

STATES OF JERSEY

OFFICIAL REPORT

WEDNESDAY, 7th OCTOBER 2020

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[9.30]

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

PUBLIC BUSINESS - resumption

1 Reduction of lodging period

The Bailiff:

Before we continue with Public Business as on the Order Paper, Deputy Gardiner, I believe, wishes to make a proposition shortening the lodging period to enable an amendment to the amendment to be taken at this sitting.

1.1 Deputy I. Gardiner of St. Helier:

As I made Members aware, I have lodged an amendment on an amendment yesterday. I have lodged this amendment on an amendment based on the information which came to our attention during the last 48 hours that we have not had during the weekend. Also I listened to the Members who raised with me points to avoid uncertainty and basically to give to the States Members more options to debate. So I am asking Members to waive the lodging period.

The Bailiff:

Is that proposition seconded? [**Seconded**] Does any Member wish to speak?

1.1.1 Deputy J.A. Martin of St. Helier:

Yesterday the Deputy came to the Assembly and, as a Backbencher, she got the full support of the Assembly because it was late lodging or dismissing the 4 weeks lodging period because it was lodged Thursday or Friday. The Deputy had all weekend, she was talking, as far as I know, to medics and then yesterday took some soundings. Now, the ink is not even dry on that amendment. We have a proposition. The Deputy has a proposition. We have an amendment from the Council of Ministers. I think if we just keep doing this we might as well tear up our Standing Orders and just bring anything on the day we feel like. Absolutely say we should not debate this today. The Deputy could have spoken to Health before, she could have got her proposition right, not realising that she had used the word "immediately". So now: "Oh, I will just lodge something" 5.00 p.m. last night, wants it debated this morning. No, I urge people do not throw all the Standing Orders out. The Deputy has her proposition, there is an amendment from C.O.M. (Council of Ministers), we have a debate.

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

While I do have sympathy with the comments just made because it is never ideal to have to move Standing Orders to reduce a lodging period, I think that in this case given that we are in a pandemic and given that Backbenchers have had to tolerate a lot of last minute things from the Government side, because of the pandemic, in the name of the pandemic, I do not think it is unreasonable for a Backbencher to be in the same position. Furthermore, I think that Deputy Gardiner, through her attempts to collaborate with Government, is trying to reach a compromise that everybody is happy with. I find it baffling that Members of Government would object to something that is more of a compromise than the position that was proposed before. Having spoken to Deputy Gardiner at length about this, it is clear to me that she has consistently tried to collaborate and attempt to compromise with Government, as much as she can, in this debate but also over the last few months whenever things have been raised. That is just how she works as a Backbencher. I think we owe it to her to take her amendment to the amendment because if the Government do not want to vote for it they do not have to, but the fact that there is a compromise being offered and being put on the table I think is totally reasonable. Especially given the nature of the proposition, which is about coronavirus. As we have seen the last few days, cases are going up in Jersey. There has been a big shift. I think it is a relevant and appropriate time to ask Members to reduce the lodging period. I do not think it is one

of those times when business can be pushed back or those times where people say: “No, we are not going to reduce it because we do not agree with it in principle generally.” As we keep hearing from Government, we are in exceptional times, exceptional circumstances, and we are all doing our best to find a compromise. I do not think it is appropriate to slam a Backbencher for doing exactly what the Government has been doing throughout the pandemic.

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

I am with the last speaker. The Deputy is correct, these are unprecedented times and we want to discuss this because it is so important and things are changing every 24 hours. In fact minute by minute almost. I do not think that we should say to Deputy Gardiner that this cannot be discussed. I am all for discussing it.

The Bailiff:

If I can remind Members that under the Standing Order the States may reduce the lodging period for a proposition if they are of the opinion it is in the public interest to do so.

The Connétable of St. Saviour:

In that case, I definitely think this is the public interest.

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

Yes, definitely in the public interest. We are in a crisis, let us get on with it and debate this. The Ministers have no qualms about bringing last-minute propositions when they feel like it. Do not trample on the rights of a Backbencher.

1.1.5 Deputy M. Tadier of St. Brelade:

The irony of Deputy Martin, who I think for the first time is piping up about the sanctity of Standing Orders, and we could not possibly throw all Standing Orders out the window. I think that happened a long time ago. As quite rightly you said, it is the public interest test that should be applied here. We have already reduced the lodging period for this proposition and for the subsequent Council of Ministers amendment so any amendment would therefore have been out of time anyway to this. I know that the public interest does not automatically mean whether there is public interest generally in anything we are debating but I certainly, for one, received an email late last night, which I responded to this morning on this very issue, which is of great concern to my constituents and to other constituents I am sure, asking me to support the isolation rules. They are saying: “We cannot understand why we are having to wait so long for people coming into the Island to make sure they isolate until they got their first test result.” People are scratching their heads and really fearful out there. It is not just a matter of public interest, it is a matter of psychological torment for a lot of people out there. It is only right that we are able to debate this in short order with all the options on the table.

The Bailiff:

Again, for further assistance to Members, I hope, when there is a reference to public interest, the received understanding of what that means is not it is of interest to the public, so the public are interested in it, but rather whether or not it is in the interests of the public that a certain thing is done. I hope that is helpful.

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

I will be supporting to allow this to be debated but it is interesting, those Members that would slag off the Council of Ministers for doing this are now piping up and saying: “No, no, this should be done. So I just hope in future that that will be remembered.

The Bailiff:

Deputy, I cannot accept that “slag off” is a parliamentary expression. Would you withdraw it please?

Deputy J.M. Maçon:

I will withdraw it and I will say Members would criticise the Council of Ministers.

The Bailiff:

Much better.

Deputy J.M. Maçon:

Which I think is the same effect. I just hope in future we will remember that. It is not complicated because it is just which date do we want. I do not think therefore it is hugely substantial but I just hope that Members will remember that in future. I think we should have this debate, it is of great importance to the community.

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

As a Backbencher I am fully supportive of Deputy Gardiner. What we are dealing with here is the safety of our residents and Islanders.

[9:45]

I think we are facing a deteriorating situation. I think it is imperative that we have this debate. The figures in the U.K. (United Kingdom) are going up alarmingly so let us just do it.

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

I go back to public interest. The reason I will be supporting this is because it is in the public interest for the very reasons that you mentioned. This is about introducing public health measures, which will be directly applicable to the public interest. Can I also say in terms of Backbenchers, in short terms, or non-Executive Members, it is interesting that Ministers and Assistant Ministers cry for equity in timing but not equity in resourcing or equity in the support given to non-Executive Members when they are bringing propositions. I think that is something that needs to be looked at very carefully.

1.1.9 Deputy J.H. Young of St. Brelade:

I shall be supporting Deputy Gardiner. I think that this is unprecedented circumstance. The facts are that we have seen the doubling in infection in the last 2 days, the situation is changing very fast, and what the Deputy has done is presented us with another option to try and find a middle ground because it is important we give notice to people when we make those changes rather than have a very stark and difficult choice. We should debate it, it is most definitely in the public interest, I agree.

The Bailiff:

Does any other Member wish to speak on this proposition to allow the matter to be taken at this sitting? I call on Deputy Gardiner to respond.

1.1.10 Deputy I. Gardiner:

I am grateful for Members who contributed and also grateful for the Greffe who helped me to bring this amendment very quickly otherwise without support as a Backbencher it is really difficult. So I am just calling for the appel.

The Bailiff:

Greffier, could we put a vote please in the chat? The vote is now in the chat. The vote is on whether or not to take the late amendment as part of the debate on the main proposition and I open the voting. I 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. The proposition has been adopted:

POUR: 40		CONTRE: 3		ABSTAIN: 0
Senator T.A. Vallois		Deputy J.A. Martin (H)		
Senator K.L. Moore		Deputy S.M. Wickenden (H)		
Senator S.W. Pallett		Deputy S.M. Ahier (H)		
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. Mary				
Connétable of St. Ouen				
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 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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The 3 who voted contre: Deputy Wickenden, Deputy Martin and Deputy Ahier.

The Bailiff:

The amendment therefore will be taken during the course of the debate on the main proposition in the usual way.

2. Repair of the Steam Clock (P.108/2020)

The Bailiff:

The next item of Public Business is the Repair of the Steam Clock, P.108, lodged by Deputy Tadier and I ask the Greffier to read that proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – (a) that the Steam Clock should be repaired, if possible, by 31st December 2020; (b) to request the Minister for Treasury and Resources to transmit the view of the States to Ports of Jersey; and (c) to request the Minister for Treasury and Resources to report back to the States no later than 30th November 2020 with an update.

2.1 Deputy M. Tadier:

From matters of public interest to the Steam Clock, and I know that the importance is by no means symmetrical. I have said in the proposition that really this should not ordinarily be something that either a Backbencher or an Assistant Minister for Culture should need to bring to the Assembly but unfortunately it was necessary to bring this to the Assembly. The issue of the Steam Clock can be seen as both a literal issue, in the sense it does relate to the fact that the Steam Clock is still not functioning properly and of course at the time of writing the proposition the 2 faces of the clock did not demonstrate the correct time. There is an echo in the background. I am not sure if somebody has got a speaker on. It is quite off-putting but I will try and persist.

The Bailiff:

Deputy, there is no echo here within the Chamber that is obviously noticeable so I am not sure how we can assist.

Deputy M. Tadier:

That is okay, I will persist. It is just to let Members know that if I am thrown that will be the reason. There is an issue here that is wider than the Steam Clock itself and it really requires us to focus on the arm's length organisations. These are assets and organisations and functions which were previously directly in the purview of the States Assembly and the Government of Jersey. What I have said in the report is that there was a very simple issue here that the clocks on the Steam Clock had stopped working for a number of years and I was not the only one to raise this issue. Indeed, if you go back to 2017, even 2016, but certainly 2017 we have an example of the now Minister for Infrastructure asking questions to the Minister for Infrastructure at the time, so Deputy Lewis asking questions to the former Member, Deputy Noel, who was the Minister then, about the Liberation Square area and about the Steam Clock and about when is the Steam Clock going to be repaired. So this is already 3 years ago under a different Government. You can see during that exchange that there were interventions from the Constable of St. Helier, who is asking about the Steam Clock being fixed. Of course the response comes: "Do not worry, I am having conversations with St. Helier and Ports of Jersey to see if we can fix it." What had happened in the past of course is when this was a States department is that a Member, or certainly a Minister, would have just simply given the direction to say: "The Steam Clock is not working, go and fix it" and then it would be done. It would probably be done straightaway, certainly very quickly. I do want to differentiate here that of course there is a complexity in the actual mechanics of the Steam Clock. I understand that to get the actual Steam Clock fully functioning with the steam mechanism would be much more complex than to simply get the faces of the clock fixed. But nonetheless, this does raise another issue about how we deal with our cultural assets in Jersey. This is not incidentally about whether we, as individuals, even members of the public, think that the Steam Clock has artistic or functional merit. This is about the fact that if you are going to have a clock or 2 clocks strategically placed in a very touristy and historically sensitive area of our town then those 2 clocks should at least be working. It is frankly an embarrassment for everyone involved, whether tourists or local, to have to look at that clock as a testament to Government incompetence at the fact we cannot even get 2 clocks working. But there is a more serious issue, as I have said, about how we deal with and how we do public monuments

and how we maintain them. Somebody many years ago had the bright idea to put this Steam Clock there, even though we do not have a history in Jersey of making steamers. We do have a rich tradition of course of making wooden boats, which were used right around the world, and you can see the interpretation of that ship building industry right along the Albert Quay, A to Z, the names of all of those boats that were made in Jersey. That is an example of well done and well-interpreted Jersey history and Jersey culture, which is sensitive to the context. There is a wider issue here. In the actual proposition report, the appendix, you can see that there is a whole history of questions back and forth to the Assembly about the Steam Clock *inter alia*, and that is the same for me earlier this year. The point is, one of those questions from a number of Members showing interest should have been sufficient for the Minister for Treasury and Resources to then say to Ports of Jersey: "Get this fixed." Because all that the Constable of St. Helier was asking for really, among others, was to get the clock mechanism fixed, not necessarily to fix the whole apparatus of the Steam Clock. There is another wider issue here, which is about the democratic deficit that exists with the likes of Ports of Jersey and the States of Jersey Development Company. This has been underlined again over the summer, when we have had press releases from States of Jersey Development Company telling us and telling the Island how they are going to develop the waterfront and that they are going to build an art gallery, for example, or they are going to develop new housing on the area. It is quite remarkable and it would not have even happened in the past, I suspect, that an arm's length organisation like that could make an announcement during the summer, while some Members were on holiday and others were on-Island, about something that sat directly in the portfolios of the Ministers but there be no consultation and no warning about that happening. For example, we get a headline saying there is going to be a new art gallery at the waterfront. Is there? Certainly nobody thought to tell the Minister for Culture about that, and I know it was a surprise to other Members, because of course it is not that simple. Then you get people in the sector who are really worried. People, for example, and I am hypothesising here, but you can imagine that people who already run an arts centre might think: "Is this gallery going to have an art centre attached to it? Is it going to have a concert hall? We have not seen these plans. We have not been consulted." Of course all this worry arises for the established groups in the Island. The same goes for housing. How can it be that the Minister for Housing hears about proposed housing developments from arm's length companies, which are there to manage our asset for the public of Jersey. Yet they have not been told and they have not even had a warning, let alone any input in what those plans were. The same exactly goes for the Ports of Jersey. So we are told there is no money to fix a clock but yet there seems to be money for these grandiose plans to develop the whole of the old port area La Folie Inn, et cetera, even though for years many Members, including myself, have been saying: "What is happening with La Folie Inn? What is happening with La Folie Inn? Why do you not repair La Folie Inn?" I do not lay all of the blame of course at those arm's length organisations because clearly when they were set up there are questions to ask about whether the funding followed but these organisations as they now stand do have revenue streams that they can use and it is simply not acceptable for them to turn around and say we do not have money to do this. Let us look at why it was necessary to lodge a proposition. On 8th September I did lodge this proposition and curiously enough on Friday, the 11th, I did a T.V. (television) interview. I think the interview was with the BBC. I went down to the Steam Clock and sure enough the clock still was not working, and then over the weekend I get another message from a different T.V. outfit - I will see if you can guess which one it was, seeing as it was not the BBC - and we get down there early in the morning, probably about 9.30, 10.00, and lo and behold the clock mechanism, the 2 faces on the clock are working. I walk around and sure enough I find that both clocks are telling the right time. So this is Monday, 14th September, less than one week after lodging the proposition and after doing that T.V. interview and sending lots of tweets perhaps about the Steam Clock. Hey presto, as if by magic, the 2 faces of the clock start to work, even though we have been told for months and for years that it was too difficult to get those clock faces working.

[10:00]

Is that coincidence? It is entirely possible that it is coincidence. But my empirical knowledge from sitting in this Assembly and being a States Member shows that if you want to get something done and if you want people to take you seriously, certainly other Government officials and the arm's-length bodies, you need to lodge a proposition because that is the only thing they take seriously. We can ask questions until we are blue in the face often but the way we have our power vested in us is to bring propositions and then to vote on them as necessary. With all that said, although it is not just about the Steam Clock because there is a whole *hinterlager* of issues that relate to this. The essence of what I have been seeking, and certainly what the Constable of St. Helier and other Members who have lobbied for this for quite a long time, the initial issue is that now the 2 faces of the clock work. If you are travelling through the tunnel, you do not have a watch, you can look up at the Steam Clock and say: "That is good, it is certainly 11.45, I know I have got time to get to my St. Brelade surgery in time." Similarly, if you are coming in from the other side of the Island you can look up and say: "That Steam Clock is not so bad after all because it has got a nice bold face on it and I can rely on that to tell me my time." With that in mind, I do not see the need to maintain this proposition, Sir, and I ask that the proposition is not taken because I do not make it.

The Bailiff:

Sorry, you are seeking to withdraw the proposition?

Deputy M. Tadier:

Yes, so the proposition has not been made. I do not seek to maintain it and it would, therefore, be withdrawn, Sir.

The Bailiff:

Very well. It is within your right to withdraw it. The debate has not opened, so that is entirely within your own decision, Deputy.

3. Draft Amendment (No. 47) of the Standing Orders of the States of Jersey (P.109/2020)

The Bailiff:

We now come on to the next item of public business, which is Draft Amendment (No. 47) of the Standing Orders of the States of Jersey, lodged by the Privileges and Procedures Committee and I ask the Greffier to read the proposition.

