is that that cannot happen overnight and it cannot happen, I believe, within the ownership structure that this company has, where it has no incentive to do so, has no requirement to do so and ultimately is extracting value from the Island to pay shareholders elsewhere, which is what marks it as different from the rest of the utilities, even the ones which are not wholly owned by the Government, in that they have a primary duty, which is to serve the public of the Island and meet the strategic objectives which are set by the democratically elected Government. So the situation that we are in is a complete

mess. So I would ask Members to support the Proposition from Deputy Southern on the basis that it enables us to get over at least this hurdle. It does not leave the Government without significant powers that they need to dictate the terms under which we can move forward after this, not least because we have the Jersey Gas Company Law 1989, which is well worth a read if Members are interested. I personally find it fascinating that there is such an in-depth law like that for a private company owned by some venture fund elsewhere. It is a very peculiar thing, but it does leave us, as the Government of the Island, with the ace up our sleeve if we need it and still in a strong position to move forward on this. So I would ask Members to support the Proposition and not be put off by what arguments I have seen elsewhere about the fact that this is a company providing a product that ultimately we want to see phased out of the Island. If we are to have that journey, it has to be done in an orderly way which supports the vulnerable people in our community, those who are not affluent enough to voluntarily move to electricity because of the upfront cost. Many of those people I think are disproportionately pensioners or those renters who do not have a choice and ended up suffering a short notice price increase under what I consider to be disgraceful and inappropriate terms. So I think this Proposition offers us a step to resolving that for the Island and then we need a serious think about this afterwards for the long-term future of how we deal with the fact that we have an essential utility for now which we are not able to exert the influence and control over in the same way that we are with the other utilities, which frankly have behaved brilliantly throughout this crisis. So I believe it is in the Island's interests to vote for this and then have that discussion afterwards.

The Bailiff:

Thank you, Senator. Deputy Tadier. Yes, the Deputy has indicated he has a technical issue and could he be called later.

11.1.3 The Deputy of St. Martin:

It occurs to me that this whole issue should have been sorted out very many weeks ago when the scheme was first mooted. I find the Minister's argument a little bit inconsistent, so I am not happy at the way he describes things. I would ask him - I know he cannot answer, but my rhetorical question is - has he treated every 100 per cent privately owned company the same? Have they all been asked the same questions and submitted the same answers? Jersey Gas provide an essential service and I cannot be party to something which potentially allows them to let staff go and then maybe puts parishioners, Islanders, in a situation where they do not have heat and water. We need to go back to the drawing board here and I just agree with Senator Mézec. I think now is not the time to have this argument. I do not have any truck with trying to take over Jersey Gas. I will not support that, but just give the company the money, allow them to retain their staff and sort this out later when the crisis has cooled down a bit. Now is not the time to be having these arguments.

11.1.4 Deputy M. Tadier:

I have had some gremlins in the system, I am afraid, today. I am pleased to follow the Deputy of St. Martin. I think he takes a pragmatic approach and I think it is fair to say that this is not the most straightforward of issues. I am not breaching any confidences, I do not think, and I do not think Senator Farnham will mind me saying that I think we all have sympathies for Jersey Gas and in particular their employees and the fact that they have suffered disproportionately compared to the other utilities and many other Island businesses because of the effects of COVID-19. It has been explained that they are very reliant on their commercial sector and that that has pretty much dried up, so they are in serious difficulties.

[17:00]

I think under any normal circumstances, if they were not listed and disbarred from applying for the fund because they are a utility - albeit a utility, I would point out, that is unusual because it has no state ownership and it is also perhaps on a downward trajectory anyway. We know that, for example,

telecoms have not been negatively affected. If anything, people are needing telecommunications a lot more, so they are going to be quite productive. That is not necessarily across the board, incidentally, and electricity I do not think have any problems either. So really, as far as I am concerned, it is about weighing up whether or not they should be included in the scheme per se and then judging that on the merits versus the good that we know it will do. Now, what is particularly enticing for me in a pragmatic way is that this will, first of all, safeguard jobs. We know that Jersey Gas would not be applying for access to the fund, I do not think - because it is relatively small money, but it must be significant to them in order to keep their staff on. We know that all of their staff across the board and across the Island have taken, I think it is, a 20 per cent pay cut and that is from the top to the bottom, so even the managerial and the directorship have taken that same 20 per cent cut, I understand. It is not like one of these scenarios where they give themselves pay increases at the top and people at the bottom are made to pay the price. But secondly, we also know that prices have just gone up. OK, I think no one was happy - and I declare an interest as a gas user myself, I think it is one shared with many members of society, but luckily it is not something I use for heating and luckily we are also in the middle of warming up now out there, but I think they are in a kind of situation where they are unjustly, if you like, coming under fire for increasing their prices when I know that one of the reasons they are increasing their prices is because they need to raise revenue at the moment. They are not getting the revenue that they should be because of COVID-19. They are not getting the access to the fund like many other businesses in the Island that have been affected, so the only way that you can make up that shortfall is to increase your prices. What I do know is that Jersey Gas are willing to engage, that they have already given a commitment that they would freeze their prices and I think it would be good to hear some confirmation of that from one of the ministerial team, because I think that is really significant. This is not just about protecting jobs today. This can be a win-win situation. We can ensure that those highly trained individuals who are not going to find work necessarily easily if they leave the sector at the moment will end up on what is the equivalent of the dole or seeking income support and it is going to be more costly, not to mention the inconvenience and the disruption to their families. It is better to keep these people in work, but moreover if we, as an Assembly today, can get an agreement from Jersey Gas to freeze their prices well into next year, so over the winter people have got lower gas bills, many of our most vulnerable constituents who still rely on gas to heat their homes, we can get a win-win situation today. I am seeing a comment coming up saying "blackmail". I do not think that is blackmail at all. I think this is just pragmatism. Jersey Gas have needed to increase their prices as far as I can see because they are in a financially difficult situation and we can take practical steps as an Assembly. Lastly, I think we can also put conditions on it, so we can talk to them and say: "We are going to let you access the scheme but we expect certain things back from you." It is interesting that Guernsey felt that they had enough information to make this decision and I think what they have given to the States is more information than they have given to Guernsey already. This is not the time to resolve, first of all, global warming or some of the more intricate mechanisms that large companies might have for structuring their finances. We might want to look at that another day, but I think today we can make a decision for a limited amount of money. We know it is going to be £72,000 a month to ensure that these 45 staff have continued employment and that people across the Island, including the most vulnerable, have their gas prices fixed at a time when they are probably least able to afford to pay and deal with any price increase. As the Deputy of St. Martin has said, are there other companies out there who have received funding and access to the payroll fund who will find out that they could probably have afforded to pay the money themselves from their savings or by going to their shareholders or by getting private financing? Yes, I am sure there are but we know that these are strange times and urgent, decisive action is what we need, rather than dogmatism, so I am quite happy to support what is being put forward by Deputy Southern.