The Greffier of the States:

Draft Amendment (No. 47) of the Standing Orders of the States of Jersey, the States make the following amendment ...

The Bailiff:

I am sorry, Greffier, I apologise for interrupting, there is a point of order raised by the Connétable of St. Helier.

Connétable A.S. Crowcroft of St. Helier:

I wanted to check that the Deputy does not need leave of the States to withdraw the proposition, as it has been read and he has spoken to it. He has made a number of assertions which Members might wish to challenge, which they cannot challenge if he simply withdraws it now.

The Bailiff:

The position, Connétable, is that until the debate is opened, it is open to a proposing Member to withdraw the proposition or not to move it at all and that is what the Deputy has done.

The Connétable of St. Helier:

Thank you, Sir.

The Bailiff:

Thank you very much indeed. I apologise for interrupting you, Greffier. If you could read the proposition for the Standing Orders.

The Greffier of the States:

Draft Amendment (No. 47) of the Standing Orders of the States of Jersey. The States make the following amendment to the Standing Orders of the States of Jersey under Article 48 of the States of Jersey Law 2005.

3.1 Deputy R. Labey of St. Helier (Chair, Privileges and Procedures Committee):

In November last year the Assembly adopted P.101, agreeing to the introduction of time limits for speeches in debates. This proposition implements that decision with a new Standing Order. Henceforth, contributions to debates will be limited to a 15-minute maximum. A proposal speech or a summing-up speech is not part of the debate and, therefore, not subject to any time restrictions, neither are speeches from the main respondent or respondents; relevant Ministers, Scrutiny chairs, et cetera. Details of the qualifications for this category are set out in the proposition. No time limit would be applied to any speech made by a Member who was the subject of a vote of no confidence or a vote of censure. Members with technically complex points to be made can apply in advance for dispensation. Where a Member is making a particularly personal or emotive contribution it would be deemed unfortunate to interrupt, leeway can be applied. The clock will stop for Members contributing remotely and experiencing technical difficulties. In addition, if any Member is interrupted by an intervention, points of order, matters of privilege, points of clarification, questions to the Attorney General or Solicitor General, these will not count as part of their 15 minutes. These parameters for exemptions have been agreed between P.P.C. (Privileges and Procedures Committee) and yourself, Sir. They are published as guidance in the proposition. This guidance will remain under permanent review, with the Assembly being advised to any changes proposed going forward and able to offer its view. Standing Order 84, the guillotine motion has been brought in to play more often recently than in the past. When the intention to propose Standing Order 84 is indicated this will be an obvious trigger to discover how many Members are intending to speak in the debate and whether imposing a shorter time limit would be a better solution. In addition, where it appears to the Presiding Officer that the debate on a proposition can be concluded by 5.15 p.m., while still allowing sufficient time for appropriate debate, he or she can implement shorter time limits to achieve this. The time screens we trialled earlier in the year will return. This Standing Order reflects the softly, softly approach of the original proposition, which the Assembly approved in November last and I move the proposition.

The Bailiff:

Thank you very much. Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

Deputy R.J. Ward:

I believe this is on the principles, is it?

The Bailiff:

No, it is a single proposition, Deputy. If this is passed it does not go to Second Reading, it is just voted in or not.

3.1.1 Deputy R.J. Ward:

Okay, so we speak only to the Articles as well. I think there is a great irony to this proposition, which is that it is a complete waste of time when we are trying to save time. The principle is to limit the time in an arbitrary way, to limit, therefore, the representation of our constituents. There is an

imbalance built in yet again because most propositions would come from Ministers with their officers to write nice speeches for them and they can speak as long as they want. In the response to those speeches they could be time-limited. How far do we go with this? I will give you an example, perhaps we need to go as far as ... there is a Japanese art form of poetry called haiku, which is 17 syllables. It is very succinct, it is to the point and it is very quick. Perhaps we should adopt that. Perhaps I could be the first person in this Assembly to quote the punk poet John Cooper Clarke when he says in his poem haiku: "To convey one's mood in 17 syllables is very diffic." There is a point there because it is cut off, it has ended and we are looking for discretion to convey the words of a representative of our constituents. The real decision on that should be constituents and if they feel that I, as their Member of this Assembly, is talking for too long for them, then they do not vote for me next time and the ultimate decision on what we do is at the ballot box. There are a number of points here, first of all, when you look at the parts of this, 104(1), there is discretion to follow by the speaker. I am not making any comment on whether that discretion is right or wrong but then discretion has to have guidance. There is discretion but there is guidance on the discretion and we have got ourselves into a loop there. What are we deciding on? Are we not already there with the way in which this Assembly works on the way that people speak? Is the issue not that too often Members are speaking about the same thing again and again and again and repeating parts of the proposition in this sort of game to speak last that is played? That is one of the big issues that is not addressed by this because you could still repeat like some television quiz show but you can do that for up to 15 minutes. There is also a change in the nature of speeches. In part (4), parts (a) to (b), it talks about certain things not being included in the 15 minutes. Are we going to have a stopwatch on the wall that is going to be stopped and started each time? Is that not going to change the nature of the speeches when you are speaking to the clock? Can I suggest that we get the Countdown clock in, perhaps the music in the final 30 seconds? That would entertain it a little bit more, it would turn this place more into a quiz show yet again, more into a medium process rather than a process of debate, however long that goes on. I think that is an unfortunate thing about this, which is why I am so opposed to it. It talks about efficiency. What on earth do we mean when we talk about efficiency of our democracy? If you simply do not like what somebody is saying or how long they are saying it for, that is up to you; very frequently in this Chamber it is only just quorate. People are leaving and voting with their feet; that is fine. It is a shame that they are not listening to speeches, however long they are, but that personal thought on someone's speaking or not I think is irrelevant to this Assembly. I think this is a very bad move. We have moved to sittings every 3 weeks, now we are looking at limiting for 15 minutes, although we have so many exceptions I have no idea how this is going to work. I go back my opening comment, which was, therefore, the whole thing is a waste of time; the ultimate irony. It seems to me, to sum up on part (5) of the changes, it is okay to speak as long as you want if you are talking about a vote of no confidence or whatever, censure in this Assembly. Is that, our personal confidence and our personal position, more important than the quality of the legislation we pass? If that is the case then the balance is wrong, we are in the wrong place and this Assembly is failing its constituents. I would oppose these principles and I would suggest we look again at this.

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

Unfortunately, I have not written a 30-minute speech because I think that would be the finest thing to do for this particular occasion; it is more like a 30-second speech. I can only fully support everything that Deputy Ward has just said, particularly in light of the recent decision to move to 3-weekly Assemblies, we are now also cutting off Members' ability to speak. There seems to be somewhere, and I do not know if it comes from P.P.C., I do not know if it comes from the Government, but there seems to be a desire to move away from the exercise of democracy in this Island and through this Assembly. I do not know why this is happening but I really want to see it ended. I think if Members really take seriously how they are viewed by their constituents, then they should reject this proposition. Despite the fact that I know it had been voted on previously, these are

now the Standing Orders before us and certainly it was brought up at the time that we have a second opportunity to review this. I think it is right that Members do review it and that they see this in the negative and they decide that, no, it is not right. To be honest, I have not seen many Members in my 2 years make many speeches longer than 15 minutes, so I do not see the problem. The chair of P.P.C. referred to seeing more guillotine motions; I have to defer to his greater experience in this Assembly, having only been here for 2 years but those guillotine motions are not because of the length of speeches, they are because of the number of people speaking. I fear that if we were to bring in this amendment to Standing Orders and then we find that it does not cut down the length of time of debates because it is the number of speakers that is causing debates to go on, then we will soon be limiting the number of people who are allowed to speak in a debate; that is where this path leads. I very much fear that pathway and I ask Members to certainly, with that in mind, reject this proposition. Having looked at a small technical aspect, the financial implications say £2,500 to £3,000 to set up the equipment needed to make sure that we are staring at a clock every time we speak; honestly if it is a matter of just setting up a clock in the corner it can be done for a lot less than £2,500 to £3,000. Some might say that is a positive but I just question, are we getting the gold-plated solution when something far cheaper could be done there? But in support of Deputy Ward's speech, I ask all Members to reject this proposition. It is unnecessary, it is undemocratic and it is a path that this Assembly need not go down and really needs to stop walking very quickly.

The Bailiff:

Thank you, Deputy. Deputy Pinel, you ask in the chat whether you can ask a question of the proposer. The position is that there is no general ability to ask questions of a proposer, however, you have not spoken yet. You are at liberty to speak and you can ask a question during your speech and it will be dealt with when the proposer comes back. Is that what you would like to do? You are not the next person to speak but shall I put you down as someone who wishes to speak?

Deputy S.J. Pinel of St. Clement:

Thank you, Sir. I do not wish to make a speech, it is just a question.

3.1.3 Deputy G.P. Southern:

Once again we face a sad day for democracy. It seems to me P.P.C., in acting and bringing what it has done, is not protecting the rights of the Backbencher, which it is set up to do, to rebalance the power shift between Ministers, Executive and Scrutiny and is singularly failing to do so.

[10:15]

It seems to me that this P.P.C. does not really understand the nature of democracy and is allowing this full-frontal attack on the Backbenchers' rights. I did not vote for this proposition when it first came in principle. I will not vote for it again. I just ask Members, are we really that broken that we need to start fiddling around like this and reducing the rights that we should be proud of? Whenever we attend a C.P.A. (Commonwealth Parliamentary Association) meeting people are always tremendously impressed by the fact that our Backbenchers can bring what they wish when they wish. It is a matter of absolute pride that we can and this, again, chip, chip, drip, drip, drip is eating away at the fundamental nature of our democracy. It should not be voted through today and we should get on with defending the rights of Backbenchers to speak however long they like, given that we all know that less means more. We all attempt to make our arguments as succinct as we can and yet here we are restricting what we can and cannot do. I fundamentally object to it.

3.1.4 Deputy J.A. Martin:

I was not really going to speak, I thought this was going to go through quite easily. It went through after a long debate last year and this is just a Standing Order. It is because every person who spoke so far, it is about eroding Backbenchers and democracy. I have just looked at the Order Paper, everything on this Order Paper has been brought by a Backbencher; absolutely right, absolutely right.

Deputy Ash brought something yesterday, it was not in his ministerial assistant role, it was as a Backbencher. Everything so far and more we will be discussing, as Backbenchers have brought these propositions; absolutely right. But somebody wise said to me once that if you cannot get a point across properly in 10 minutes, 15 you have got quite a lot. People turn off, I do it myself. I can only take in the information that I really need and I do not really want to listen to it after that. I think 15 minutes for the speeches in between. The proposer, like Deputy Tadier yesterday with the buses, he could have spoken for as long as he liked introducing it and spoken for as long as he liked. This business that it is all for Ministers, it is better that there is going to be more Ministers bring things, does not always work like that. Just for Deputy Ward, nobody writes my speeches. Can anybody you know write Cockney like I speak it? No. I really cannot believe we are now going to have a 3-hour debate on whether we limit speeches to 15 minutes. It is not taking away democracy. It is literally making sure that people stick to the point, they can get their point across and most people do. Yes, we are lucky we do not have some people and I have sat next to one, 3¾ hours introducing and then it was only beaten by the seconder, he spoke for 4 hours. The day was over and I could not move because I was sitting next to the proposer. Anyway, I just hope we were not going to make heavy weather at this but we are. I think it is sensible and most people who are speaking can, if they are worth their weight, get their point across in 15 minutes or less.

The Bailiff:

Deputy, I have to ask you if you are in breach of the ruling I made on Friday not to enter the debate from outside of Jersey because you appear to be surrounded by palm trees.

Deputy J.A. Martin:

Yes, Sir. I found a new little toggle, I was trying to turn off my themes and I found a lovely background, yes. But I am in St. Clement in my flat, just to let everybody know. Thank you.

3.1.5 Deputy M. Tadier:

I think it is nice that Deputy Martin is surrounded by palm trees but as long as she is only surrounded by them for 15 minutes at a time because otherwise we might get too envious. I think there is a fundamental problem here, and if you do not mind me saying, is that we seem to have lots of States Members who do not like being States Members and that is the only conclusion I can come to. We have so many States Members who do not like being in the States Chamber because they want to be able to get out of there as quickly as possible. They want to have short speeches so that they can go out somewhere else and not spend time in the Assembly and they want to be here every 3 weeks instead of every 2 weeks. A lot of Members, and this has been a historical problem, some do not even speak at all and you wonder why would you be a politician if you do not like politics, if you do not like the rough and tumble, if you do not like ideas? I also say to the chairman of the Privileges and Procedures Committee: what is your fundamental job? Because in the absence of having an elected speaker in our Assembly, the role of the chairman of P.P.C., and the clue is in the title, is it not, the Privileges and Procedures Committee of the States Assembly, like the Speaker Bercow or whoever is in post now - I should know the name, he is a very nice guy and I have met him at one of the C.P.A.s - their job is to protect the privileges of the Assembly of the Parliament of the States Assembly? What we have seen is a complete assault from this chairman and this P.P.C. on those exact privileges. There is this utilitarian argument that is coming forward, they are saying: "If you cannot put your argument across in 15 minutes then you should not be a States Member" and that completely misses the point. Because there are times just for reasons where debates are particularly complicated, that a Member - any Member - and of course this is where we have to realise this is not about kicking Ministers because we are all Backbenchers in this Assembly. We all have the right to bring a proposition as an independent Member of the Assembly on any issue we want to represent our constituents. I am just putting my speaker off, so I will not be able to hear myself but if some people cannot hear me, I am sure you will, just let me know and do so in the chat; sorry for that. Yes,

that is one of the key issues, is that there is this utilitarianism and the message goes out that States Members are useless, they cannot even keep themselves brief. But I would say, first of all, do not make decisions in anger. I was taught that when I was quite young and it is a good rule to live by. It is understandable that Members might think: "Okay, look we have had to sit through some torturously long speeches and I am not happy, so let us bring this proposal in to punish certain States Members." Of course you can do that but you are imposing that on everybody and I do not think that is a sensible thing to do. Look at what the unintended consequences might be. To highlight this, I will hold my hands up, I certainly made a long speech and the establishment and the media went absolutely mad for it. The right-wing business community were out there with all sorts of comments on Twitter, on social media. I had a very ill-informed journalist at the BBC who probably had not read Standing Orders and did not really know much about how our Assembly works, trying to say that I was undemocratic making this long speech. But in fact I had so many members of the public coming up to me saying: "I listened to what you said and you were right to make that speech." They understood that it was made in a particular context because we had been having a long debate about amendments but when it came to the very fundamental main debate about whether or not we should open up our borders, there was going to be absolutely no debate on that; it was going to go to the vote without any substantive debate and because it was coming to the end of the day and Members wanted to get home. That is an issue of time management and the fact that we no longer stuck to our 5.30 p.m. time for finishing. They said: "We understand why you made that speech and you were quite right to exercise your duty to do that, even if other States Members just simply wanted to be in the Chamber." The cheek of the journalist at the BBC to say: "But you stopped other people speaking" when in fact, no, I did not. I had to explain: "No, every States Member has the ability and the right to speak for as long as they want on any proposition." When I finished my speech there were other people who did start their speech but there was one Member who did choose to use an undemocratic method, I would call it undemocratic, which is the guillotine motion. It was the States Assembly who voted to use the guillotine motion to stop other people from speaking, presumably because they were angry with me for having made ... which is unusual and stopping some of them from getting home to their dinner. That is how perverse the whole situation was, when anybody could have summed up. Now we have got this situation about the guillotine motion, Standing Order 84, which would allow the Chair to introduce an arbitrary figure of how long you can speak for the debate. Let us say you have had 20 people who have spoken in a debate, a Member then pipes up and says: "I have had enough of this, can I bring the guillotine motion, Sir?" Sure enough you give your half an hour notice and then you find all of a sudden that there are still 10 people left to speak but the guillotine has been brought, so the Chair would then say: "Okay, to be fair, I am going to have to give every speaker 3 minutes to speak because there are 10 Members who want to speak and there is only half an hour left. In order to be fair that is what I need to do." He would not have much choice in that matter. But is 3 minutes of a speech, when people have potentially spoken for hours, especially if they are the main rapporteur? Because of course we have got this other arbitrary thing which is saying: "If you are the main respondent, then you can talk for as long as you want." But who determines who the main respondent is? We are told about there is going to be some liaison with the Scrutiny Liaison Committee and they basically say: "We think Joe is the respondent for this." But of course we are an independent, largely, Assembly and someone else might say: "I am the main respondent for this" and then it is a bit like that scene in the "Life of Brian": "I am the Messiah. No, I am the Messiah." You are going to have people popping up all over the place saying: "I am the main respondent on this." We were told in the in-principle debate that somebody who felt particularly passionate about an issue or who had a particular area of expertise on an issue, that this time limit would not apply to them; that has got to be a complete nonsense; I think that has been reneged on now. But it stands to reason that we have a vast area of expertise in the Assembly. The Deputy of St. John, for example, on any issue when it comes to health could say: "I am an expert on this, I do not think I should have to respect the 15-minute time limit." Indeed, other Members might then say, when it gets to the 15 minutes: "We would like to extend that, Sir, because we think that we want to

hear more from the Deputy of St. John about what he has got to say.” Then of course that puts the Chair in a very invidious position because he would have to decide whether or not to let the Deputy of St. John speak for longer. But of course presumably this could be put to a vote. I presume we could say: “We want to hear more from him” but then that goes down to personality, does it not? Because if somebody is not necessarily well-liked or they are not in the majority in the Assembly, you very quickly find that you have not been able to speak as long as a counterpart. What does that do for democracy? Similarly, what does it do for democracy if you have drawn the short straw by going late in a debate because you want to synthesise and summarise some of the points that have been made and you do not want to respond until you have heard everything? But you find out that the guillotine has been moved and you have only got 3 minutes to speak. Of course the argument will be made, the guillotine will not need to be used as much if people are not speaking for a long time. But of course in those very emotive debates when people are using their 15 minutes maximum because it is an important issue, like yellow lines or seagulls or dog defecation, they might think: “I really need to use my full 15 minutes.” Before you know it you have got ... even if it is just 40 Members speaking for 15 minutes, a quick bit of maths says that that is already 10 hours, so a debate of 10 hours, even though everyone is only speaking for 15 minutes, might still link the procedural device of the guillotine motion.