11.1.5 The Connétable of St. Ouen:

I listened with interest to what Deputy Tadier had to say and I have some sympathy with what he says. I guess having been in private commercial practice for a long time one gets rather cynical the older you get and I see Jersey Gas's behaviour very much driven by their shareholders and if you look at what they have done not, only have they imposed a 6 per cent price hike with very little warning, but they also adjusted their tariffs so that everyone was on the highest tariff. I have not done the maths as to how much that is but that is a big hike and it hits people in our society who are least able to afford it very hard. They are now asking for support through the payroll co-funding scheme, and yet it seems from what Senator Farnham was saying that they are unable or unwilling to provide all the figures that we would need. There does not seem to be a great deal of transparency there. What worries me and I think alerts my cynical side is that they will take this funding, this payroll co-funding, and take the cash and then simply decide to resize the business, which is a euphemism for making a number of redundancies in the business in any case, because it is driven largely by shareholder value rather than by any interest in the Island and the people who are its consumers, and indeed the people who work for the company. I think if we are to do this we need some firm undertakings from the company that they will not do that and we also need urgently to see the real figures, to see how much financial support their shareholders are really giving them. I accept that they have had a big downturn in consumption. We know that. It has been well-publicised by them, but like all companies, they will have reserves and this is only temporary. As we open up gradually, and restaurants and outside caterers are now able to open up in a limited fashion and will be able to open up even more in another month's time, that support that we have been asked to provide may not be as necessary as we think it is. We will never know that if we do not see the figures. So I guess my plea is that whatever we do please go into this with our eyes open, knowing all the figures, and understanding exactly how much financial support the company has itself before we provide them with any financial support. I am concerned about job losses and I think that is my overriding concern. I shall listen on to the debate and make my mind up at the end as to which way I am going to go.

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

I will start by saying I do use gas in Jersey so that is one thing. I am very happy to follow the previous speaker. I am very much on the same lines as him. Anyone would expect us to do due diligence when we are trying to do anything with handing out taxpayers' money as best as we can, and that is all that has happened here. When the company came to us and asked for help, we asked some questions about whether they can support themselves and other things. They have been unwilling to give some information that would give us the knowledge about whether we should be supporting them or not with taxpayers' money. I think that shows a lot to me. Why would they hold back information when they are asking for taxpayers' money? They need to continue to engage with Government and we will help them if they prove their case, but I cannot support this Proposition because it does not sit right with me still that this company and its parent company, who might have more money than we have got in our banks, and able to support themselves, are coming and asking for money without proving what is what. I cannot support this Proposition. I think Jersey Gas need to act more responsibly, show us the information that we are asking for and then if we see that their need is that they will get support, they will get the support.

11.1.7 Deputy J.H. Young:

I find this a very difficult decision because I am certainly not happy with the situation we have ended up in where we have virtually no influence over the strategic direction of this vital utility on which very large numbers of our domestic households rely. We know what the situation is; gas is a hugely expensive fuel and so already people, many people, are committed and cannot escape those charges. I certainly think that phasing out gas is definitely a major part of our Strategic Plan for climate neutrality and we will need, downstream, schemes to be able to help people make that transition. That transition is going to be probably 5 to 10 years and up to now I think we have heard lots of

special pleadings from the gas company and so on. I am not very comfortable with the idea of just pumping in public money to this company. I would like to have some conditions with it and I would like to have control over it, so I can very much see why the Minister for Economic Development, Tourism, Sport and Culture is taking the position that he is, because in an ideal world we would have a very bespoke scheme, an industry-based bespoke scheme, that would give us the measure of control or solutions to some of those issues. However, we cannot discount the fact that we have got 45 employees and if we do not provide this assistance it is inevitable I think there are going to be redundancies there. I think we should not pretend that the phase 2 co-funded payroll scheme that we have already got is perfect. It is not. Already I think there are monies being paid to other businesses that potentially in the Island, I hate to say this, because of the changed situation of post-COVID will probably have no future, but we are paying that out to keep the Island going. I think the same principle applies here. I am relying very much on the Amendment, because the Amendment suggests to me that we are being asked to say that Jersey Gas can be added to the list for the payroll co-funding schemes, then it says: “or to provide similar financial assistance.” I read that as giving the levers to the Minister for Economic Development, Tourism, Sport and Culture to be able to have those discussions and conclude them with the Jersey Gas company and put conditions and try to find some way in which we can get through this. I am afraid the risks of just saying no and walking away from it are too high and so on balance I think we have to support. I would like to have heard from the Minister for Economic Development, Tourism, Sport and Culture whether I have judged it correctly, that those additional words in the Amendment do give him some levers to be able to at least tailor what assistance is provided. If that is possible either from the proposer or from another speaker I would like to hear it, but to me I would not have been able to support the Proposition without that Amendment, but in its amended form I think we need to support it.

The Bailiff:

A point of clarification is sought by the Chief Minister.

Senator J.A.N. Le Fondré:

Apologies, I am just trying to sort out some technical stuff. I was under the impression to pick up from the previous speaker that the Proposition originally included the words: “or to provide similar financial assistance” but the Amendment takes the words: “or to provide similar financial assistance” away. Am I correct, Sir?

The Bailiff:

That is correct, Chief Minister. The Proposition as amended is read without the words: “or to provide similar financial assistance.”

Senator J.A.N. Le Fondré:

It ends: “in the payroll co-funding scheme”? Or as is laid out on page 2 of P.52/2020 Amendment?

Deputy J.H. Young:

Sorry, Sir, could I ask for that clarification again because I am going on trying to pick up all these various pieces on the technology. I would like to be very clear; if I have misunderstood I would like to know why please, if I may.

The Bailiff:

The position, Deputy, is that the Proposition before the Assembly is: “to request the Minister for Economic Development, Tourism, Sport and Culture to include Jersey Gas on the list of employers able to participate in the payroll co-funding scheme.”

[17:15]

That is the entirety of the Proposition. Since Deputy Southern's Amendment was allowed and the Deputy took it as an Amendment the words that used to be there: "or to provide similar financial assistance" have been deleted.

Senator J.A.N. Le Fondré:

That was my clarification from the previous speaker, because I think it got confusing, so the words, just to be clear, the "provide similar financial assistance" are no longer part of the Proposition?

The Bailiff:

That is entirely correct, yes.

Deputy J.H. Young:

I am grateful for the clarification and obviously I need to improve my I.T. skills to keep up with the flow of Propositions on the internet. Very well. I will make my decision when I vote.

11.1.8 Senator I.J. Gorst:

I am pleased to follow the Chief Minister's intervention because I think it is critically important. There have been some very good speeches during this debate on Deputy Southern's proposal and I think it is firstly important to recognise that utility companies are not eligible for the co-funded payroll scheme phase 2 and it will not surprise Members to understand why, because utilities are continuing to be used across the Island. Ministers and officials have to be very careful when they are developing and devising such schemes. We cannot just put in our particular favoured company or make a special exception for a company. We have to appropriately, and I am sure Members will understand this, put in sectors which have been affected by the decision of the Government to lock the Island down to respond to the COVID crisis. We cannot just take an individual company; it has to be done on a sectoral basis and Senator Farnham explained to Members the coding system that was used and how one company is categorised under one particular code and one under another. I would reiterate what Senator Farnham said about that. Of course the contention of Jersey Gas has been that they have provided the information that any other company would need to have provided to receive funding under the payroll scheme, but of course they are not entitled currently to receive funding under the payroll scheme. There are other schemes in place to which other companies, and companies who are in the payroll scheme, are entitled to apply. Perhaps the most relevant one for Jersey Gas is the guaranteed loan scheme and in order to avail funds under that guaranteed loan scheme there is certain information that has to be provided and they go through the same process as every other company and they go through the relevant bank's credit processes. My understanding of course is that Jersey Gas have contended that they do not need what in their view is longer-term funding, however they do want short-term funding and Members know that currently the payroll scheme will run for April, May and June. That is the commitment the Government have made but Treasury have budgeted for a further 2 months and Ministers will need to consider what those further 2 months look like. Jersey Gas is saying they only require short-term funding. For one, I am not sure why that would be the case and why they should not be availing themselves of the bank loan scheme, which is 80 per cent underwritten by the Government and only 20 per cent by the financial institution. The reason I am not sure why they do not want that particular funding and why they could not shorten the period that they wish to lend for, not forgetting the interest rate is capped on that borrowing, a most important part as far as I was concerned before I signed up, that there was a cap on the interest rate, just over 4 per cent, which is less than what companies who are going to the financial institutions directly are not availing themselves of the Government bank scheme would be paying in interest. I think the current rate is around 7 per cent for on-Island institutions but that will vary of course for proper lending. Then of course there was another £50 million put aside, so there was then the £40 million for the Government bank borrowing scheme and there was another £50 million put aside for what was called the Special Situations Fund, but I think we perhaps have

kept changing its name. Not very much progress has been made on that scheme, to be fair. We thought initially that some of the support for Blue Islands might need to avail themselves of some of that money, but in the event that was done through some existing monies and in conjunction with Ports of Jersey. The point being, it may be that now is the time to deal with some of the longer-term issues that gas faces, not only in our community but wider, but certainly in Jersey as we seek to continue to become carbon neutral in a short timescale. Let us be clear, the recovery will present some opportunities there, but it might be that the use of the Special Situations Fund, taking some of that money and preparing ourselves for that future, would be the better approach. I think the Minister for Economic Development, Tourism, Sport and Culture and his senior officials have endeavoured to have these conversations with Jersey Gas but rather than coming to the table and opening the books and allowing a sensible, pragmatic way through this problem, because no one wants to see unemployment rise - we see it is already rising to very uncomfortable levels and we will probably see, sadly, more of that - no one wants to see these individuals made unemployed as well because they are an important part of what the Island's strategy to become carbon neutral will require in the medium term. There is Government money available if Jersey Gas were prepared to come and sit down with the Minister and with his officials and have an open, transparent conversation about how to deal with this problem, which is not, I do not think for Jersey Gas, a short-term problem because none of us knows quite when the tourism market will reopen and even if commercial flights do start to operate during the course of the summer - and that is quite a big if - if they do we will not see the level of tourism that we have enjoyed last year, for example. It seems to me that the public argument is that it requires short-term funding, whereas it seems to me looking at the situation the funding required might fit much better into the loan scheme or even the Special Situations Fund. Jersey Gas rather than having those conversations in a way that I think every Member would encourage them to have and encourage the Minister to have, have gone into the public domain, said that they are simply going to raise the cost to Islanders, as the Deputy of St. Ouen said, put everybody on to the highest tariff, and then increase that tariff rate as well. As he reminded us with his vast experience in this sector, it seems to him - and I think he is probably right - that their actions have been driven by the shareholders. Government should not be and the Members of the legislature should not be bullied by shareholders in this way, particularly when there is taxpayers' money on the table that could be used to help to support them through this COVID crisis. What they seem to be saying to us is that: "We want help. We want it like this and unless you give us the help on our terms we are going to have a public spat and we are going to squeeze Islanders" in a way that is not acceptable at all. Deputy Tadier of course, the Assistant Minister in Economic Development, Tourism, Sport and Culture, tells us today during this debate that he understands that if we did the payroll scheme then we could negotiate all sorts of special deals on the side of it. Sir, you know that is not an appropriate way for Ministers of the Crown, if I can use that term, Ministers of the Jersey Government should be behaving. I am sure Members might have seen and will not be surprised I am sure to hear that we are already suffering from a legal challenge to this scheme, which I understand will be heard during the course of this week. I shall say no more about that for prejudicing that case, that would not be appropriate, but we are open to challenge and we will deal with that in the courts in the appropriate manner later this week. We cannot just make things up in quite the way that some have suggested and do little side deals to allow this business in or that business. My basic contention is this. There is the co-funding scheme which we do not yet know how much we will be paying out for businesses during April, but it could be several tens of millions of pounds. That is fully what we expect. On 1st May we had over 1,000 businesses applying. Some of our projections suggested that it could be around £30 million, it could be towards £40 million that we are paying out just for one month of the co-payroll scheme but there is the other £90 million as well that is on the table that is to be accessed by businesses. I think that the best approach is not to accept Deputy Southern's and straightjacket the Minister into something that he would not just be able to do. Sorry, it is the Minister for Treasury and Resources, not Senator Farnham, as he rightly reminded us. She would not just be able to do this. She would have to re-categorise utilities as a general category of business that could access the

funding under the co-funding scheme. I do not think that any Member in the Assembly wants that to be the case. That would mean Jersey Telecom could. I do not need to rehearse all of the utilities. It is far better and I hope that Members, and I think they have in their speeches during this debate, send the message to the Minister. He absolutely gets the message and he would welcome the support of the Assembly because he of course is responsible for the Competition Law and, as I understand it, he is responsible for the Jersey Gas Law as well, to send the message and support the Minister to have those proper conversations with Jersey Gas, with the books open, and say to them that the Government stands ready to support them with the money in the schemes that they have already got. They do not need to make this exception to the co-payroll scheme and there is another £90 million on the table that it could use to support Jersey Gas and importantly Jersey Gas's employees to keep them in work at this time. That I think is the approach that Members should take and I ask them to think really carefully, particularly in light of what Deputy Young said in his speech, about whether the payroll scheme is the right approach and to reward the actions of Jersey Gas shareholders in this way. We all want to help the employees. There is money available to be able to help the employees. Let us do it in the right way and in the best way for not only those employees but for Jersey Gas and for the future direction of Jersey as it works towards its carbon neutral aims.