[10:30]

Imagine how you would feel if 40 people have spoken for 15 minutes and of course the presenter and the main respondent have spoken longer than that 15 minutes and you are in the second day of debates only to find that the guillotine motion has been brought and you are on the last 9 speakers who only get 3 minutes to speak. It is absolute nonsense, is it not? What will the legacy of this Privileges and Procedures Committee be? It will not be the fact that they have brought electoral reform to the States Assembly and won. We will find out that we are carrying on with the same gerrymandered and broken electoral system. They have not addressed the issues which I was learning about again last night, which have been rumbling on for hundreds of years, about the separation of powers between the judiciary and the States legislature. They can say: “We have not done any of that but we have reduced the amount of time that States Members need to be in the States Assembly answering questions of their Ministers. We have increased the opportunity for those Members to be able to go on holiday to their second homes and to be out of the Island if they want to because their prime function, of course, is to attend the States Assembly and now they have got more weeks off when they do not have to do that. Now we have introduced time limits on speeches.” It is not a great look for the chairman of P.P.C. and I think it is really unfortunate. I have no doubt the way this is going to go today because, as I said at the beginning, we are made up of a States Assembly, not entirely because we have got some very good Members in here on all sides of the Assembly, who do not want to be States Members. What I would say to those Members is if you do not want to be a States Member, then you can resign or you do not have to stand at the next election. But in fact there are many of us who take our jobs very seriously and we are not bean-counters when it comes to the amount of words that somebody uses and that we see it as a privilege to sit in this Assembly and to use our discretion and our intelligence on behalf of our constituents as to when we speak and to how long we speak for. Like Winston Smith said in 1984: “Sanity is not statistical.” Similarly, we know that often speeches and arguments, the best arguments do not always end up winning but that does not mean that we should stand back from making those arguments when we feel compelled to do so. I do not know how long I have spoken for, I have not been looking at the clock. But I have said everything that I want to say ...

The Bailiff:

Twenty minutes, Deputy.

Deputy M. Tadier:

Twenty minutes, that is fine. I can honestly say, although it might feel like I have rambled on for other Members, is that I have only said what I had in my heart and in my mind and I have not prepared any notes for this and I have spoken from my heart. This is what I was elected to do. I have not spoken any longer than I needed to and I am not going to speak any longer than I need to now. That is the end of my speech but you would have cut me off 5 minutes ago, Sir, according to the ...

The Bailiff:

No, I am sorry, Deputy, and I do not mean to interrupt the end of your speech, you have only spoken for 13 minutes.

Deputy M. Tadier:

Okay, Sir, so that is good. I have spoken for what I needed to speak and I guess that argument, you can say, undermines what I am saying. But, similarly, there will be times when I could have spoken for 20 minutes and I will say everything I need to say.

3.1.6 Senator S.Y. Mézec:

In my speech I will be disciplined and try and not to repeat any of the points that have been made by the previous speakers, just to demonstrate that you do not necessarily need to have that enforced through Standing Orders to get what you want out of best use of time in the Assembly. That is partly why I will be voting against this proposition because I do not think that imposing time limits in this way will do that. I want to just briefly explore some of the practicalities around it. The only previous point that has been made that I want to refer to was the point, I think, very well made by Deputy Morel about democracy in this Assembly, the rights of Backbenchers and how we can conduct our business in our unique Jersey way, given that our Parliament does not look like Parliaments elsewhere that we might look to. Just simply point out that the main speaker in this debate speaking in favour of this proposition, apart from the proposer, Deputy Martin was the same Deputy who at the start of this sitting voted against allowing a Backbencher to take an amendment forward that was clearly in the public interest. I highlight that purely to show that this is an issue of democracy and about whether Members of this Assembly, elected in the process that they are, will want to protect their rights as Members to do the job they are elected to do by the public. Whether that means lodging a proposition or amendment, which is very inconvenient for some people, whether that is to perhaps necessarily speak for a length of time on a subject because they feel they need to to make the points that need to be made, get them on public record and highlight the issues that need to be highlighted, is an important right that in voting for these Standing Order changes will be throwing away. But I think some other reasons to oppose it are the practical implications and I think the most worrying one is that this will require us having a more interventionist Presiding Officer. That, in our current system with a non-elected Presiding Officer, is itself undemocratic because it will require an unelected Presiding Officer to use their judgments and examine when they should or should not intervene, and that is an uncomfortable position for us at the end of that, notwithstanding who that Presiding Officer may be and whether we personally have faith in their ability to do that. It is a systemic issue which this now raises that otherwise would not have to. But the nature of a debate is that some of the contributions will be spontaneous, some will have to change and react to the dynamics of a debate or points that are made. It will often be impossible to predict how long you need to make the points that are important to make and to know whether you are going to get told off by the Presiding Officer and to know whether you might get silenced by the Presiding Officer or how you go about making it clear why it is necessary for you to talk for more than 15 minutes. There may be a debate where there is a complex piece of legislation and you need to go through it line by line because there are a host of problems with it that need to be addressed and that might take more than 15 minutes. How does a Presiding Officer necessarily know that you are doing that with the best use of time or that is your plan to do that or that you are not going to perhaps reach your 15-minute mark and then use whatever time you can get after that to make your relevant points? You just do not know until

somebody has delivered their speech. I suppose you could plan it in advance to speak for some length. You could give the Presiding Officer some warning and provide justification beforehand so they know it is coming. But what if you are speaking for 14½ minutes and it feels like you might only need 30 seconds left but it turns out you are going to go to 16 minutes? Does the Presiding Officer intervene and throw you off strictly at that 15-minute point, even though it might feel that it is about to end imminently? But then what if that 16 minutes turns to 17, to 18, to 20, to 25, to 30? It is too difficult to predict. But I also have a problem with the idea that the 15-minute limit will be dispensed with for the main respondent to a proposition, and the report with Standing Orders suggests who that might be, whether it is the chair of a relevant Scrutiny Panel or the relevant Minister in response to a particular proposition. But what if a particular Member has no official responsibility but are presumed to be an expert in a particular field? They might have had a career in a particular area that makes them well-informed and able to give a particularly long speech on something. Who gets to decide whether their expert testimony is worth hearing and is worth giving them more time than that? Whatever process will be adopted will be emphatic. What if somebody wants to speak at length on something who is not somebody who holds a position of official responsibility or not even an expert but who might have had a really, really key part of their election campaign, a key pledge they made or something like that, and require extra time to be able to add and make the points they need to? Who then determines whether they have the right to do that or not when the public may have elected them with that issue as one of the top issues for electing them? Again, whatever process will be undemocratic. Deputy Martin, who spoke against this, made a point that is, I suppose, reasonable, in that if you can make your points concisely then they may well be more effective; that is surely common sense in most instances, which is why it is not wise to speak at length if you are just rambling, if you are not making clear points or if you are teetering on the edges of what might be ruled out of order for repetition or for irrelevancy or whatever. It would be unwise to deliver a speech like that. But the problem is, who decides when you have crossed the line to speak in a way which is not a good use of our time? A Member may think they are in good faith delivering a reasonable speech and making points that are important to be aired in the Chamber but others may not. It is undemocratic to impose a standard on other Members when that standard, whether it is appropriate or not, is purely subjective. It is an infringement on the rights of those Members to speak on the terms that they believe to be most effective and to be in line with what people who elected them to their position might expect them to do. I do not usually speak in debates for more than 15 minutes but there have been a few occasions where I have done so, where I felt it necessary to do so, where I have not been speaking in a capacity that has been outlined in the report to the Standing Orders. There was one proposition on funding for political parties that I spoke at length at and I spoke because I am the leader of a political party. I would say that that is relevant but it is not laid out in this proposition. Are there Members who might, because they do not like what I have got to say, want to see a Presiding Officer rule that I cannot speak at length on something that is clearly relevant? We are leaving that subjectivity into chance, which is not appropriate. The other time that I know I have spoken for more than 15 minutes was in the debate on the dual role of the Bailiff, where we were provided a comments paper by the Attorney General, which I thought was littered with inaccuracies and made legal points that were quite clearly absurd, which I chose to go through bit by bit and analyse, deconstruct and I hope proved wrong. I am not a qualified lawyer but I attempted to put forward an argument based on what legal knowledge I have. Some people may have not considered that good grounds for having the right to do an analytical speech at length like that. Whatever process you come up with to determine whether it would be or would not is undemocratic. I am going to draw a line under it there because I think I have highlighted some of those practical issues on how this would be applied. I do not have my hopes up for this proposition being rejected, even though that is clearly the most democratic option. Because I obviously agree with the point that Deputy Tadier made, which is, I am sorry to say it, there are some people in this Assembly who consider the time they spend here to be a big inconvenience to them and who are not democrats, who want a much more streamlined process that does not involve these whingers and complainers having

a go and spoiling our fun by making things awkward and complicated, even though sometimes being awkward and complicated is a fundamental part of democracy to make sure that we get the best outcomes. I think the Island will suffer as a result of this and I will be voting against it and I hope I am proven wrong and it is rejected.

[10:45]

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

I hope Members will bear with me because the previous speaker made lots of points and the speaker before him made several points, which I was going to make, so I will try not to repeat. I do agree with what previous speakers have said about democracy because I do think that this is about democracy but I fear that we have brought this on ourselves. I have mentioned in the past often that when we have these 5.30 p.m. timing debates on whether to sit late, and I have said in the past about timekeeping and to me this is about the culture of this particular States Assembly. We all know that culture is not a fixed thing, it is something that changes over time. The culture of the States Assembly when I was first elected, which I think was 5 years ago, was very much that 5.30 p.m. was the time that we aimed for and people would magically be able to curtail their speeches in time for a 5.30 p.m. finish and possibly with a little bit of extra timing for summing up. But I think we were quite good in the previous Assembly at being disciplined. For whatever reason, we are kind of sliding this term into this culture where we want to extend at the end of the day. Often people who want to stay late at 5.30 p.m. will say: "We need to work hard, we are here to work hard and we should stay until the job is done" and I do not think it is about that at all. I think it is about timekeeping, it is about discipline, it is about not repeating when you are making a speech. It is within our gift to make our speeches succinct and to only say what needs to be said. I will explain why I think it is related to that. We have also voted to have a 3-weekly cycle, so there is part of me that really agrees with this proposition because I think that it will help us to be more disciplined and to work more efficiently, which I just think that it is a good thing to aim for, is it not, to be efficient in the way that we work and to have good time management? That relates to democracy because in order to have a good democracy we need to have a Parliament that, as much as possible, represents the people who make up our population. In our population many people, most of them women, statistics show us, care for other people, so whether that is parents caring for children or adult children caring for their elderly parents or people caring for sick, unwell friends and family, lots of people in our society are carers. There are not many people in the States Assembly, many elected Members, who are carers but there are some of us; I am one of them. I am a parent, I have a young child and there are others in our Assembly that have children of varying ages. I know there are others who have cared for sick relatives in the past and are currently caring for sick relatives. What happens when we are not disciplined with our timings in the way that we are conducting our business in the States Assembly and we decide on a whim at 5.30 p.m. to stay for an extra half an hour or an extra hour is that the Members who have caring commitments, and some of these commitments are written in law. Parents legally have a responsibility to ensure that their children are safe. It is not something that we can just write off on a whim; I will just leave my child and not pick them up when the nursery closes. Parents, we have a responsibility to our children. If these timings are changed at the last minute, some people, if they are elected States Members, will not be able to stay just on a whim. It could be that you need to go and give medicine to somebody or you need to go and wash somebody and give them their dinner. It is not just about parents and children, any one of us at any moment could have a family member that falls seriously ill; that is the nature of life. If we continue with this culture change that we seem to be sliding towards, whereby at 5.30 p.m. we decide on a whim that we want to stay an extra half an hour or an extra hour or sometimes longer, then we risk disenfranchising people who are carers. We risk disenfranchising the people who are carers, who are already elected to our States Assembly, and we also risk putting off people who are carers who might want to in future be elected to the States Assembly because they might look at the way that we are working and the way that we are not showing good timekeeping and say: "I could not do that because I need to be there for my

sick mother at 6.00 p.m. to make her dinner every night” or: “I need to pick my child up from nursery at 6.00 p.m. every night.” I really think it is time we started taking this issue seriously, this issue of timekeeping and it is not an issue of who wants to work hard. I think that if we cannot discipline ourselves to finish at a set time, I think that is not working hard enough. I have been a teacher and when you are a teacher everything you do is time bound and everything you do you have to fit into a certain amount of time. I have learnt that skill in my professional life and I would like us to be a bit better at that. I am quite torn on this proposition because part of me is really in favour of it because I think it will help us with timekeeping, and that is something that we need more of. But also I really agree with the previous speakers that a tool such as a filibuster, and I know Deputy Tadier has used this tool in the past, whether we agree with the point he was making or not, that tool is there for all of us and it is often the tool of an oppressed minority to use a filibuster to stop something happening. I am reluctant to take that away because I think it is undemocratic. I also have problems with this proposition for reasons that the previous speaker mentioned that I will not go over, that when we do not have an elected speaker I just do not think it is practical for the Chair to be able to administer this. How is it possible to decide objectively what an emotive speech is? That is a completely subjective judgment. If that judgment is being made by somebody who is not elected by the States Assembly, where is the mechanism whereby we can appeal that decision if we do not agree with it? I have been in the Chamber when this has happened previously, when a previous Chair has silenced a Member for saying something which that Chair judged to be offensive. That Chair at the time obviously thought that was an objective judgment that he had made, that the Member had said something offensive. But it was clear from looking around the Assembly that nobody was really offended by it, yet that Member was silenced. I remember that day so well because I felt almost my heart skipped a beat because that felt so undemocratic to me; it felt so wrong. I just feel uncomfortable putting something on the Chair of the Assembly that we have because this is the system that we have. I do not think it is fair to ask somebody who is an unelected Chair to have to make those judgments, which I think are subjective judgments. I am really torn with this; I am really, really torn. I still do not know which way I am going to vote. I would like the proposer to address my points when he sums up and I would really like him to address the points I have made about how we make this Assembly more disciplined with timings. But I think it has highlighted the way that we do need to be more disciplined and the way we manage ourselves. I think we can do it through our own initiatives but if we cannot and if we continue sliding towards this culture change whereby we are prevaricating at 5.30 p.m. whether we need another hour and which is just unprofessional and inefficient, if we are going down that road then what we need is an elected Speaker who has more leeway and more accountability, which would enable that person to actively chair and manage proceedings in line with what this proposition is proposing and would have us be more efficient. That would be a democratic way of enabling the changes in this proposition. But at the moment I am not really sure I can support it because it feels wrong. It does not feel democratic. Whereas it would address some of the issues I have with the inefficiency that we are sliding towards, I am just not sure I can vote for it because of the undemocratic nature of it. That is where I am at the moment but I will listen to other speakers and I will listen closely to the proposer when he sums up.

3.1.8 The Connétable of St. Helier:

I was not going to speak. This is a statement that Members often make when they begin a speech, which is, let us face it, unnecessary. I was not going to speak because we have already approved these principles and what we are supposed to be doing today is allowing the law change to take place, to implement a decision we have already made. I think it is unfortunate, it could be considered ironic, that we are having possibly a lengthy debate on the subject that we have already agreed upon. It reminds me to some extent of a recent States decision to protect People’s Park from development, which was ignored and we were facing a lengthy debate, and we may still face a lengthy debate on a subject that the States has already decided upon. That said, I did want to speak because I think a number of assertions have been made by speakers about the motives and even the character of States

Members who support time-limited speeches. We have been told that, or it has certainly been implied, that if we support time-limited speeches we do not take our job seriously enough; we would rather be somewhere else. It may well be that Members at certain times in certain debates have wished they were somewhere else and that is probably down to, in some cases, it has been referred to by Deputy Martin, the speeches dragging on for several hours. I want to particularly take issue with some of the comments by Deputy Tadier, who recently used a filibuster, although he says he received approval for using a filibuster. The fact was it prevented Members from speaking, who had things they wanted to say and who could have said them in the time available. In my view, Deputy Tadier used a filibuster to teach the Assembly a lesson, which is interesting because he talks about this proposition as being a way of punishing Members who want to speak. Of course it is not about punishment, to pick up Deputy Doublet's words, it is about discipline and punishment and discipline are not the same thing. Deputy Tadier also used his speech to repeat his attack on the media, complaining that he had been taken to task for using a filibuster and being taken to task by other members of the public. The media recently took him to task when he ... and I think when they rightly queried his decision to make his parliamentary intervention completely incomprehensible to the vast majority of listeners; that is when he decided to ask questions in French without supplying a translation. I do not believe in criticising the media; I think they do a great service in reporting what happens in the Chamber, in the Assembly and in getting the public interested in what we are debating. Some mature Parliaments have time limits; I sat in the public gallery of the House of Commons a year or so ago listening to them debating a very important matter, of huge importance to Londoners. It was about the Heathrow runway. It was really interesting seeing how the Speaker whittled down the time allowed. I think while I was there it was the last hour before the decision was taken and he whittled down the time from about 10 minutes to about 2 minutes towards the end to allow people to speak. I do believe that if you have something worth saying you can condense it. You do not have to go as far as a haiku, and I enjoyed Deputy Ward's haiku, which I thought was extremely witty. But we certainly can confine our speeches to shorter lengths of time and particularly if we are doing that in order to allow other Members the right to speak. My own view is that the case for time-limited speeches has got much stronger since we approved the principles because we are now, quite rightly, respecting the need for parents and carers to leave the Assembly at 5.30 p.m. on a States day. We did not use to and there were many a time when we sat into the evening and that exercised a natural restraint because people wanted to get home and by 9.00 p.m., if sometimes we went on as late as that, Members were starting to fly and they made their speeches as concise as possible.

[11:00]

We no longer do that; it is far better that we finish at 5.30 p.m., we respect the rights of carers and parents and others who need to get other ... particularly other Members who perhaps have meetings and Parish work to do. So I think because we are now looking at stopping work at 5.30 p.m. it is all the more important that we have time-limited speeches, that we have a clock, that we have the ability for our speeches to be taken down from 15 minutes possibly to 10, possibly to 5. I do not have a problem with that. I want finally to address the issue that has been raised both by Senator Mézec and by the previous speaker, which is the nature of our Presiding Officer. I am clearly going to be very careful I do not cross the line here. Like Senator Mézec and others in the Reform Party I believe that we should have an elected Speaker of the Assembly, but while we do not we do entrust the Presiding Officer with the ability to make all sorts of judgments about our parliamentary interventions; whether that is the questions that we put, whether that is the projects that we lodge, or whether that is the way we comport ourselves during the Assembly. Without wanting to sound like I am toadying, I think that the current Presiding Officer does a great job. That does not alter my desire to have an elected Speaker but I believe we will be coming back to that subject - I am sure we will - in due course. For the time being I am very happy and very comfortable that the Presiding Officer that we have can implement Privileges and Procedures proposals without any prejudice to any Member.

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

I want to start my speech by discussing the comments made about the chairman of Privileges and Procedures because I think there has been some very unfair criticism of him in a number of speeches. He, in my view, is only doing what we asked him to do and we voted him to do, which is to bring this proposal to the Assembly. I think to impugn other motives to him is, in my view, unfair and certainly in my time in the Chamber - which is short, admittedly - the Deputy has done an excellent job and has struggled with a number of difficult proposals, not least electoral reform, but has made a magnificent effort to try and get those things through. I think it is unfair to lay blame at his door that these things have not succeeded, and I think in this proposition he has done an excellent job at bringing back what Members asked him to bring back. Now, it is a different matter as to whether we agree or disagree with his proposal but I think he has simply acted on what we have asked him to do and brought a proposition before the Assembly today, which by my reading of it is first class. It does not necessarily mean to say I agree with it but I think he has done a good job of working with what we have given him and brought back a proposition which is evidently voteable for, if you agree with it. The next thing I would like to say is that despite contrary assertions by some speakers, certainly as a new Member I view my time in the Assembly as a privilege and I am happy to sit here for as long as it takes and to contribute as often as I feel necessary to achieve an outcome which is a good resolution for my parishioners and indeed a good resolution for the Island. If it takes a long time, well, it takes a long time, so be it; that is democracy. I have to apologise because I have a recollection and my memory - as I am over 65, and that is a pretty feeble excuse really - is not as good as it used to be, I may well have voted for this in the early days but I have given it some thought. While I accept a lot of what the Constable of St. Helier said about time-limiting of speeches in mature Parliaments, nevertheless, I do have a concern that any restriction we place on a Member's ability to speak to this Assembly in terms of time to me seems to be a fundamental cutting across of their rights as an elected Member. Members should be able to put their points across; some Members will do it quickly, others will take a long time. It does not sit well with me that we are going to restrict their time to contribute to the Assembly because some Members may be good at expressing themselves succinctly and others may take longer. Indeed some Members may have a lot to put across, and I am not sure it is a fair thing to ask the Chairman of the Assembly to restrict those Members in terms of time because they may not have been able to get across the point that they wanted to on behalf of the very people that elected them to this Assembly. So I will continue to listen to this debate but I really struggle with restricting what is a basic freedom of speech. It does not sit well with me and, as such, I am going to struggle to support this. I do apologise to Deputy Labey because I know he has worked very hard on this proposition and it may be seen by him as backtracking but, nevertheless, I think the protection of the freedom of speech - which to me is a fundamental right and a fundamental part of our democracy - is very important. So at the moment I will be voting against this.

3.1.10 Connétable J. Le Bailly of St. Mary:

Public opinion should always be observed in this Assembly and it does not matter who you speak to out there, they say that most of the Members in this Assembly like the sound of their own voice. For the public listening to this it is painful. They want a short, sharp message. They do not want to listen to endless drivel. St. Mary did have a Deputy who probably holds the record for long speeches. He was very well-informed; he gave details of endless research, but people listening became fed up with the length of comment so the important message, though good, was lost. My personal opinion would be to reduce the time limit even further to 10 minutes. We need to listen to the electorate's views, not to loads of waffle from Members who think that they know best. Other jurisdictions have made this work very successfully. There is no reason for us also not to make this work and perhaps improve the relationship with the public at the same time. That was about a minute and a quarter. Thank you very much.

3.1.11 Senator J.A.N. Le Fondré:

I am pleased to follow the Connétable of St. Ouen. I do want to commend the chair of P.P.C.; we do not always agree but overall I think he is doing a very good job. I think it is certainly true in this debate that sometimes certain Members in the past have not always helped the argument about not limiting speeches, and I think references have already been made to a past Deputy of St. Mary who I think still holds the record at something like a 3-and-a-half-hour speech, but oddly enough that did not persuade Members and he lost his argument. What I was really wanting to say, without going too long on this ironically enough, is that the chair of P.P.C. does know my view on this - I have been consistent all the way through my political career - I do not support time-limited speeches in the context of the States of Jersey Assembly no matter how tempting it is. I think other Members have summed it up far more succinctly than myself but I think it does damage or potentially risk damaging the interests of not only Backbenchers but all Members when they are feeling particularly passionate around a particular subject. As other Members have said, sometimes certain Members do have significant information to impart which sometimes does fall longer than 15 minutes. But my principle is going to remain the same; I suspect this is going to go through today but for me I just wanted to explain why I will not be voting for it. But I do absolutely support the chairman of P.P.C., he always brings something to the Assembly which this Assembly asks him to do and that is what he is doing today, and he continues to have my full and absolute confidence.

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

It is a rare privilege to say following the Chief Minister that I agree with him on this matter and I will also be voting against this proposition. As ever, with any proposition I like to do some research the night before so last night I look at myself in the 2-and-a-bit years since I have been sat in this great Chamber, and my average speaking time for speeches and questions seems to be around 12 minutes and 33 seconds. Also interestingly timewise the States Assembly annual report has just appeared for the public and all of us and it is a really telling statistic. If we were to break down the time period of the Chamber over the last 3 years, as this report does ... but I just want to caveat that though because I think it is a little unfair because what I have discovered is the first year of a new States Assembly cannot be really compared to the last year of the previous States Assembly because obviously, as I have discovered, things build up and obviously more things come towards the end. So I would like to see that annual report reflect more years so we can year-on-year match the time period of a sitting Assembly. But that in mind, what is interesting when you break down the times sat in the Assembly and it is broken down with question time obviously which can vary, this year will be obviously very different because of the extra question time period we interjected. But when you scroll down and look at things the total time period of the Assembly has been reduced since 2017. The percentage of total sitting time spent on Public Business in 2017 totalled 170 hours and 32 minutes. Last year was 133 hours and 31 minutes, so there is a reduction there. Interestingly also, when you look at the breakdown of what those minutes were about, 2 Public Business items were Minister's policy and 32 were private Member's policy. So just on the bare numbers of that we spent more time debating Backbenchers or non-executive States Members bringing propositions to the Assembly last year compared to 2 Minister polices. There are other breakdowns and I invite other Members if they want to join in the debate to make their arguments, but I just think that is really telling. Interestingly also, because it breaks down the speaker statistics of how many people speak during debates and ask questions, and there is a pattern of which States Members - as has been outlined - contribute more in the Chamber via question time or speaking the debates. Some people have grown into the role so you could see where they have increased, and there is obviously a consistency where people have not increased. So it is really difficult to be broad sweeping about this entire Chamber because it is not as straightforward as that. I just bring that to Members attention because again, no matter what the proposition, we should be looking at the evidence and the statistics and the evidence and statistics from the States Assembly annual report of 2019, I reiterate, have shown a reduction of the time spent debating. This year will be interesting obviously because we have had extra States sittings and we had an extra question time period, and I feel there have been times when we have needed more time

because, as we discovered, there has been some complicated legislation rushed through. But we should be holding our heads high. I have been very privileged the last couple of weeks, and I do not know how I have fitted it in, to attend the Commonwealth Parliamentary Association's regional branch's 64th conference, and also taking part in a C.P.A. fundamental programme engaging with other small branches across the Island and other larger jurisdictions. We could really hold our head up high about how this Assembly has acted this year and how it has been nimble, how it has been quick, how it has been supported, how it has challenged Government, and we have done some extraordinary things this year. But at the same time, while we have done all those things and we have fast-paced how this Assembly can operate to ensure democracy, there have been a couple of things that are just sticking in the back of my throat and these are one of them. I think next year, the year before we have 6 months building to an election, I can only estimate that there will be more policy coming and things may increase. So I appreciate next year is going to be a very different beast; we will have this 3-week period as a trial, we will have this 15 minutes, and I think we have to judge at the end. But I think the next Assembly needs to relook at everything, give them the opportunity to look at what we have done and say what is best for the Island and what is best for democracy. So I cannot support that at this time; similarly how I could not support the 3-week trial. The perception is not good and the statistics are staring us in the face that this new Assembly, since it has come in, is proving its weight in gold. I do not see the issue that has been highlighted where it needs to come in, and that is why we have ... I get what the Constable of St. Helier said, we voted in something, but that is democracy again where we do agree something but then time is taken to review, look at statistics and come back and say: "This is a debating Chamber after all and we have had a fresh look at it." That is the beauty of democracy and I am very proud to sit in this Chamber with colleagues today to do so.

[11:15]

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

As Members know, I do not tend to make long speeches. I do not like making speeches is one of the reasons, and the longest one I have made was I think in the last sitting or perhaps the one before when the Council of Ministers brought in a comments paper at the eleventh hour - and I mean the eleventh hour, the night before the debate - and I did not think Members had had a chance to read it and I wanted to respond to it. However, since I have been in the States, almost 12 years now, the longest speech I heard was by former Deputy Daniel Wimberley. What I will say is that it was one or 2 hours or longer and the vast majority of the Council of Ministers and the Constables got up as soon as he started speaking and walked out, and he made a brilliant speech. Daniel Wimberley was one of the best research Members I have seen in the Assembly and he forensically took apart the proposition that the Council of Ministers had brought, and he did that on many occasions. But Members would just get up and walk out. Now, if they were in the coffee room and they were listening to the debate that would be one thing, but I had to go for a comfort break and when I went through all the speakers were turned down and the conversation was about football or other matters not related to States business. What happened when the proposition was summed up and they came back to vote, they voted *en bloc* and against Deputy Wimberley's amendments and so on, and the Council of Ministers got the day. So it is not a question of speeches are too long, it is whether Members are tuned in to listening and too many Members do not listen, they follow either a party line or a whip by the Council of Ministers or, dare I say it, others. So I think it is not a question of the length of the speeches, it is really the argument that is important. Many Members do have knowledge or do their research and should be listened to. I also happen to believe that the States is doing itself a disservice. It has already decided to move to a 3-week cycle, and I might add that the reaction that I have received from the members of public that I have spoken to is negative. They see the States not wanting to put the time in. In fact this issue comes back to the argument about the late night sittings. I hate late night sittings; I tend to vote against them when they come up because I think we should come back the following day. Most Members on Thursday night do not want to stay late and they start making

bad decisions. It is more: “I want to get out of this place, I am not prepared to listen to the argument, I just want to get out” and we have made some appalling decisions in the past. What we should do is be prepared to sit the following day and deal with the business. It has also been mentioned earlier about filibusters. Constable Crowcroft blamed Deputy Tadier for stopping people from speaking. On 2 occasions I was down to speak and Members brought in a guillotine. I see the guillotine as exceptionally undemocratic because what I had to say was denied on 2 occasions on 2 consecutive days, and I hope Members in future will think about what they do if they propose a guillotine. I also see this measure as eroding the ability of the States to be effective. We have a number of things which have happened over my time in the States, which I think are eroding the ability of Members to do their job. For example, if I name someone in the States and someone objects, or maybe they do not even object to my naming them - if I do I name them for good cause - then the name will be taken out of Hansard, so it is almost extinguished. So the comments I am making are extinguished against the individual. If I believe I have been lied to by a Minister or misled by a Minister, as soon as I say: “The Minister has lied” you are immediately shouted down because it is not parliamentary language. If you say: “The Minister misled me” you cannot even say that. You are told the only thing you can say is they inadvertently misled you when you believe they are lying through their teeth. In fact I am bringing a proposition to change it and it will be coming soon because what it is doing is stifling the debate. If I felt that someone was lying I would say so and I would explain why I believe they were lying and the Minister or whoever it was should be able to come back and explain why they did not lie to the Assembly; not just be cut out simply because you raised the issue that you have been misled. In addition to that, all these things - whether it be the 3-week cycle which means I do not honestly believe we will get the questions in, we will not be scrutinising Ministers as effectively, or whether it is a 15-minute time limit - they are all eroding the ability of Members to do their job properly. The public will look upon it as Members being lazy, not wanting to spend the time in the Chamber and so on. So I cannot support this proposition. Going back to what Constable Crowcroft said that we made a decision previously. Well, the truth of the matter is we have made decisions in the past which have been rushed, ill thought-out and wrong; and I believe this is one of them and it is the right of Members, even if this thing goes through, to bring back a proposal in the future to try and change it back again. Anyway, I will leave it at that. I will not be supporting the proposition.