[17:30]

I ask Members to think very carefully before they vote for Deputy Southern because I do not think on this occasion that his proposal is the right one for those 3 aims, which are all extremely important.

The Bailiff:

Thank you very much, Senator. Deputy Tadier is seeking a point of clarification.

Deputy M. Tadier:

I think it has passed now. I do not need to ask the question. Thank you, though for calling me.

The Bailiff:

Thank you very much. We are now at 5.30 p.m., the time when Standing Orders requires that I ask the Assembly whether it wishes to break now for the evening or to continue.

Senator L.J. Farnham:

If I may, Sir, I did put a message on the chat. I would like to propose that we finish this debate, please.

Deputy G.P. Southern:

Did the Minister say finish tonight?

The Bailiff:

The Minister said finish the debate, which means carry on until we finish.

Deputy G.P. Southern:

Can I put in the opposite?

The Bailiff:

I think what we must do is vote on the Proposition to continue with the debate and if you wish to adjourn then you will vote against it, Deputy. Is Senator Farnham's Proposition to continue with this debate until it is finished seconded? **[Seconded]** Does any Member wish to speak on this particular thing? It is quite simply are we going to carry on this evening or adjourn until tomorrow morning?

Deputy G.P. Southern:

Yes, Sir. I do not know how many speakers there are left, however I would suggest that we are going to come back tomorrow anyway because we have got things to finish off, and I would propose that we stop at 5.30 p.m. and come back tomorrow.

The Bailiff:

Very well. Deputy Tadier, you wish to speak?

Deputy M. Tadier:

I think, first of all, it is courteous to the proposer to note that he is not prepared to finish this evening as there are likely to be a few other speakers left. It also seems to me that there have been many questions raised during this debate and I am also mindful of the fact that, even yesterday, the Board of Jersey Gas and the parent company were meeting following a meeting with officers in our Department to speak to the Director of Jersey Gas who needed to then speak to his Board and things may well have changed in that time. I think there is information that could be circulated overnight that might answer many of the concerns either way that Members have. For example, I will just put one example out there. They have given a confirmation that they would reverse the 6.5 tariff increase immediately and there might be other questions that could easily be resolved, so I think with those 2 factors and the fact we are coming back tomorrow anyway, let us not rush this and make the decision with the best information available.

Deputy K.C. Lewis:

Ordinarily, I would like to finish the business and not carry it over until tomorrow but I think it is out of respect for the proposer if the proposer wishes to carry it over. I believe we should go with that.

Deputy R.J. Ward:

One of the things I will say is that the last time we did this and ended the debate right at the end at 5.30 p.m. in order just to end, a bad decision was made, but going on and on and on after a long day using this technology I think also leads to very bad decisions. I think we should end today because we are clearly coming back tomorrow. We will be here for a few Propositions. You have to decide on the things that we put forward right at the beginning, which I fully understand, and I really think that we should be ending this sitting now and coming back tomorrow when we are refreshed and we can consider these issues with a clear head. Thank you.

Deputy J.A. Martin:

I have listened. The problem being before we went into this debate, I only saw Deputy Morel who wanted to speak. It is not about rushing. We are not rushing home for anything in particular because we are all at home. We have had a good debate. Deputy Tadier just had a speech that could bring more information out of it and let us wait overnight. I did not hear that in his speech towards the - and he is the Assistant Minister as well. I am getting confused. I know what Deputy Lewis said about Deputy Southern. At the end of the day, Deputy Southern can speak if he wants to sum up for an hour and make sure you have got all these things in the - what I was going to ask, Sir, just for clarity, I did see Deputy Morel saying that he wanted to speak on the debate. Is there anyone else who wants to speak and that may then help us out in which way we are going to vote? I am still for staying. I am here. I am not going anywhere. Thank you.

The Bailiff:

At the moment, Deputy, I can inform Members that I only have one Member still wishing to speak in the debate but of course other Members might have the desire to speak.

Deputy R.J. Ward:

Sir, I would speak in the debate as well. Sorry, Sir, to interrupt.

The Bailiff:

All right. I now have 4 Members indicating that they are likely to wish to speak and of course then Deputy Southern will sum up. I assume that helps Members. I would urge Members the issues are probably well rehearsed now and it might be that now is the opportunity to give Senator Farnham the opportunity to respond and then put the matter to the vote but if any Member does wish to speak on this adjournment debate ...

Deputy R.J. Ward:

I am sorry, Sir. I wonder if I may just say I meant to say ...

The Bailiff:

Sorry, Deputy, I have to interrupt you. You have already spoken on the adjournment debate. You cannot speak again on it.

Deputy R.J. Ward:

I was just going to ask for clarification.

The Bailiff:

The fact that you wished you had said something, I am sorry, it is just too late as people have spoken since you.

Deputy J.H. Young:

I am sorry to go against the flow, Sir, but I must admit I do find working on technology all day tiring and maybe it is my age and, as you can see, the concentration goes and you do not quite get the Amendments and so on. I am very concerned that we rush decisions. We are definitely coming back tomorrow anyway. I do not think it is about getting new information. I think it gives us a chance to think because we have a difficult decision to make and I think rushing really is not a good idea. On balance, I do not favour carrying on. I prefer the adjournment.

Senator L.J. Farnham:

Sir, would you like me to respond?

The Bailiff:

I have to I think ask if anyone else wishes to speak but I am assuming that people probably do not wish to any longer. Yes, Senator Farnham, if you would like to respond.

Senator L.J. Farnham:

Sadly, we have spent 10 or 15 minutes discussing this when we could have been using it for the debate. I think it is important we make a decision and give clarity to the stakeholders in this debate so I maintain my Proposition.

The Bailiff:

Very well. The Greffier will now put in the voting link. The Proposition is you vote *pour* if you wish to continue to debate the matter until the debate is concluded this evening or *contre* if you wish to adjourn now until tomorrow morning. Members will cast their votes in the normal way. If Members have had the opportunity of voting through the link, I ask the Greffier to close the voting.