3.1.14 Senator L.J. Farnham:

In my many years in the Assembly I have heard and seen many types of speeches, some short, some long, some relevant, some completely irrelevant, some somewhere in between. While we as States Members may not agree with everything or even some things that other Members say, and for the length of time they take to say it, I am sure all of us will defend to the bitter end their right to say it. Leading to the sort of debates that may require very technical input I think this proposition does deal with that by giving the Presiding Officer certain discretions, but I cannot recall ever seeing an example of where a detailed input cannot be made so within a reasonable amount of time and I cannot remember any occasions where we have had speeches that have remained completely relevant on details for long periods of time. But equally we all have a responsibility to do our research and to know and understand our subjects, whether we are Ministers or Assistant Ministers or Backbenchers or Scrutiny members, because when we do that it will always assist us to deliver a more appropriate point and more timely speeches. Albert Einstein said if you cannot explain it simply then you do not understand it well enough. Deputy Tadier challenged in the chat that we did not understand the meaning of filibuster. I am not sure if that was nuanced in a way that I did not understand but just to remind Members, filibustering is a tactic used by a legislative representative to hinder or delay consideration of any action to be taken on a proposed Bill through prolonged, irrelevant and procrastinating speeches. On those grounds I will let Members judge but I am going to continue to support the proposition.

3.1.15 Deputy J.H. Perchard:

I would like to talk about culture a little. I think that this proposition is a clear attempt to improve our efficiency and in so doing is an attempt to improve our working culture. This is something I touched upon when we talked about the 3-weekly cycles. Because for me there are a lot of improvements that can be made in the Assembly - in the Back Benches, in Government - to improve our efficiency and our ability to work well together. I will explain why I think that is relevant to this debate. Because there are things that we could already be doing that I think would have meant that this proposition was never brought forward. I think that we need to ask ourselves and be honest with ourselves about how we prepare for debates and what the purpose of a debate is. So assumedly we all read the propositions, because that is the basic one, right; you cannot vote on something you have not read. Assumedly we have read the Scrutiny comments or the ministerial responses, and assumedly if we have questions or queries or issues we have taken the time to contact the person lodging it and ask about it and raise it as a concern and a query and talk to them about amending it or even just lodge amendments. There has been a time where the Minister for Treasury and Resources, and I worked very closely on something simply because, as a Backbencher, I got a bit indignant and a bit irate about some of the language in a proposition, and she made the time to meet with me and talk about it and get some of the language changed. Now, that is not something that would have come out in the debate and it is not something that I needed to then amend and stand up and talk about publicly. It happened and it was incredibly productive. Now, of course there will be times where it is not that easy and there is disagreement and there does need to be a debate and a kind of fight for the change of language in a proposition, but I think what frustrates me about some of the comments against this is that we are not already doing everything perfectly to the best of our ability all the time. I have heard Members admit they have not read something before voting on it. I have heard people say that out loud. So for me we cannot change the culture kind of organically by having these loose systems where you say: "Well you can talk for as long as you like, the debate is a great opportunity to raise your concerns and questions." I would argue the debate is not the right time to raise them at first; I think it is the right time once you have gone through the process of reading, thinking, understanding and questioning and then trying to collaborate. Once you have done those things and that has not come to anything the debate is then the time to stand up and say: "I have tried my best to sort this out, this is not happening, this is not right, this is why." For me the debate is the final stage of a longer process towards making things better and making improvements; they are not the first stage. I get immensely frustrated when Members say things like: "I had not really thought of this until today" or: "I read this yesterday about this idea, and I am sorry I did not bring an amendment." That is not really good enough because that is not really the processes that we have in place. We have all been guilty of those times because we are all very, very busy, but that is for me where we should start looking at ourselves more critically and more effectively and more honestly and say: "How can we each perform better and what structure and system do we need around us to facilitate that?" For me I think reducing the time someone can speak will force them to do more preparation frankly, because you cannot just come and wing it. That for me is a fundamental problem that we have is that we are not organically and naturally coming fully prepared to debates, and if we were I would be saying something different about this proposition, but for me this proposition is facilitative to improving other processes that come before the debate. I think that is part of the intention of the proposition and I think it is a shame that we have to try and make improvements with these kinds of sticks, I would rather that not be the case, but I genuinely do not see how things get better without changes to processes or procedures and enforcing guidelines.

[11:30]

As I said in the last debate about the 3-week cycle, the lack of guidance for process around any system just simply results in work being slower or not being done or not being done in a consistent manner. We should all hold ourselves to the same standards and I think 15 minutes is a perfect time to summarise the work you have already done in preparation for the debate. That is the perfect time to say: "I have looked at this; they are the pros, these are the cons, these are my views and this is how I

am voting.” For me that is the purpose of the debate; it is not the time to start thinking about the implications of a proposition, it is too late really because thinking of the implications of a proposition should result in an amendment if you do not like those implications. But, as I say, we are guilty of it, and I include myself very much so, especially as a newer Member, because you do get overwhelmed by just the vast amount of preparation that there is to do just for a sitting, let alone your case work. It is overwhelming and I am certainly not pointing the finger but I am just saying we need to be self-reflective and honest and we have to ask ourselves some hard questions about the culture in our own organisation and how we wish to change it. I do also think that by making this step we are showing that we are serious about improving the processes and the procedures in the run-up to the debate, and I am hoping what it will lead to is other things, like I think it is acceptable to rely on Scrutiny comment, for example. I have had conversations in the past with people and we kind of mutually agreed if a Scrutiny Panel has looked into this more thoroughly and with more minds than I have and they have come to a certain position, as long as I have understood that position and I think it makes sense then I will go with the Scrutiny comment, or likewise with the Government comments. But I just do not see that level of reflection happening yet, at least not consistently. So I will be supporting this because I think it is going to improve us and improvement of us is an improvement of the outcomes for the people that we represent.

3.1.16 Senator S.W. Pallett:

I am going to be extremely brief because it has been an extremely interesting debate, but it has been a debate not on the actual contents of the proposition, it has been a debate on the principles again, something that we decided back in November 2019. As much as I voted against it at the time, 26 other Members decided that this was the way forward and charged Privileges and Procedures to go away and bring forward more detail as to how it was going to work, which is what the chair has done. I have to accept that decision; it was a States decision. I did not agree with it; in many ways I do not agree with it now for many of the reasons that Members have already said. But I am going to respect that decision back in November 2019 which will time-limit speeches to 15 minutes. It is a shame in a way that we have had to come to this point because I do not necessarily agree that it has been a problem. Apart from one or 2 speeches that I can remember in recent times I think the States are extremely respectful of other Members and people are concise and are to the point and are respectful. Just picking up on one point previously brought up I think by Deputy Tadier, I do not think there is any Member that does not want to be in the Chamber. I think at times we all find the odd speech tedious for all sorts of reasons and the one thing that I find most tedious is repetition. Something I think can reduce the amount of time that we spend in debates is if people listened to what was being said and then tried not to repeat what other Members have already said. But I said I was going to be brief. Like I say, we had already decided this in November 2019. I did not agree with it but that is not a reason for me now to vote against this, this is something we have previously agreed and I am going to respect that decision and support the chair of P.P.C. today with this proposition.

The Bailiff:

Thank you very much, Senator. Does any other Member wish to speak on the proposition? If no other Member wishes to speak I close the debate and call on the chair of P.P.C. to respond.

3.1.17 Deputy R. Labey:

The States of Jersey, the States legislature, the Assembly is very special and it does things in its own way, in its unique way, and that is part of its character and charm and tradition and long may that continue. But we should not be blind and blinkered to experiences and practices in other legislatures elsewhere, and the majority of them do operate within time limits, some very much more draconian than these that we have brought in. There do have to be rules; there do have to be guidelines. That is what Standing Orders are for. There does have to be discretion in the implementation of those rules and guidelines; that is what the Presiding Officer is for. For as long as the Assembly believes

it is right to have the Bailiff as Presiding Officer I respect that and I place my faith in our Presiding Officer, and in all of them in fact - the Deputy Bailiff, the Greffier, the Deputy Greffier - because I am happy to do that, I am confident, and I must say I believe they all do a very difficult job brilliantly. That is my position and I believe that they should be afforded respect and courtesy. Deputy Ward makes an accusation that he feels some people do not listen to speeches. I think that is completely wrong. There are 2 parts to a debate, are there not, there is the speaking but there is also the listening which is equally important. This Assembly is brilliant at listening and I take the opportunity to say thank you for your attention and for listening to me even when I speak for too long. Deputy Ward does not know he is born, 10 years ago in 2010 some Members would get up to speak and a third of the Assembly would be on their feet and out the doors; it was a mass exodus. We do not have that in the current Assembly. All our Members are incredible listeners and incredibly respectful and we should remember that. Every Member in this Assembly - contrary to what was said - does speak. Every Member in this Assembly has made a contribution, or more than one, this year definitely and some contributions might come from Members who do not necessarily speak at every sitting but make sometimes the most powerful contributions. Let us not do ourselves down. To Deputy Southern I say, look, this is exactly the point; Backbenchers can “bring what they want when they want” and they can with this Standing Order speak for as long as they wish to when they are doing that. It is there in the guidance. This P.P.C. has made greater provision and provided greater resources for Backbenchers, for non-Executive Members, than perhaps any other that has come before it and it will continue to do so. Yes, the clocks will stop for interventions. Like others have said, I believe the accusation that there are Members who do not want to be States Members, there are Members who do not want to be politicians, do not want to be in the Assembly; I believe that it is completely wrong and impolite and offensive. Let us just remember that with Standing Order 84 the current position is that every Member does not have the right to speak for as long as they like in every debate because when Standing Order 84 is implemented the guillotine falls and the debate stops. Part of the *raison d’etre* for this proposition is to find a better way. We can look a scenario where a debate may have started at 2.15 p.m., we get to 3.45 p.m. and the Presiding Officer will be able to say: “We have got this amount of time left to finish by 5.15 p.m., I have got this amount of people wishing to speak, we are going to start to reduce the time limits to get everybody in and to finish the debate in a timely fashion.” That is, Deputy Doublet, there. It is there in black and white in the guidance. It is part of the discipline and part of the flexibility, another tool in the box to try to get what the Deputy wants, and quite rightly she has a conscience on this issue, is to get business done by 5.30 p.m. in a timely fashion. There are other tensions to that debate; I will not go into them. The Deputy recognises that there should be discipline; this is part of that discipline. Experts in a particular field, I am going to address comments from the Chief Minister and the Constable of St. Ouen. The Chief Minister says Members with significant information to impart might be cut off, and Constable Buchanan makes similar points. Let us look at the guidelines. Those Members with particularly complex arguments, those Members who might consider themselves a main responder - they do not have to be a Minister or a chair but maybe it is something pertaining to their constituency or pertaining to their clearly demonstrated specialist subject - all they have to do is send an email to the Presiding Officer and say: “Look, I might go over the 15 minutes, can I have some leeway? This is a subject which I need to talk for greater length on.” The Presiding Officer will issue the discretion there. So it is not going to cut Members off in the way that some painting this Standing Order at all. There is provision and there is guidance and we will keep that guidance under review. No, Deputy Pamplin, I do not believe in pushing things over to subsequent Assemblies. Too many Assemblies have done that in the past, too many politicians have done that in the past and I am not one of them. I think we should tackle problems when we see them and try things and not be afraid to change. Uncomfortable and a little bit scary as it might be, I think we should be open to changing procedures because you never know, it might be better, we might be finding a better way.

The Bailiff:

Will you give way for a point of clarification from Deputy Ward?

Deputy R. Labey:

Yes.

Deputy R.J. Ward:

I apologise, I did not mean to interrupt. It was just something you said about emailing for a judgment on whether you can speak for longer. Is that going to be the only medium to do that so it has to be in advance? Can the proposer clarify how far in advance that has to be and can you envisage a time when perhaps to prove that you have that interest you may have to submit a speech for checking first?

Deputy R. Labey:

I do not believe that you would have to submit your speech. I again put my faith in the Presiding Officers here. I think that when it is obvious when a Member might have a particular interest and if they explain that they have got a particular series of points to make and they are worried that they might go over the time limit I am sure that the Presiding Officer will reach an accommodation with them, and that is how I would believe it would work. But, no, you would not have to submit speeches in advance and I do not think we should expect our Presiding Officers to read them all in advance and then listen to them all again. I say to Deputy Higgins, he was part of the P.P.C. subcommittee that produced a report which had appended to it the paper from the former Greffier on the 3-week cycle. I read the report of that subcommittee which looked into the work of the States and there was a clamour for time-limited speeches at that time. There was also a clamour for more restrictions on debates and people repeating themselves, and all sorts of other processes and procedures of the Assembly. The conclusion that Deputy Higgins' subcommittee came to in the P.P.C. in 2010 at that time was ... it is a fascinating document if people want to read it, and all the comments from the Members that they took statements from paints a very bleak picture of the Assembly in 2010.

[11:45]

The conclusion that subcommittee came to was to, as they put it, not make piecemeal changes to the procedures but wait until - yes, you have guessed it - another review of the machinery of government. But I think that is the wrong approach and I think we should, when the opportunity arises, keep looking at areas of our workings and see if we cannot improve upon them, and that is what I have been trying to do since taking office as P.P.C. chair. I am pleased that Deputy Higgins makes the point about the guillotine being a blunt instrument and I remember the times when he was denied his opportunity to speak. This Standing Order is setting out to achieve a better solution and trying to get every Member to be able to say their bit, have their say, but it just might be in a shorter space of time. It is about discipline. I think about how this will impact on me and I have to say maybe I have got to put myself in check in terms of being self-indulgent, and I do speak for too long sometimes and I know that and this will - picking up Deputy Perchard's point, and I think she is right - encourage me to prepare a bit more. I do not necessarily always like to work from a script but that does not mean I should not try to structure things better, which I will try to do. I mean, never mind repeating what has already been said in a debate, I regularly hear myself repeating what I have already said in my own speech. So I have got to impose some self-discipline on myself and I think we all should for the benefit of the debate and the clarity of the debate and better decision making in a timely fashion. I maintain the proposition and I ask for the appel.

The Bailiff:

Thank you very much, Deputy. The Greffier will put a link in the chat. It is there now; I open the voting and invite Members to vote on the proposition in the normal way. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The proposition has been adopted:

POUR: 31		CONTRE: 15		ABSTAIN: 0
Senator L.J. Farnham		Senator I.J. Gorst		
Senator K.L. Moore		Senator J.A.N. Le Fondré		
Senator S.W. Pallett		Senator T.A. Vallois		
Connétable of St. Helier		Senator S.Y. Mézec		
Connétable of St. Clement		Connétable of St. Lawrence		
Connétable of St. Saviour		Connétable of St. Ouen		
Connétable of St. Brelade		Deputy G.P. Southern (H)		
Connétable of Grouville		Deputy M. Tadier (B)		
Connétable of St. John		Deputy M.R. Higgins (H)		
Connétable of Trinity		Deputy J.H. Young (B)		
Connétable of St. Peter		Deputy K.F. Morel (L)		
Connétable of St. Mary		Deputy M.R. Le Hegarat (H)		
Deputy J.A. Martin (H)		Deputy R.J. Ward (H)		
Deputy of Grouville		Deputy C.S. Alves (H)		
Deputy K.C. Lewis (S)		Deputy K.G. Pamplin (S)		
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 L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				

The Greffier of the States:

The Members who voted contre in the link were: Senator Le Fondré, Deputy Higgins, Deputy Pamplin, Deputy Morel, Deputy Ward, Deputy Young, Deputy Le Hegarat, Senator Mézec, Deputy Tadier, Senator Vallois, Deputy Alves, Constable of St. Lawrence, Constable of St. Ouen and Senator Gorst. There were some votes in the chat, yes, Deputy Southern.

Deputy M. Tadier:

Can I ask a point of order, Sir? I did put it in the chat, and I might have missed it but I noticed that Senator Gorst was not present at the beginning because he was out of the Island. Is he now back in the Island, because he did vote?

Senator J.A.N. Le Fondré:

Yes, Sir, I can confirm he is.

The Bailiff:

Perhaps that assists you. But in any event, in accordance with current practice, Deputy, we mark anyone as excused if they do not answer at the second roll call. In fact he was away at States business but we are now informed he is back so I think that deals with the position.

Deputy M. Tadier:

Sir, could I just press that further? For good order it would normally be the case that we would know obviously if we were sitting in the Assembly whether a Member is back in the Island, but it is difficult to know when it is remote where any Member is voting from. So how do we know the point at which a Member has returned to the Island and is in the Assembly effectively virtually?

The Bailiff:

Well I think we have to rely on that Member to be honest with the Assembly or those colleagues speaking on his behalf to be honest, in the same way that we take it at face value when someone says that they are sick and some other Member swears an oath. This is in part down to the honour of States Members.

4. Incoming passengers from Green category jurisdictions: requirement to self-isolate (P.122/2020)

The Bailiff:

The next item which was to have been debated was the Draft Shops Regulation of Opening but that has now been withdrawn by Senator Farnham. The final item is the proposition lodged by Deputy Gardiner of St. Helier entitled Incoming passengers from Green category jurisdictions: requirement to self-isolate, P.122. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion - to request the Minister for Health and Social Services to take the necessary steps to introduce, with immediate effect, a requirement for all incoming passengers from "Green" jurisdictions or regions to self-isolate until receipt of a negative result from their first test for COVID-19.

4.1 Deputy I. Gardiner:

I believe that in the current circumstances introducing a self-isolation requirement to receiving results of the first test is just common sense. I do not need to be a scientist to see the benefits. Originally last week this proposition was borne by several factors. First, we all learned on 29th September about a case where 6 people tested positive for COVID-19 having connected to the same venue in Jersey between 16th and 17th September. One day later dozens of locals had to self-isolate which definitely was not good for the economy and well-being. This scenario would have been prevented if we had introduced a compulsory isolation period for all arriving passengers from green category jurisdictions while they are waiting for their test results. Second, increased COVID numbers in the U.K. A new report from Imperial College involving P.C.R. (polymerase chain reaction) tests of random samples of the U.K. population estimated that one in 200 people in the U.K. have COVID-19. It was clear to me that we would see an increased number of U.K. passengers testing positive at our own borders. The test results from this week show this assumption was correct. Basing our decision to introduce mandatory self-isolation for new arrivals on our ability to return test results with 12 hours timeframe rather than the likelihood of COVID-19 arriving into Jersey from the rest of the world I do not think is the right approach. Protecting our community: as a result of the incident involving the local community seeding of COVID-19 from free-roaming U.K. arrivals, instead of people to self-isolate as they are awaiting testing results, the people who need to self-isolate now are unable to work or study and are anxious that they will have unknowingly transmitted the virus further afield. This incident and similar repeated incidents have a knockdown effect. I am not naïve; I do not think the introduction of this requirement will solve our problems. It will not completely safeguard our borders, but what it will do is reduce the risk and give the public the reassurance of safety and feeling that we are listening to them and acting quickly in response to a changing situation. We have already passed the ideal time for extra insurance policy measures to be introduced. Let us do it now. The well-being of our community is important. We must put the well-being of our population ahead of

the convenience or number of tourists. Incoming arrivals to Jersey should be expected to plan their isolation period as part of their travel arrangements. Who decides to travel? They are basically entering a travel lottery. We need to concentrate on the well-being of our own permanent residents, our community, and preserve their ability to continue to work, study, and see their families on the Island. We are in a precious situation now; let us keep it. It is the most precious resource of our Islanders, the local permanent residents, and they would like to see it introduced as soon as possible. Thank you, I move my proposition.

The Bailiff:

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

4.2 Incoming passengers from Green category jurisdictions: requirement to self-isolate (P.122/2020): amendment (P.122/2020 Amd.)

The Bailiff:

There is an amendment to the proposition brought by the Minister for Health and Social Services and I ask the Greffier to read the amendment.

The Greffier of the States:

After the word “introduce” for the words “with immediate effect” substitute the words “effective from 23:59 on Monday, 12th October 2020”.

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

In the 3 months since the safer travel policy was agreed by this Assembly it has successfully protected the health of Islanders and kept our community as open as is safely possible and the Government’s objective is to continue in that way. The safer travel policy is flexible, enabling us to respond to internal and external factors. We have seen this in the reclassification of red, amber and green areas and the decisions to use results from lower tier authorities in the U.K. and departments or regions in European countries. On 24th September, the Chief Minister and I made statements about the reclassification of areas in the U.K. and the additional requirement that all travellers from green areas would be required to take a second P.C.R. test at day 5. We confirmed that our on-Island test facility was up and running and going through a series of commissioning tests over the coming weeks to ensure it could function at its full capacity. It was important not to overload that valuable facility at the start and so gradual steps were being taken to phase in increasing numbers of tests. The Chief Minister and I said that once an average turnaround time for test results reached 12 hours we would introduce a requirement for travellers arriving from green areas to self-isolate until receipt of their arrival test results. I said that a further announcement would be made nearer the time. In a press conference last Tuesday, that is 29th September, the deputy medical officer of health said the 12-hour turnaround time was likely to be achieved in mid-October, possibly before. Accordingly our teams began planning to implement the changes. Deputy Gardiner lodged her proposition last Friday afternoon and she and Ministers are completely aligned in that we all wish to introduce the requirement to self-isolate. Deputy Gardiner’s proposition was well-intentioned but I believe unnecessary. Having been advised of a specific date - Monday, 12th October - on which we had confidence that our test facility could handle 1,000 tests daily within an average turnaround time of 12 hours the Government was preparing to announce the new requirement, and I did so via my amendment to the proposition; proposition which of course only serves to make specific what we intend should happen.

[12:00]

Rather than an immediate requirement to do something, which the proposition urges, that would always take time to implement, the amendment provides a specific date for the clarity and confidence of Islanders, their families, and other travellers. We do need to give proper and adequate notice of

any changes we propose, and indeed I remember the Connétable of St. Lawrence questioning me a fortnight ago on earlier changes and urging just that, sufficient and adequate notice. Deputy Gardiner's concerns are around increasing numbers of travellers testing positive upon arrival. Members will realise, because of the classification of more areas as red or amber, increased numbers from those areas will be required to isolate for 5 or 14 days. But it is the case that we can also expect more positives from green areas because we know that infection rates are rising in the U.K. although, to an extent, that is offset by falling passenger numbers because of the time of year. More than 99 per cent of arriving passengers are testing negative. The risk of increased infection remains low. That is the advice we have received. It has been shown to States Members in the slides in yesterday's briefing and in comments at that time by Dr. Muscat. Last week we had 16 arrivals from green areas that tested positive. There were a further 7 from amber or red areas. Dr. Muscat has advised us that the estimated risk reduction offered by isolating passengers from green areas until they receive their day zero test is around 5 per cent. So let us say that 20 arrivals from green areas tested positive in one week; the risk can be quantified as on average one additional infectious case for that week that is 5 per cent of 20. We are in an excellent position to deal with inbound passengers. Our testing regime is among the best in Europe. We have a thorough and effective track and trace programme. There is no transmission of the virus into the community. The effective control at our ports has given us time to prepare for challenges in the winter months, which we know are coming, and where the greater risk lies. So this debate is about a 4-day period. Deputy Gardiner, in the amendment to the amendment she will propose, wishes this measure to be in place 4 days before Ministers consider is the appropriate date. In just 4 days it is possible, according to Dr. Muscat's advice, that just one additional infectious case could occur without a requirement for self-isolation. But it is equally possible that one is an overestimate and an earlier date for this measure would make no difference at all to the numbers of infectious cases, but it would cause considerable confusion and disruption to travellers. The most effective of the measures we announced on 24th September to control infection from inbound travellers was the day-5 testing of passengers arriving from green areas. That is to do with the infection period and the fact that infection can be missed at day zero but can then be picked up on day 5. That measure has been implemented last Friday and those additional tests are being handled by our teams. Of even greater public health importance is the increased effort we are putting in to ensure our test, track and trace systems are strengthened. Our enforcement teams have the resources to chase down non-observance of regulations, and that we introduce all the pre-emptive measures we have begun to discuss to meet the challenge of winter, of which masks are an example. If we want to have debates about COVID measures in this Assembly, I say let us prepare to debate those substantive measures, because they will definitely make a difference to infection rates and outcomes. By far the great majority of passengers have followed guidance upon arrival in the Island. I repeat my thanks and Ministers' thanks to Islanders who have followed that guidance and helped to achieve the good position the Island is now in. I have asked officers to arrange to have teams at the ports to highlight and reemphasise the required measures over this coming week as part of the preparations for the introduction of self-isolation, pending receipt of the day zero test results. It is unnecessary to accelerate the date for required self-isolation. The advice that we have received is that the risk is low. The proposition before the Assembly asks for immediate implementation. This amendment seeks to clarify that by inserting the date - a date - of late Monday evening so that all passengers arriving from next Tuesday will have the certainty of knowing what they are required to do. It is important to avoid disruption to Islanders, unnecessarily long periods of self-isolation, confusion among port users, and stress caused by the giving of little or no adequate notice of changes. For months, and as part of our strategy, we manage the balance of risk and we seek to cause the least overall harm. It is entirely disproportionate to the risk involved to bring forward the date for this change, and therefore I would ask Members to accept this amendment.

The Bailiff:

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

4.3 Incoming passengers from Green category jurisdictions: requirement to self-isolate (P.122/2020): amendment (P.122/2020 Amd.) - amendment (P.122/2020 Amd.Amd)

The Bailiff:

There is an amendment to the amendment so I ask the Greffier to read that amendment.

The Greffier of the States:

Page 2 - replace the words "Monday, 12th October" with the words "Thursday, 8th October".

4.3.1 Deputy I. Gardiner:

I am grateful for the Minister and his team and we have had engagement and conversations and communication during the weekend. I am very grateful that we did have communication and various dates, including Friday, Monday to self-isolation, were raised during this communication. This amendment, the amendment that we have now to reduce self-isolation requirement, was brought following a briefing that we had yesterday and the data that came to our table during Monday and Tuesday. I come from a business environment and in business I see the data, I analyse the data, and react quickly. This Assembly, it is not a business I realise, we need to have a debate and this is the reason that we are having a debate. But we need to give to the public reassurance that we can react quickly to changing circumstances. They have changed. The Minister and myself and the Government, nobody expected to have 17 cases within 2 days; from 1st October we have 22 cases, 6th October we have 38 cases, the jump is huge. Yesterday in the debate, we have been presented how many arrivals we had and how many positive cases from the arrivals we had, and I have done a quick calculation and I realised that 3 weeks ago we have one case per 742 arrivals. Two weeks ago we had one case for 686 arrivals. But last week we had one case per 221 arrivals. The jump from 686 to 221 is huge within a week and this is why I felt the urgency to bring something that will be acceptable. I realise we do not want to have doubt, we want some certainty, we need to give some warning. At the same time, to wait another week to see these numbers jumping I feel is irresponsible. Interestingly enough, I can see that if I am going 2 weeks forward our numbers more than doubled during 2 weeks. We all agree that it needs to be introduced and probably, as a Backbencher, I move maybe quicker because it was just the feeling that is the Assembly is going to debate it today and we need to make a decision as an Assembly. It is right to bring another option for the States Members to choose. Also, yesterday, during the briefing, which was very important to hear that our lab is ready today and all tests will be performed on the Island. Our lab has the ability to have 100 per cent on arrival tested on the Island and turn around results in 12 hours. Friday we do have like 78 per cent, if I am not mistaken; so on Friday, yes, some of the incoming passengers will need to self-isolate a bit longer. But what is that compared to the benefit to the community? I have calculated how many people went into self-isolation for the contact tracing between Monday and Tuesday. On Monday we had 289 people, on Tuesday we have 327 people, we have 38 residents went into self-isolation within a day following the contact tracing. Are we thinking about residents, our 38 people who went into self-isolation, for the tourists that will need to wait an extra 12 hours? Another piece of evidence from yesterday's briefing, which was really important for me that I brought this amendment, the 65 per cent of incoming passengers are local residents and from the conversation, again it is anecdotal evidence, but I do believe that, as local residents, including myself, people come back, they feel responsible for what is happening in this community, and they are self-isolating regardless of this compulsory requirement. For local residents to self-isolate for 24 hours when they are coming back home, it is not much to offer. Who will probably not self-isolate is somebody coming for their weekend, to have a rest from 6-people gatherings in the U.K. In the U.K. they might well introduce more strict measures, it has been in the media today. So why I am putting also Friday? I feel like, yes, we have a weekend and we would like to be sure that the people who come to party and have a holiday on the Island will need to get extra measures and not just by their goodwill. Dr. Ivan Muscat yesterday, during our briefing, said at the latest it should be introduced on Tuesday, so

why wait for “the latest”? I am moving this amendment to the Members’ decision and we do have time from now until Friday, we have all things in place, and it is just to get extra measures, extra insurance, for the public of Jersey that the majority, I believe, would like to see self-isolation before your first test result will be ready.

The Bailiff:

Is the amendment to the amendment seconded? [**Seconded**] Deputy Young, you have indicated you wanted a point of clarification. I am afraid I have only noted it. Was that from this speaker?

Deputy J.H. Young:

No, it is not. I meant it from the Minister for Health and Social Services, but I will wait until I speak. I will deal with it then if I may.

The Bailiff:

Yes, thank you very much. Chief Minister.

4.3.2 Senator J.A.N. Le Fondré:

Can I just turn off my emails because I am getting lots of bleeps coming through at the moment? It is going to come as no surprise to Members that, while I understand why the Deputy has concerns, I am not supporting her amendment or the main proposition. In fact I do not agree with her arguments. Frankly, and I mean this in the nicest possible way, the Deputy has talked about risk, but her message, and I believe on the advice we have had, her understanding is incorrect. The risk remains low, it remains really low, and that is probably the most important thing to remember.

[12:15]

I would just like to pick up 2 points that she said in 2 of her speeches and in her report. One is she refers to the incident that is referred to in her main proposition in the first paragraph and she said it again today. That 6 people were tested who had visited the same venue, it is 4 just to clarify. I also really want to make clear from absolutely point one that any inferences that we are not considering the interests of Islanders really need to be refuted and I fundamentally disagree with any inference that might be the case that we are not looking at the interests of Islanders. Everything we do, whether it is through the competent authorities through the Emergencies Council, through the Council of Ministers, is with the interests of all Islanders in mind. That has been our position from day one. There have been difficult decisions but we absolutely are taking account of the interests of Islanders. If I remotely thought that the advice that we have been giving was incorrect that the risk remains low, we would be having a different debate. Where I want to start is that I first became aware of the Deputy’s intention to lodge an amendment to our amendment towards the end of yesterday morning and during a conversation just as we adjourned for lunch. Again I am not really sure how to phrase this, it does slightly feel like we are allowing fear to dominate our decision-making process when the science does not back that fear. I understand those concerns, I really do, but we must not panic, we must not go for kneejerk reactions, particularly when the risk remains low. I will come to this. But just to put matters in perspective, back in March we were showing daily changes of 16, 20, 22, and on 5th April 32 new cases from the previous day. Those were daily increases. We will no doubt have another update today and no doubt it will be a different figure, it will probably go up again. But yesterday’s reported increase was 7. The total positive cases since 3rd July is 38. All of these are from either our contact tracing or our broader testing, i.e. we are capturing these earlier and earlier, so the point is we are still in a low-risk scenario. But just to be doubly sure, I convened an urgent meeting of the competent authorities during yesterday’s lunch period and we had to obviously shift an awful lot around. But I can confirm that included, within that briefing, Dr. Muscat as well as other officers. I can confirm to Members the following: the nub of the discussion is that the risks remain negligible and the view was from Dr. Muscat, and from others as well, we are having the wrong debate. By that I mean we are focusing our attention on the wrong areas. This debate today is not