POUR: 25		CONTRE: 21		ABSTAIN: 0
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator L.J. Farnham		Connétable of St. Mary		
Senator J.A.N. Le Fondré		Connétable of St. Martin		
Senator T.A. Vallois		Deputy G.P. Southern (H)		

Senator K.L. Moore		Deputy K.C. Lewis (S)		
Senator S.W. Pallett		Deputy M. Tadier (B)		
Connétable of St. Helier		Deputy M.R. Higgins (H)		
Connétable of St. Clement		Deputy S.J. Pinel (C)		
Connétable of St. Lawrence		Deputy of St. Martin		
Connétable of St. Saviour		Deputy L.M.C. Doublet (S)		
Connétable of Grouville		Deputy R. Labey (H)		
Connétable of St. John		Deputy J.H. Young (B)		
Connétable of Trinity		Deputy L.B.E. Ash (C)		
Connétable of St. Peter		Deputy G.C.U. Guida (L)		
Connétable of St. Ouen		Deputy of St. Peter		
Deputy J.A. Martin (H)		Deputy of St. John		
Deputy of Grouville		Deputy M.R. Le Hegarat (H)		
Deputy J.M. Maçon (S)		Deputy J.H. Perchard (S)		
Deputy of St. Ouen		Deputy R.J. Ward (H)		
Deputy S.M. Wickenden (H)		Deputy C.S. Alves (H)		
Deputy G.J. Truscott (B)		Deputy K.G. Pamplin (S)		
Deputy K.F. Morel (L)				
Deputy of Trinity				
Deputy S.M. Ahier (H)				
Deputy I. Gardiner (H)				

11.1.9 Deputy K.F. Morel:

Firstly, I just want to say that I am disappointed that Deputy Southern is not getting his emergency service and I hope, regardless of the outcome of this debate, that he is able to get his boiler fixed soon. I think there are a number of points that come out in this debate which I feel need to be clarified to some extent. One of them is that it is important to understand utilities are not just government owned in Jersey. There are telephone companies for instance that are privately owned and certainly not government owned. Of course there is one which is government owned as well. It is also really important, as Senator Gorst said, to understand that Jersey Gas is eligible for support outside the payroll scheme. This is not the case of the Government trying to wash its hands of Jersey Gas. It is a case of the Government saying: "Sorry, that is not the one for you. This is the area where we are looking after utilities and in order to be eligible for that, you need to provide us with certain information." Of course it is that withholding of information which has become the bone of contention. It is understandable that other schemes outside of the payroll scheme, which is designed to be fast, almost automated to the point where businesses that are eligible for the payroll scheme, can apply get paid very quickly. It is about supporting local businesses here, many of whom are private owners with one or 2 employees. Some of them obviously have more than that but it is about dealing with those many thousands of businesses in Jersey which need immediate support in that way.

[17:45]

Utilities have been separated out for a number of reasons and one of them is, I believe, that they are much larger concerns. They should have, in many ways, far greater capitalisation which means far greater financial buffers than those smaller locally owned companies, which are carrying greater risk for their private owners. I think it is a shame but I think it is important that we look at Jersey Gas and its ownership. It is shame that this Proposition means that it has to be dragged out in public but that is the way it is and I am sure that if Jersey Gas's owners did not wish this Proposition to have gone forward, they would have made that known to Deputy Southern. Jersey Gas is part of Island Energy Group. It has 40,000 customers - that is Energy Group - across 3 Crown Dependencies. Island Energy Group is in turn owned by an infrastructure fund. The fund's partners are behind

various fundraisings in the past. The most recent fund closed just 3 months ago creating Euro735 million over the course of its life. Previously back in 2017, its other fund had closed after raising Euro345 million in 2017. Those 2 alone add up, as you can tell, to well over Euro1 billion. The partners that own these funds as part of those funds, their assets include John Lennon Airport in Liverpool, gas terminals in Wales, gas processing pipelines in the U.K., electricity generators in the U.K. and Iceland and water companies. There are plenty of other assets as well, all of them large, all of them well capitalised businesses and all of them requiring their owners to be behind them. In this situation, what we are seeing is that the owners essentially are refusing to help Jersey Gas. I suggest - because I cannot be sure - the reason to do so for not helping Jersey Gas out is because to do so would affect its investment return in regards to Island Energy Group and then the fund that owns it. The parent company quite simply wants to make the public of Jersey carry the cost of the risk that it entered into when it bought Island Energy Group and Jersey Gas. We saw this with the banking crisis and we saw how the banks and many of the people who have spoken for today's Proposition were very much aware of how the banks, with their privatised risks, suddenly nationalise those risks by taking government money and we are in a similar situation here today. A private company has taken a risk and now it does not want to carry that risk and wants to pass it on to the Government of Jersey and the people of Jersey. Let us look at the figures for this more than Euro1 billion company. It is asking for its approximate 40 employees to be included on a payroll scheme which pays out £1,600 a month. That £1,600 a month across 40 employees works out at £64,000 a month. Over the course of 3 months, that is roughly £200,000. So this Euro1 billion company is desperately seeking £200,000 and in its efforts to get that £200,000, it is threatening the people of Jersey with price rises. If you think that is fair, then go ahead and vote for this Proposition. Personally, I do not think that is fair. I also believe that the business owners throughout the structure of this company, when they took on the ownership of Island Energy Group and thus Jersey Gas, knew what they were getting themselves into and they know that business comes with risks. Of course though, the funds that own Island Energy Group are infrastructure funds so they are looking for very flat investment returns. They want predictability. They do not like surprises and in this case, a crisis is a surprise. That again affects their predicted investment returns and it affects their returns to shareholders. It is not the Government of Jersey's place to be just bailing them out in the same way that it is bailing out hairdressers in Jersey. We have been told by Senator Gorst and Senator Farnham there is a way for Jersey to help out and they are very happy to go down that route if only those Euro1 billion companies would open up their books. So the question is: "Why will they not open their books?" I imagine it is because their books will show the Ministers that they have plenty of money and plenty of capital with which to tide Jersey Gas over during this time. It is possible that they do not want to open their books for fear of showing something much worse but I very much doubt it. These are well run L.I.B.O.R. (London Inter-bank Offered Rate) equity funds that know how to turn a profit and know how to make sure they are there for the long run. We also have to think about local business owners and the fairness on them. I know of business owners locally that simply refuse to take public money in that way because they appreciate the risk that they took on when they started the business. I know of one business owner that has paid out more than £500,000 to the company in order to keep it going. That is out of their own pocket. They are doing exactly what these private equity funds are refusing to do for Jersey Gas and that is because they are invested in this community and they know this community so well and they do not want to be a drag on the finances of this community. At the end of the day when I look at this Proposition, as well intended as it may be ...

The Bailiff:

Yes, I do not know if you can hear me, Deputy. You are frozen at the moment and we certainly cannot hear you.

Deputy K.F. Morel:

I am back, Sir.

The Bailiff:

Deputy Morel is back. Thank you very much, Deputy.

Deputy K.F. Morel:

I apologise. I think I was thrown out by a private equity fund. In my view, this Proposition achieves just one thing. It makes it harder for the Minister to do his job and it gives the Euro1 billion owners of this private equity firm the hope that they will not have to pay out £64,000 a month to keep their employees on board and on site. At the end of the day, they know they can afford to not make redundancies. They know they can afford to keep Jersey Gas going through this crisis period. We also know that the Government of Jersey is willing to help them out outside of the payroll scheme and it really is up to that company to engage with the Government of Jersey to accept that the Government of Jersey will treat anything that is divulged, in terms of due diligence and seeing the finances, utterly confidential. For us, as States Members, to go and undermine the work of the Government in terms of saying: "Yes, this one utility can access the payroll scheme" will not only undermine the Minister's work but it will also undermine the lines that have been drawn in terms of the utility companies not accessing the payroll scheme. As I said earlier, that decision was made for a perfectly good reason. I ask you please do not get drawn into undermining the work of the Government in terms of supporting businesses in Jersey. The Government has been doing a good job in supporting businesses. We should not get in the way and we should recognise that we are, at the moment, being pawns in the game where a very, very large Euro1 billion company is trying to nationalise the risk that it should be carrying, and rightfully does carry, and we should not get involved in that so please do not support this Proposition.