where the risk lies. There is not a significant difference, on the advice we have had, on the opinion of those people advising us, between tomorrow evening, which is less than 36 hours away, and Monday. We should be focusing all of our attention over the next few days, and in the next few weeks, on our internal measures. That is what we have been floating; our enforcement, our test and tracing, making sure that establishments are properly enforcing the use of Q.R. (Quick Response) codes or taking names and addresses, social distancing and enforcing the use of masks. That is what we have been saying since the end of August and that is why problems are ramping up in this area and why we are taking steps. So the amendment was lodged yesterday afternoon and, if approved, it will take effect in slightly less now than 36 hours until midnight tomorrow evening, i.e. it is going to happen tomorrow night. When propositions are lodged in haste it is true sometimes things get missed and obviously the original proposition wanted the measures in place with immediate effect. That would be potentially from lunchtime or teatime today, depending how the rest of the business has gone. That is, in our view, not proportionate and it is why we lodged our amendment, because we have been saying for a number of weeks that this was coming. Members will recall the briefing they received on 29th September and the press conference given by myself, the Minister for Health and Social Services and Dr. Ivan Muscat on the 24th. At both of those we emphasised the Government's rationale from the update to our border testing measures. Again it is worth just reiterating them. Our Island finds itself in a really excellent position with the support and co-operation of Islanders. In Jersey we have been able to establish a testing regime, which ranks among the best in Europe. We have substantially mitigated community transmission and we have established an excellent track and trace programme. That has secured the time we need to prepare for the winter months, which we know will pose greater risk compared to summer. We have also, in those press conferences, outlined the increasing capacity for the on-Island testing thanks to the new dedicated facility, which, as we know, will reduce turnaround times for test results to 12 hours. As we said during the press conference, once test results have been reduced to the average of 12 hours, we can implement the requirement that we are discussing, which is for all inbound travellers to self-isolate, even from green countries. This has been in the works for a while. The lab that gives us this ability arrived in Island on 18th August. We completed the first live passenger test I think on 15th September. But there will always be logistical issues in getting this type of thing in place. Indeed, there was a component being delivered to the Island on a ferry yesterday that was delayed due to storms, but it is here now and being installed today. But obviously there are all those kinds of logistical issues. So this is all about the practicalities of putting a big piece of kit on-Island, commissioned, validated, and then run in. For the last few weeks we have been saying it will be fully operational, able to reduce time down to 12 hours or less by the middle of October. The middle of October is next week. That is why I sought just to amend Deputy Gardiner's main proposition because it is the date we have always been aiming for. We are already doing what she is asking because that is what we announced almost 2 weeks ago. It is always difficult when we start talking about numbers, and I used to love statistics and normal distribution curves and risk. But that was 30-odd years ago so I am not going to go into the technicalities, which I am sure will be a great relief to Members, but fortunately I saw a tweet from one of our media commentators and he got the principle absolutely spot on. To quote: "Some analysis for today's stats of interest", I think this was yesterday, it might have been the day before, and he talks about the number of new cases and then he says: "So is that a lot? It is one positive for every 270 people", which is a slightly different ratio to the worst-case scenario in Deputy Gardiner's proposition, but it is the same principle. Then he says: "It is 99.63 per cent negative. A month ago it was 99.92 per cent negative at the border. I hope that puts it in perspective." What he then says is: "Change? Yes. Much change? No." To be clear, he was slightly out because he did not have Sunday in it, but that figure drops to 99.45 per cent. That is how I am absolutely clear in saying that what we are dealing with in terms of the difference between tomorrow night and Monday night is very negligible risk in terms of health to Islanders. So, without going into all the technical details, the risk has not increased by, let us say, 75 per cent, which is kind of what Deputy Gardiner is implying in her report when she talks about hundreds of people per one case and how that has

significantly dropped. It is not a 75 per cent increase in risk. We are still in that territory of around 99 per cent negative. The risk remains negligible and that was the detail I confirmed with Dr. Muscat yesterday lunchtime and it is consistent with what he said yesterday morning. That is really important. If the Deputy wishes to sit down with the team and go through those statistics in detail to properly understand, I would be delighted to offer her or any other Member that opportunity, because it is really important for understanding, particularly going forward. There will be some Members who will still be tempted to vote in favour of this proposition, reasoning it will expedite government policy, but this would be a mistake. Despite some populist views outside of this Chamber, politics is a serious business and many, many times we are asked to make serious decisions that affect the lives of many Islanders. Today is such an occasion and we need to be basing our decision on advice and clear, calm, considerations. But what we are arguing over is the difference between doing this tomorrow evening, around 35 or 36 hours from now, and on Monday evening. So why not just do it? There are a number of arguments against this and one is why do you want to create this disruption, both to the general public, to the Islanders, and also to our personnel, our teams who are trying to get this one in place, when everyone has been working to the date of next week, when the risk is low. When the supposed benefit of going earlier is, in health terms, negligible. Our teams are already working to an incredibly tight timetable and have made excellent progress to have the on-Island testing facility up to full capacity by next Monday. It is about running the lab in and making sure it is working properly. Secondly, it would catch incoming travellers unaware. Some of those incoming travellers will be people returning back to Jersey. The Government announced in September the requirement for arrivals from green areas to self-isolate would be implemented by mid-October. Yesterday we were able to give a specific date, but with one week's notice to allow those who plan on visiting or returning to Jersey to have sufficient time to prepare and to make the necessary arrangements. In the past, we have been criticised for not giving sufficient notice. So to show we have listened, the timing of the last measures was given some praise, by giving adequate time to prepare. Again, I make no apologies for repeating, when the risk is low. Then thirdly, given the risk is low and the medical benefit of going earlier is negligible, then it is absolutely right to take either wider health considerations or known health considerations into account. That takes us into reputational risk. So we have been sending out the message of next week for well over 10 days now. Airlines are expecting this. Passengers have had over a week's notice and Islanders can make preparations if they need to. This amendment slashes that time. It has huge potential to cause confusion and breach trust. People who have been planning from now for 5 days' time, suddenly it is going to be tomorrow evening. So, as I said, the Government supports the principles behind the proposition proposed by Deputy Gardiner. However, as was elaborated upon during yesterday morning's Members briefing, the implementation of the measures will require additional time and this proposal has the potential of great reputational damage. So I therefore urge Members to reject this amendment and support that proposed by the Minister for Health and Social Services, Deputy Renouf, and to give our healthcare professionals time, and our other teams time, to implement the updated border measures for next week. It is the right decision, it is what we have been saying we are going to do, and the advice from the Deputy Medical Officer of health is that the risk remains negligible; that it is an appropriate way of proceeding. So, to summarise the risk, the risk of introducing the new regime on Monday night rather than tomorrow night is negligible and is outweighed by the reputational and disruptive impact of changing with very little warning when there is no need to do so. To reiterate, change, yes; much change, no. I really do urge Members to reject this amendment.

4.3.3 Deputy J.H. Perchard:

There have been some criticisms lodged against Deputy Gardiner's proposal that I would like to address and it is relevant to the discussion on the amendment of the amendment because these criticisms are arguing against adopting the amendment to the amendment. So I am going to deal with those arguments head on. I say from the beginning that, no matter which way the amendments go -

I will be supporting the final proposition as amended - or not. So a view has been expressed that the isolation policy was coming anyway, it is coming next week anyway, and there was an implication made that there is no need for this proposal. This is a fallacy for a couple of reasons. If we all agree on something then it should be easy to support and it is certainly not a reason to vote against a good proposal. Secondly, if the Government said something first, it does not mean that a Backbencher cannot bring a proposal to implement it sooner. Thirdly, the Government did not announce Deputy Gardiner's position back in September. The Government said that those arriving from green zones would have to isolate once test results reached an average of 12 hours. That has just been repeated by our Chief Minister and the Minister for Health and Social Services. That was a position we were given. So if I just deal with this kind of he said/she said attitude and let us just remember that Deputy Gardiner was the first, she was the first person to bring the pandemic to the attention of the Assembly. She was the first person to question the Chief Minister on the pandemic in the Chamber. At that time, the Government line was it was a hypothetical situation.

[12:30]

The Chief Minister has just outlined that he thinks Deputy Gardiner has talked about risk but, I quote: "Her understanding is incorrect" and that she has taken a kneejerk response. Hold on a second. She and I and others have consistently held our position that isolation should be compulsory for all arrivals. We have consistently expressed a lower appetite for risk. So let us not be patronising and personal by saying we do not understand risk. We do understand but our position is different from yours. We have a lower appetite for risk. The Government wanted few cases, we wanted no cases. That is the difference. It is a position that I maintain would have been better economically for the vulnerable, the 2,000 to 4,000 vulnerable people we have in our society, and for our general sense of well-being. But that is my personal view given the facts that I have been presented with. It does not mean I do not understand them, it just means that I have a different perspective. The Government made it clear that they do not share the same level of risk appetite, as is their right, and as is indeed their responsibility to assess. But to criticise a Backbencher for bringing to the fore a view they have held and clearly expressed from the very beginning is unreasonable. On the issue of isolation, we do not all agree and we have not from the start. However, we have now moved much closer together and what a relief that is. Deputy Gardiner and I, and others, still believe that all arrivals should isolate while awaiting a first test result. The Government's position now is that everyone should isolate on arrival when tests average 12-hour turnaround. I find the 12-hour turnaround, the insistence on that, quite interesting, because it is quite an arbitrary number. Why not 10 hours? Why not 14 hours? What I am saying is it is not a scientific calculation; it is just an estimate of a period that sounds tolerable to arriving passengers. There is indeed merit in that ambition, of course, but the point I am making is that the insistence that we do not enforce isolation until we reach the 12-hour turnaround is not a health-directed decision. That is a decision that is a policy decision, a political decision of what seems palatable. Dr. Muscat was present at our briefing yesterday, he did not say much because he was not there to present, but to answer questions. But 2 key points that he did raise are really worth repeating, and I have written these down. He said, in these words: "People seem to have forgotten that COVID is still a threat." He went on, and now I am paraphrasing, to say that this threat will only get worse as we enter the winter. He also said, no matter what, we cannot wait beyond 12th October, next week, for people from green zones to have to isolate. We cannot wait beyond 12th October. So listening to that, that tells me that medically speaking 12th October is our cut-off for when we must make everybody isolate before a test result comes back. That is the last day that is a safe and appropriate day to not have people isolate. Again, I fully understand those words, but my risk appetite is different. I do not want to wait until the last possible day. I want to do it sooner, and that has always been the position. That has always been Deputy Gardiner's position. So let us move away from suggesting that there is a lack of understanding. Let us not have those embedded prejudices. Let us consider the fact that some people have a low appetite for risk. Deputy Gardiner has brought this proposition, as is her right, because of that perspective. We had 8 arrivals on Monday

testing positive, this is information we were all given from officers, and 5 of those were local residents. It was also confirmed to us that, of the 31 who at that time were currently active, which has obviously gone up since then, 24 are local residents. What I am saying is most people arriving in Jersey who test positive on arrival are returning home. One of the officers at the briefing with an operational responsibility said on Monday that the test and trace facility would cope with double the numbers at this point in time. She said that on Monday morning. So my question is: what are we waiting for? If there is not a good health reason to wait, or strong evidence to prove there would be catastrophic consequences of not bringing this in on Thursday night, they should have been shared with us in advance of the debate and, for me, as it stands, this seems really political. It seems to be about who is going through, and I do not think it is reasonable given that we are talking about a health crisis. As I have repeatedly said, Deputy Gardiner has had a consistent view from the start and she has brought up all of this, in effect. She is not concerned with the 12-hour average time test results, it is not mentioned in her proposal, it is not about that. It is about the concept of having to isolate while you wait for your results. That is a concept with which I have consistently agreed and for which I am grateful to have the opportunity to support. I think now is the time for us to be focusing on what is best for the Island and, to my mind, in my personal view, in my understanding of the risk and my preference for the risk, my view is we should implement this isolation policy for all arrivals as soon as possible. This proposition and the amendment to the amendment gives me the opportunity to uphold my view by supporting it. It is very important that in this debate Members reflect on their own appetite for risk and consider, in a very professional and not personalised manner, whether or not they agree with the concept in itself, which is to isolate before we get test results, no matter how long the test result takes. Given the fact it is going to take an average of 12 hours from next week, which we can celebrate when we get there, I will be of the mind that it is not damaging to enforce that before next week and therefore we cannot support it. It is quite a simple decision, but let us not get bogged down in embedded prejudices against Backbenchers who have tried very, very hard to access all the information, have requested data, fact-checked the data with the officers who have given the briefing, and then emailed us saying that they fact-checked their numbers. Deputy Gardiner is diligent and any suggestion to the contrary is quite repulsive to me. So I urge Members to reflect in the way that I have suggested and vote accordingly.

The Bailiff:

We are now at 12.38 p.m.; one Member has indicated a desire to speak.

4.3.4 Deputy R.J. Ward:

I would like to reiterate, well I will not reiterate, but I would like to support the last speaker's points. I think there was a very good phrasing there about prejudice towards Back-Bench propositions. I would ask the Council of Ministers to really think about that statement in these terms. Deputy Perchard was absolutely correct in saying that Deputy Gardiner has had these concerns from day one. Deputy Gardiner sits on the safer travel panel with myself that I am pleased to chair and has a huge input on that panel about these situations. There are other Members who share these concerns. Let me just deal with one thing that I think is very important. We had a briefing the other day regards the testing and the capability of the 12-hour turnaround. We were given statistics where there are a couple of days this week where it is at 100 per cent testing capability and on the other days it is around 80 per cent or 80-something per cent. So the impact on travellers would probably be minimal, if at all. What we are doing is we are muddying the waters of this again, and this happens every single time we have a debate. What we are saying is: are you willing to take that even small risk and therefore possibly allow growing numbers of cases into the Island who will not have to isolate for 12 hours, or a little bit above 12 hours, for a couple of days? Or are we going to say the capacity is there, it is available, and we can do this from Thursday night and give some reassurance to the population of the Island that has been through a really difficult time and say that: "You are going to isolate until you get your test back and it is very likely it will be a 12-hour test anyway, i.e. you will

go to bed, you can get up the next morning and your test will be there.” That imposition on people, there have been much greater impositions on people who have lost their livelihoods, who cannot see loved ones, who have perhaps lost a loved one. We have to be very careful in taking these decisions. When we say these are serious decisions, does the Chief Minister not know that every single Member of this Assembly realises these are serious decisions. I am fully aware, I am absolutely convinced Deputy Gardiner is fully aware, that this is a serious decision. We are living it too. I have family I have not seen for a long time but I recognise why. I would like to say this debate is about simply that, if we had the capacity, and I believe that we do have that capacity, why are we not using it now so that risk, however low, is almost eliminated and makes it even lower. That is the action we should be taking. If we have learned anything from this pandemic, it is this: you act quickly, you act decisively, and you do so even if that means that you are addressing tiny risk. It is the best thing to do. So I would urge Members to support this, to allow it to happen, and not be smoke-screened by this notion that it is going to have these huge inconveniences for the wider population. I simply do not believe that is the case and this is an opportunity that I believe the people of Jersey, and travellers, would appreciate happening because they would feel safer. That is everything I want to say on that.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. The Assembly will stand adjourned until 2.15 p.m.

[12:42]

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

Is Deputy Gardiner in the Chamber? We will just pause for a moment to allow Deputy Gardiner the chance to get back into the Chamber. The debate resumes on the amendment to the amendment. I have next Deputy Wickenden noted to speak.

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

Jersey has been spoken of very highly for how we have acted during this pandemic. We have the first digital Parliament which got all of its Members to attend digitally. We saved many jobs with fast action in supporting Islanders with co-payment schemes, the C.R.E.S.S. (COVID-19 Related Emergency Support Scheme) scheme and the other support measures we have given and our support measures have been more generous than any other jurisdiction. We have the best border tracing system in Europe, which has been praised in many other jurisdictions. Are we now going to be known as the first jurisdiction that is going to start ignoring our own medical advisers to instead make political decisions during this pandemic? What message would that be sending to all our health professionals here in Jersey that have done us so proud in getting Jersey to the great place it is today if we, the elected representatives, are going to choose to ignore their advice? The new testing system needs to be put in place and the processes need to be checked and tested. The teams that are working with testing are already trying to get up and running as fast, as safely as possible and they have told us that Monday is already a tough timeline but are working tirelessly to put it in place for that timescale. This amendment puts a higher appetite for risk through rushing and expediency that could ultimately slow down our ability to reach the target 12-hour timescale in the safest and fastest time that will ultimately benefit Jersey and its Islanders. I would like to point out that the Minister for Health and Social Services is taking advice of our health professionals who have worked tirelessly to understand the science behind this pandemic and how it affects our Island to give the best advice for Jersey. I would like to quickly address the idea that the Government did not mention the date of mid-October to change the rules and to ask incoming passengers to self-isolate until their first negative tests when travelling from green-designated countries. Over lunch I did some research and

on 29th September there was a press conference which is recorded on our Government of Jersey YouTube account. At 22:55 of that YouTube video Freddie Miller from the BBC asked when we are going to ask Islanders to self-isolate until they get a negative result when travelling from green-designated countries. The answer was clearly given: it will be when we can get testing to a 12-hour turnaround which would be in mid-October. Again, I ask, do we want to be known as the first jurisdiction that is going to start ignoring our own medical advisers to instead make political decisions during this pandemic? I would say we do not want to be. I urge Members to show Jersey's health professionals the respect they deserve from this Assembly by rejecting this amendment and supporting the Minister for Health and Social Service's amendment. Thank you.