11.1.10 Deputy R.J. Ward:

At this late time of the day, I would like to note, because I think it is very important in this debate, that Members with caring duties have had to leave and will not be able to represent. We did decide as an Assembly that we would extend hearings and make that decision at lunchtime. That seems to have been ridden roughshod over in the need to, it seems, steamroll a decision on this one even though we will get back tomorrow and that is a very disappointing position for us to be in as a States Assembly. It certainly does not move us towards equality and the sort of family friendly approach that we want to take as the States. Back to this Proposition, there are a few questions that I must have raised here regards this. I would like to know from the Chief Minister what material evidence has been supplied by other companies applying to the scheme and are they using the same level of detail to make this decision as was made there? That is a very important point to make because the arguments seem to be very twisted at the moment against this. They seem to be coming from a lot of different directions. If there is a scheme also available on the table that is so clear, why on earth has it not been enacted yet and what has been happening with the discussions with this company that has not enabled this to happen and why are the Government not leading the way and being a little bit more forceful in what they need to do in order to get this through? Some Members seem to be quite happy to take a very, very high-risk strategy with people's jobs. It is perhaps very easy to be talking about that from a position of which is currently a relatively secure income in the States and perhaps with other incomes coming in with other Members, for example, to take this high-risk strategy with other people's jobs. I certainly do not want to do that. It also underlines the fact that this is a utility that is not in the control of the Assembly and the States and it is an essential utility for 40,000 Islanders which we have no control over and that situation has been allowed to arise and now we are paying the price. We are in a difficult position as well because we have to move away from the use of fossil fuels and gas. The only opportunity to do that will be for us to have some form of control over this utility as we move forward and, as we try and plan some sort of recovery, this will be an opportunity for us to do that if we do it sensibly. It will not happen if we just simply let these workers lose their jobs and then come into the control of the States in another way, which is via income support which means families really struggle to exist on that income support. When we talk about

financial prudence in terms of where we are putting our money, surely the best thing would be to keep these people in jobs temporarily and as the lockdown ends and as we get more companies opening up, companies will go back to normal, and this utility may well, and that time for that sort of support will be quite a relatively short time. There was a Member of the Assembly who made that point. I am afraid I cannot remember who that was now. The purpose of the scheme is to help workers. A product of that will also help consumers; people on the Island. Workers' jobs will be protected and prices could be frozen. I would like to ask a question about the law that allows us to set utility prices which may be possible here so that we do not have to have this increase in price which will be absolutely damaging to those who are living on the breadline, those who are not privileged enough to have excess income so that they do not notice a 6.5 per cent rise and who are the people whose lives that this will have an effect on. Finally, I would like to say that this is a short-term scheme. I would like to question Senator Gorst's assumption that all utilities would have to be included. I am not entirely sure that is the case. I would like to say finally again that we do need to think about the way that we are protecting jobs in the short-term and then have a longer-term more functional plan for our utilities, for what we do with them and the way in which we respond to these sorts of challenges in the future. I see Deputy Morel's point about companies that are not invested in the Island but I wonder how many are benefiting from these schemes who are in that position or individual's wealth that they are not using in order to deal with the situation. I am sure many companies are really struggling and are pleased to have this situation in place. I would ask Assembly Members to think very carefully before they dismiss an idea to protect workers, to protect people's jobs and to protect people's incomes and consequently their livelihood particularly at such a late time in the day when we are trying to make decisions rapidly because people, although they vote to continue, want to go and vote.

[18:00]

I would ask you please to be very careful about making this decision and think about workers' rights, workers' positions and people's lives on this Island. Thank you.

The Bailiff:

Thank you very much, Deputy. You have a point of order, Deputy Tadier.

Deputy M. Tadier:

I do not want to test people's patience, nor yours, Sir, but I am asking if it is in order to re-propose the adjournment now and it is based on the fact that looking at the chat comments, there are 2 of our female Deputies who cannot be here because of caring duties and it just seems particularly unfair that they are not able to vote and their constituents are effectively disenfranchised in this vote?

The Bailiff:

Deputy, I think on a matter of adjournment, it is possible to propose an adjournment again even after the States have resolved to continue. Clearly, it cannot be the situation that the Assembly gets to 10.30 p.m. at night and it is a hostage to continue into the early hours of the morning or anything like that. It seems to me that it is open to any Member to propose the adjournment at any time. Clearly, it would be out of order for Members to do it successively after short duration but I do not see a difficulty with you proposing an adjournment if that is your wish.

Deputy M. Tadier:

I will keep it brief. I notice a comment in the chat from Deputy Maçon, St. Saviour's Deputy, saying that: "Presumably a democratic decision has already been made and we should not reverse it." Well, this will also be a democratic decision. I think, in St. Brelade, we are quite lucky that all of our Members representing all constituencies within the Parish are in the Assembly virtually and will be able to vote but 2 of the St. Saviour Deputies I note, Deputy Doublet and Deputy Perchard, are not going to be able to be there. So the female representation in the Assembly is already down and the

St. Saviour constituents will be without those representatives. It seems unfair that we have a family friendly policy - and we know that particularly at the moment with all this disruption people need to look after both elderly and youngsters who might have caring duties. As we are coming back tomorrow anyway, I think out of courtesy for those Members and also for Deputy Southern who said that he preferred to come back tomorrow; why are we rushing this? We are back in tomorrow anyway so with all those things into consideration - and I know it will test some Members patience but I think we can come back and let those 2 decide how they want to vote, and there may be others as well.

The Bailiff:

Is the Proposition for the adjournment seconded? **[Seconded]** I am not minded to allow a debate, it seems to me the arguments have been put extensively on the earlier occasion, this further point has been made, but it seems to me that it would be appropriate to put the matter straight to the vote on the question of an adjournment. But I will hear any Member if they strongly wish to debate the matter.

Deputy R.J. Ward:

May I please say a quick word?

The Bailiff:

I am sorry; I am not sure who is speaking?

Deputy R.J. Ward:

Deputy Ward. I have got my earphones mic because the wireless ones run out at the end of the day. Can I just say that we have 2 Members who probably would have voted the adjournment not here, and it just summarises the problem with continuing at the last minute of a day so that we lose people's representation. I am very concerned about that in terms of equality and opportunity, *et cetera*.

The Connétable of St. Saviour:

Sorry, Sir, could I just say something? I am St. Saviour.

The Bailiff:

Just a moment, Connétable. It is open to Members to have a further debate on the matter of the adjournment but I would urge Members to think that most of the arguments have already been said. But I have Senator Vallois wishing to speak and then the Connétable of St. Saviour.

Senator T.A. Vallois:

I get the points that Deputy Tadier and Deputy Ward have made about caring responsibilities. I also have the requirement of caring responsibilities as well. Unfortunately I just feel like this is a certain ploy, I mean, we have already made a decision not gone even ½ an hour ago to continue with the end of this debate. I think we should continue and speak on the points that we need to make, and decide on the decision around this Proposition. I am sorry but historically we have dealt with financial crises where we have had to sit in the States Chamber until 9.30 p.m. I, having been a single mother at the time, having to endure that requirement. So I get the points that are being made and we should be more inclusive and required consideration in this day, but it is just 6.05 p.m., 35 minutes past the time we were determined to finish. I know we are coming back tomorrow but we can finish this debate this evening. There was only originally one speaker left and then Deputy Southern to finish up. So please consider where we are and let us just get on and finish this debate and come back tomorrow and do the rest of the public business.

The Deputy of St. John:

I am particularly concerned that we had agreed that we would make arrangements during the session, in the mid-session, as to when we should finish and I am concerned that there are Members who do

have caring duties. I know there are Members who have caring duties that are not speaking, especially my colleague Deputy Kevin Pamplin, and there are probably others in the Assembly who have those caring duties. Quite apart from the caring duties, I think given the situation we find ourselves in with this system of holding Assembly meetings we are all getting particularly tired, almost unable to take decisions of a correct nature, and I would argue that we should end this sitting now and move to tomorrow. We will almost certainly, even with this Proposition moving forward, be able to conclude by lunchtime tomorrow.

The Connétable of St. Saviour:

As the oldest Member in the Assembly, and I am sorry that 2 of my Deputies have had to go, but theoretically we are working at home so surely one can turn the volume up and wander around and do jobs to listen at the same time. I voted to stay and I still think we should stay and, as I say, I am the oldest Member in Assembly and if I can stick it out at 74, 75, so can others.

The Bailiff:

I have just the Deputy of St. Martin who has asked to speak and then I propose that we move to the vote if Members agree.

The Deputy of St. Martin:

I am very disappointed that we find ourselves in this situation. I voted to stop at 5.30 p.m., I am now going to vote to continue. We made a decision a short time ago to continue to the end of the debate. Some people will have made arrangements to do that very thing. I cannot agree with all this changing every 5 minutes so I am going to vote to stay and finish now.

The Bailiff:

Very well. Did you wish, Deputy Tadier, to respond?

Deputy M. Tadier:

I understand the comments. What I would say in future, and ask P.P.C. to do is that the adjournment motion - or, rather, we are supposed to finish at 5.30 p.m. every day and the motion to continue can always be used as a political football and a ploy for political advantage. So whereby the side, if you like, who think that they are winning the debate before 5.30 p.m. will want to conclude the debate, and it is possible - although it is certainly not the case for me - that the other side will want to come back in the morning for political advantage. In this case it is simply a case that there are 2 Members who cannot be present and they are not going to be able to record their vote because of that. I would urge P.P.C. and all Members to consider that we have a fixed 5.30 p.m. where we stop and that is respected so we can avoid these kinds of debates in future. So I call for the vote.

The Bailiff:

Very well. I ask the Greffier to put on the link for the vote. It would be helpful if every Member could try and use the link because that will speed up the response. If you vote *pour* it is to adjourn now, if you vote *contre* it is to continue as previously agreed by the Assembly at the last vote. So *pour* to adjourn, *contre* to continue.

Deputy G.P. Southern:

Sir, if I may, I have been unable to vote in the proper way and I ...

The Bailiff:

If you absolutely cannot vote on the link, having tried, then please do vote just by putting it in the chat in the usual way. But it would be much better to vote on the link in terms of speed of the result. I ask the Greffier to close the voting.

POUR: 14		CONTRE: 28		ABSTAIN: 0
Senator S.Y. Mézec		Senator I.J. Gorst		
Connétable of St. Brelade		Senator L.J. Farnham		
Connétable of St. John		Senator J.A.N. Le Fondré		
Connétable of St. Mary		Senator T.A. Vallois		
Connétable of St. Martin		Senator K.L. Moore		
Deputy G.P. Southern (H)		Senator S.W. Pallett		
Deputy M. Tadier (B)		Connétable of St. Helier		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy L.B.E. Ash (C)		Connétable of St. Saviour		
Deputy G.C.U. Guida (L)		Connétable of Grouville		
Deputy of St. John		Connétable of Trinity		
Deputy R.J. Ward (H)		Connétable of St. Peter		
Deputy C.S. Alves (H)		Connétable of St. Ouen		
Deputy K.G. Pamplin (S)		Deputy J.A. Martin (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy J.M. Maçon (S)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy S.M. Wickenden (H)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy K.F. Morel (L)		
		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy I. Gardiner (H)		

A rough calculation has been done from those who were not able to vote and have indicated their vote directly on the chat. So we now continue and the next person to speak is the Chief Minister.

11.1.11 Senator J.A.N. Le Fondré:

I will keep this as short as possible. I do not always agree with Deputy Morel when he speaks but I have to say I thought his speech tonight was one of the best ones I have heard, and I agree I think almost entirely with everything he has said. That has made my job an awful lot shorter. We know we are in a time of tough and unprecedented positions that we are facing, and so obviously the payroll co-funding scheme that was put in place was to help us navigate through that crisis. I think the 2 things probably to add which might assist - I think it was Deputy Ward - the approach was to do this by sector. Utilities, for the reasons all previously outlined, were not included and therefore that is why if one makes an exception for this particular utility, Deputy Morel and others are absolutely spot on, every other utility would have to be eligible as well otherwise it would be subject to challenge. What I think we also need to emphasise - again others have made the point - this is not about not wanting to assist Jersey Gas, we are not saying that. We are saying: "Yes, we would be prepared to assist under the alternative schemes that are available that Senator Farnham has alluded to, but to do that we need certain pieces of information." But that information to date has not been provided. I think we need to be really quite clear, the principles that we have been putting in place to help navigate the crisis are not about protecting company profits, directors' bonuses, shareholder returns, anything along those lines. That is why getting that information in gives some of the governance that we have been asked to provide by the Comptroller and Auditor General, and also gives that assurance to other taxpayers and to other businesses - some of which are local - who absolutely get it and get

the point about navigating this crisis in the right way. I note the comments made by Deputy Morel about a local business he was citing. That is absolutely the right approach that we would be seeking.

[18:15]

It is the absolute spirit of all of us trying to navigate this crisis in the best way. If the information comes through and it backs up the case then there are options open to Jersey Gas to get some form of support through the Government. But the co-funding scheme is not the way to do it and they need to answer the questions and give us the information. I hope that is as clear as it can be. I have tried to keep it short. I have got absolute sympathy with what Deputy Southern is trying to achieve, that he has been working with Senator Farnham, to his credit; they have all been trying to find a solution. But unfortunately I will not be supporting this Proposition for all the reasons that have been outlined.

11.1.12 Deputy L.B.E. Ash of St. Clement:

To be honest most of my points have been covered by Deputy Morel so I will keep it very brief. I have a lot of sympathy with Deputy Southern's Proposition because I said at the outset when we first met in the Treasury that our main aims had to be protecting people's health and protecting people's jobs. As part of that protection of people's jobs that was obviously going to be supporting certain companies that were in difficulties. However, and I stressed at the time, I would not be happy if we saw certain companies taking the mick, shall we say, and this to me is a blatant example of that because everybody else we have asked to provide the correct documentation that we can help them have done so. If people do not wish to provide the correct documentation they cannot possibly expect us to aid them, so I fully back up what the Chief Minister said and what Deputy Morel said and I cannot back this.

The Bailiff:

Very well. Does any other Member wish to speak on the Proposition? If no other Member wishes to speak then I close the debate and call upon Deputy Southern to respond.

11.1.13 Deputy G.P. Southern:

Deputy Southern drags himself wearily to the computer, thoroughly disillusioned, and quite frankly a bit washed out, nonetheless, he will attempt to filibuster until 10.00 p.m. tonight. No, seriously, it is a joke. I cannot do a Paul Le Claire. He used to be able to do it; I cannot. So here we go. Senator Farnham, the first bit I noticed here was: "We have received legal advice." I have got a big question mark about that. About what? About something relevant to what we are talking about tonight? About the possibility of is this Jersey Gas blackmailing us? Because we will not be blackmailed because we are tough macho men, and certainly I believe it looks like this motion is going to be rejected. I do not think it should be but at least people will be able to walk home and put their cowboy's hat on and say: "I beat that blackmail." Anyway, what we are told is we have tried to reach agreements, and I gave 10 days, a fortnight to try and solve this problem. It seems to me speaker after speaker has said the managers at Jersey Gas have been intransigent, the shareholders have been intransigent, they have put the block in the way and so we cannot move. We cannot reach agreement and we are unable to reach agreement. I always think when that happens, what is going on, because it sounds to me like: "He hit me first. It is his fault." "No, no, it is your fault, it is your fault." That is what is going on. It takes 2 to make an argument. It takes 2 not to agree. What was happening on our side? I think the Deputy of St. Martin summed it up exactly when he said this should have been solved weeks ago. The Minister is a bit inconsistent. Was every company treated the same? Did every other company refuse to give the right documentation, the right figures? We will never know. What he did do, he said: "Now is not the time to have a fight." This leaves many people in the lurch and I believe that is the case. Again, time after time when I put notes on various contributors - and thank you for them all even though it took us until gone 6.00 p.m. to finish - I have put blackmail or: "Were all companies asked?" Deputy Young said very concisely: "I am really upset that we have no

influence over this utility company.” I come back again to ½ the arguments that were used were arguments not about this decision, short term, can we get the utility company through this hard time, it has been an argument about: “But we do not trust these people and what we should be doing some time in the future is taking a controlling interest in this utility like we have got significant interest in the other utility companies whom we get on much better with.” So the version of this reality that we are pawns in some high-level game, I am afraid does not wash with me. Deputy Ash at the very end said something that should have been said at the beginning and it might have stood in good stead, he said: “We have agreed to support people’s health and their jobs.” Health and jobs. He is absolutely right when he says that is what we have taken on. Incidentally that may mean every now and then supporting companies. Again I come back; if all companies have been asked for the details of their books in detail - particularly the example used I think by Senator Gorst which was why can we spend on Blue Island but not on Jersey Gas. It makes no sense to me. So this game of blackmail which has been portrayed must end. In the long term we must take a controlling interest in the gas company but today we should solve the immediate problem we have got by agreeing my Proposition which would incidentally take away the proposed tariff rise. I urge Members to vote for my Proposition as the only way forward that does not involve coming back to this in 10 years’ time. Thank you, can I have the *appel*?

The Bailiff:

The vote is called for. There is a point of order from Senator Vallois.

Senator T.A. Vallois:

Yes, can I just ask whether it is appropriate to make an assertion or an attempt at an assertion of blackmail in our positions as we are with regards to our oath and our requirements under the codes of conduct; whether that is an appropriate phrase to use in a speech.

The Bailiff:

Yes, the expression I think has been used in the chat quite liberally and it has unfortunately found its way from the chat into various speeches. That is one of the hazards of operating in the way that we are and people take as being said in open Assembly what actually was said privately on the chat messages which are operating collaterally. Blackmail is not normally an accusation which should be made properly within the Assembly and thank you for drawing it to my attention in that way, Senator. Very well, I ask ...

Deputy M. Tadier:

Sir, I do have a point of order, sorry to interrupt.

The Bailiff:

Yes, Deputy Tadier, a point of order?

Deputy M. Tadier:

There are 2 points, the first is to get clarification on whether what is said in the chat is covered by parliamentary privilege.

The Bailiff:

Well I do not think I need to make a ruling on that at this point for the purposes of this debate; I am happy to consider it if you wish but my initial view is that this is a communication between States Members during the course of a States debate and it is effectively covered by parliamentary privilege, and indeed it is not public. It is not public unless Members make it public.

Deputy M. Tadier:

I just wanted to say - and I think it could be something you could rule on - is that the comment that was made of blackmail in the chat was not one that was made by Deputy Southern, but I think it was made by a Member who did not support Deputy Southern's Proposition.

The Bailiff:

I am not for one moment, Deputy, going to state who I believe that Member to be. That is unnecessary. I do not suggest for one moment it was Deputy Southern. Very well, could we place the voting link please on the chat, Greffier. The link should be there and this is a vote on the Proposition P.52 on Jersey Gas: inclusion in the payroll co-funding scheme, and ask Members to vote in the normal way. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting.

POUR: 7		CONTRE: 38		ABSTAIN: 0
Senator S.Y. Mézec		Senator I.J. Gorst		
Connétable of St. Saviour		Senator L.J. Farnham		
Deputy G.P. Southern (H)		Senator J.A.N. Le Fondré		
Deputy M. Tadier (B)		Senator T.A. Vallois		
Deputy of St. Martin		Senator K.L. Moore		
Deputy R.J. Ward (H)		Senator S.W. Pallett		
Deputy C.S. Alves (H)		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. Mary		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Deputy J.A. Martin (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy M.R. Higgins (H)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Ouen		
		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 K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

Therefore the Proposition is defeated, and in the light of the decision previously taken by the Assembly the States stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[18:27]