4.3.6 The Connétable of St. Ouen:

I would like to start by just referring to a previous speaker, Deputy Perchard, who talked about risk and in many ways she is entirely correct. A lot of this discussion is about risk and it is about the balance of risk and within our Island, and indeed within our Assembly, we have a broad spectrum of people who are at different ends of the risk spectrum. But I think largely as an Island we have steered a pretty middle course which has not only kept us free from the spread of COVID but has also allowed the Island to proceed in a relatively normal fashion. I would just like to read to the Assembly something that was printed in the *J.E.P. (Jersey Evening Post)* in Ben Shenton's column which I think illustrates the difference between approaches and it goes: "Across the water Guernsey has gone completely inward-looking with an almost cult-like belief in their decision to needlessly destroy their economic future. A good friend who lived there for several years is now leaving and he and his family have no kind words for their fellow Islanders who appear almost brainwashed. In isolation they happily report neighbours to the authorities if they fail to self-isolate, they are irrationally scared of all visitors. It is very sad and a little disconcerting." I think in Jersey we avoided that pitfall, life has continued in a semi-normal way and Islanders have been able to get off the Island and family have been able to come to Jersey. We have also been able to keep a substantial portion of our hospitality industry and our hotel industry going through an influx of a limited amount of tourists. So I would just like to emphasise a few points that were made by some earlier speakers. We have strong border controls, a good testing regime, and a track-and-trace system that works well. So far, and I touch wood at this bit, there has been no escape into the community. In statistical terms, the current increase from 99.92 per cent positive to 99.45 per cent positive is small. In absolute terms the numbers may seem alarming but when set against the numbers of arrivals we are seeing, I do not think it is so. Dr. Muscat has said that the risk remains negligible and he feels that by waiting until earlier next week we are proceeding in an appropriate way; his words, not mine. For me that is a key point. We have always been guided by medical advice and we have always listened and done what those people who have the expertise have told us is the appropriate way forward and, frankly, in my view, it has served us well. I really struggle to see why now we would certainly want to ditch that advice for only a small period of time and I cannot see any justification from the statistics for us to do this. So to summarise, the risk of introducing this new regime on Monday rather than tomorrow night is negligible and is outweighed, in my view, by the reputational and disruptive impact in changing with so little warning and, as we have seen in the U.K. and we ourselves have seen, when we have made quick changes without much warning we have attracted a considerable amount of criticism for doing so, and I have not seen statistical evidence which justifies the need for us to do it now. So, in conclusion, I urge Members to reject this amendment.

4.3.7 Deputy J.H. Young:

I think both Deputy Perchard and the Connétable have identified what is the key to this debate today; that of risk profile. As the Chief Minister and our Minister for Health and Social Services know, I identify myself as very much in the risk-averse category. Obviously, that is not just in these decisions now regarding the pandemic; I wear a crash helmet on a motorbike in Alderney when I do not have to, I wear a bicycle helmet, I even wear a life jacket and a lifeline when I am on a small boat at sea

on my own. This is just me but we have all got our own individual profiles. Of course, we have seen yesterday in the U.S.A. (United States of America) the ultimate macho man parading around in a way in the presidential suite, as it were, to indicate his attitude to risk. I think the fact that, as the Constable did say, everybody has got their own personal profile. So I disagree with Deputy Wickenden fundamentally, in that where you face these key choices for the whole community in a pandemic with such a serious position potentially, that it is right that those decisions are made by politicians. Of course we look at all the various interviews of the U.K. and so on and I think we clearly get to see where Health advise and politicians decide. Of course I think what we need to do is to say: "Well society needs to debate." How do we protect our community which has had, and this is huge praise, that where we have got low infection and low risk within our own community, we do not have to wear masks and people generally feel safe going about their business, but at the same time we know that the risk of infection coming across our borders is ever present obviously from communities that do not have the advantage of island sea borders to keep them safe and, what you have seen in recent weeks, days, the increasing element of that risk. So, other societies have had this debate, other island societies, and a couple I quote ... I think the Minister for Health and Social Services knows because it was me who drew the attention to Iceland who introduced a similar system to us and we modelled our scheme of border testing on theirs but of course they have had to change it frequently throughout the time because the risk ratios change. Obviously we got that. It is extreme, and, I agree, Guernsey have adopted a complete closed-door arrangement which I think will ultimately prove to be not the right one, that is going too far. But how do we make these judgments? Now I agree to help us we take the advice of doctors because doctors are experts at assessing risks. They assess the risks to their patients of every intervention that is made but the key point here is that when that happens in a clinical setting the decision is made not by the doctor, it is made by the patient. As political Members, I think it is our duty to make that judgment, particularly when there are a balance of issues to consider. Now, I absolutely, more than just respect, I incredibly admire the Minister for Health and Social Services and his team. They have taken us all the way through this absolutely to a terrific, very safe situation within our community but I think the dark clouds are clearly there. Anybody who follows the news internationally can see that. All the statistics have been going consistently worse everywhere else and that means that we are vulnerable and more vulnerable to infection coming in. So, for example, when we opened our borders, we had zero infections. We did for one day and then we had 23 on Friday. In fact, when the discussions took place about the amendment from the Minister, it was 23. Here a day, 2 days later, when we have had ... sorry, one day later and we have had 2 days' results, we have now got 38. Thirty-eight puts us at the standard ratio of 27-odd per 100,000 community which of course exceeds the original trigger point of 25 and so there is no question - there is no question - the rate of infection risk coming into our Island has increased. Now originally I can remember when we introduced the borders we were advised we would get one infection in every 7 weeks. Now, we have had 17 in 2 days and we have had 7 in one day. Now anybody looking at any numbers, it does not have to be an expert, that risk is increasing. I think Deputy Gardiner has set some figures out in her proposition, and I cannot remember the exact numbers, but I think we are now down from one passenger in every 200 or so is potentially carrying an infection, and that of course has increased from the one in 1,700 which was when we opened our border. I do accept the logic that the changes, by bringing in the regional classifications, the amber and red and selective isolation has been very successful.

[14:30]

Obviously we do not know because the reports that we get from the COVID team do not tell us when we see the infections. They do not tell us. They do not tell us whether it comes from a green, whether it comes from an amber or whether it comes from a red. We have to kind of work that out from the percentages, but I have tried to work it out from the percentages, but they do not tell us. So I would be interested to see hopefully somewhere in this debate - I might find out what reliable is - but I ask myself this, what sort of inconvenience are we talking about here? Twelve hours. Really? Now, so

I think, okay, we have got a choice of when we introduce it from but, for example, I myself, when I went to Guernsey in the summer I put up with 14 days. They have now reduced it for 7 days but I think it is likely that it is going to go back to 14 from Jersey but, believe me, 14 days' isolation and being policed by the Border Control Agency and followed up and having to go through all sorts of checks and so on is worrying, it is not easy. Twelve hours? So I worry about that. Now I accept the fact there is a risk, a judgment to be made here and I think that obviously we are all worried, that we want to keep those airline links open for all the reasons that people have said, we do not want to do things that are going to risk that. But I hope that the airlines in the future will adapt to the new world we are in and packing their flights at 100 per cent load factors when you have got risks of one in 200 or less on a plane carrying infection, I do not think that is something that I or other risk-averse people want to do. They need to adapt, they really need to change their business model, whether they need to change pricing or what, but hopefully that does happen because that is not just a local issue but I think it is a factor that needs to be borne in mind. So a decision with notice, I think the notice in the amendment from Deputy Gardiner, personally I would have probably put it another 24 hours more to give a little bit extra time but, nonetheless, because of the underlying principles that I have outlined, I think it is necessary to make that judgment. The situation has radically changed in the last 48 hours, it has radically changed since the Minister's amendment to set the date in Tuesday. I was very pleased he did that because I was very unhappy that we left it with no date on it. So I am very pleased that the Minister did that but I think, sadly, the situation has moved on with those 17 extra positives, but it will be interesting to see. I hope I am wrong. I hope I am wrong and that we do not see another big number today and I hope we do not start to go up to more than 50 or so. I do wonder what it might be by next Tuesday if Deputy Gardiner's amendment is lost but I am afraid that is the reality, we are going to have to cope with increasing numbers of infections. I think bringing ourselves into line with what other communities have done to having a very clear situation, isolation until a negative test ... I mean, other communities require more than that. They want an isolation until day 5 or day 7 but, no, all we are saying is 12 hours. Of course the figures we saw yesterday, I thought, showed the predictions and the numbers of arrival that the testing system could cope with it now, so is there an issue? I hope that Members will judge this, not in a way of any implied criticism at Deputy Gardiner, I do not think that is right. I think it is absolutely right, there is concern in the community, and it is right that we discuss it and there are different views because of people's attitudes to risks and whether this factor or that factor is more important. That is the essence of democracy and life that every society is making. So obviously whatever the result we will go with it and at least we have got a choice. They are all good but the question is, it can be better, and so, therefore, I am going to come down and support Deputy Gardiner. Thank you.

4.3.8 Connétable L. Norman of St. Clement:

I would like to start by saying through you, Sir, to Deputy Perchard that I am a member of the Council of Ministers and I have no criticism whatsoever of Deputy Gardiner for bringing this proposition and neither, I believe, have my colleagues on the Council. We think she is wrong. We think she is wrong on many levels, some of which have already been expounded, but we do not criticise her for bringing the proposition. But I say we should not be debating this, we should not be arguing about this for all the reasons laid out by the Chief Minister this morning. Instead, we should be supporting the Minister for Health and Social Services, a Minister of a proven track record who has led us, has led us skilfully and extremely successfully over the past months on this COVID issue. Deputy Gardiner is clearly spooked, spooked because we have had a number of extra cases over the last week. The trouble with being spooked and having a kneejerk, a panic reaction, to the situation is wrong when it is a Member of our States, the leaders of our community doing this because we are in a position to ... we take the risk of spooking and panicking the population and a panicked population is a population at risk. Just a few moments ago Deputy Young said things have radically changed. Really? Why are we panicking? What has radically changed? In Jersey, there is no one - no one - not one in hospital with COVID. There is no one in Jersey on oxygen with COVID. There is no one in Jersey on a ventilator

with COVID. What has radically changed? Even in the United Kingdom the numbers with COVID are increasing. We know that, they are increasing quite largely, but all the figures tell us that those who are getting the disease now tend to be the younger people in their 20s who tend to recover quite quickly and those of the most vulnerable in the United Kingdom and in Jersey, quite rightly, are shielding. At its peak England had over 17,000 people in hospital suffering from COVID. Today, despite the increased numbers in infection, there are under 3,000. We really should get things into proportion. Again, I would like to pay tribute to the Minister for Health and Social Services. Seven or 8 months ago we were facing the potential of between 500 and a number of thousand deaths, a hospital potentially overwhelmed. A temporary ward we created at Millbrook, a temporary mortuary was created but thanks to the excellent work of the Minister and his medical advisers we are in a stunningly good position. During all these problems, all the things we have had to do to get into this position, led by the Minister, we have maintained the well-being and mental health of the population. Debates like this do not help that situation. I think it was Deputy Wickenden who explained the high reputation Jersey has got for the way we have dealt with this, and he is absolutely right, including the testing and tracing operation. I implore Members, we must not lose our nerve now. We must support the Minister, support the medical professionals that guide us so well, and vote against this amendment which threatens to undo much of the good work that has been done over the past few months.

4.3.9 Deputy G.P. Southern:

It is very enjoyable to come after the Constable of St. Clement when he does things like say that this threatens to undo all the good work we have done over the past few months. What nonsense. What we have got here is a question of safety first and, as the previous speakers have said, some of them, Health advise, politicians decide and this is a political decision. It seems to me the decision is between a loss of face, a loss of convenience, a loss of reputation if we make a last-minute change to our COVID-19 regulations, or we protect to the best that we can our resident population. Every evening for the last 2, 3, 4 weeks, I do not know how long it has been, every time I come in in the evening, my wife says: "What are the numbers? What are the numbers?" and we looked this week and we saw we hit 31 and then we hit, oh, 38, still going up. So there is no doubt ... and then we look at what is happening nationally and you look at now 7,000-plus extra cases and you look at that and say: "Oh, it is going up, especially in Manchester, Liverpool, north-east" where our visitors come from. It may be belts and braces but if that is the case, I know where I want to make a decision. It will be about protecting our residents to the detriment - slight detriment - of causing inconvenience to air passengers. So, I would urge, in a very simple way, people to pay attention to the numbers and vote for this proposition.

4.3.10 Connétable C.H. Taylor of St. John:

We are all, I think, agreed that we need to enforce self-isolation when you arrive on the Island until you get your first result. The only issue here is whether we start this regime on Friday or next Monday. If you cast your mind back to February and March of this year and you saw the rampant increase in COVID cases in Italy and Spain, most of those cases were as a result of faulty testing equipment. Members of the public were getting the all-clear when in fact they had got COVID and that is what caused the massive increase in COVID in those 2 countries. The very last thing we want to do is have that here. The testing equipment will be ready from next Monday and therefore that is the date which we can, at the earliest, be expected to start this regime of testing. I think to push it forward from that date when the advice we have is that that is the date we can start it, is wrong. We should support the Minister and we should support the team that have so far taken us so very, very well through this terrible pandemic and I urge Members to reject this amendment to the amendment.

4.3.11 The Deputy of St. Ouen:

I thought Deputy Perchard gave a very good speech before the lunch adjournment, explaining the views of herself and Deputy Gardiner. She said that she had consistently expressed a lower appetite

for risk, and I entirely agree. She and Deputy Gardiner have been consistent in their approach from the beginning, they have argued well for their views, and we give them all, I think, respect for that. We debated a proposition which was quite properly brought by Deputy Perchard, which essentially was whether the Island should adopt the appetite for risk which she and Deputy Gardiner espouse. But this Assembly chose to adopt a slightly different strategy, to balance risk and to cause the least overall harm, and the Government has followed that strategy which was supported by the Assembly. Now the 2 strategies are not so very different, as indeed Deputy Perchard noted, and as we concede. We are both agreed upon the direction and the measure to be taken, that this present debate is about timing. But Deputy Gardiner spoke about putting her amendment to the amendment as an alternative before the Assembly.

[14:45]

The alternative comes from a strategy which has a lower risk appetite rather than one adopted, which seeks to balance risks and cause the least overall harm. So the alternative is consistent with the arguments that Deputy Gardiner has made from the beginning, so there is no criticism there. But the problem arises because measures brought forward by the Government must follow an agreed strategy but if every measure has to have an alternative that might come from a different strategy, one with a lower risk appetite, then I am afraid we are going to be all at sea. We would be following no plan whatsoever and we can expect decisions to be based on the circumstances of the moment, inconsistent decisions. Government will be bringing a number of measures in the coming weeks and months and I expect vigorous debates about them. But it is important not to veer between alternative strategies, otherwise I fear we will end up failing this Island. It will give us no certainty of approach, it will create confusion and, worryingly, the medical and the other experts who we trust, because they have the expertise and not politicians, they would be unable to advise us because they would not know and cannot judge the context in which the Island seeks to address the pandemic. So it is important to follow the strategy that this Assembly has supported and the Government proceeded on this basis in bringing forward its plans for self-isolation for green-category areas once the testing on-Island could achieve that within a turnaround period of 12 hours. There is not a huge difference, as I have said, between the 2 strategies but here our disagreement is over a 4-day period but it is important to remain consistent and to follow the advice that we have received. Deputy Gardiner suggested that all things were in place for tomorrow evening. I am afraid I have no confidence that all things will be in place. It would mean that our teams would have to accelerate plans being put in place for Monday evening and that would create a higher risk of harm in addition to the reputational risks, the risk of error, the risk of confusion and the risk of miscommunication. This is a judgment that is not to be made based on the absolute number of positive tests that are occurring in the next few days. There is no radical change in the risk that we are facing. We have had a proper assessment of risk, as indeed all our measures are based on, and we are advised that the risk is low and the measures that Government is proposing are proportionate. I do not wish to ditch that advice in favour of an alternative, which has not been subject to that same detailed expert consideration, and which is inconsistent because it comes from a different approach and would harm the interests of the Island. So I would urge Members to reject the amendment to the amendment and allow Government to proceed as it has announced and planned in accordance with its strategy. Finally, a few Members have said very kind things about me, paid tributes to me, I am of course grateful to that, but I have to say I possess no particular expertise in these matters. I may be at the head of some things but in fact the credit is entirely due to our advisers and our teams serving across the whole of the public service who have performed fantastically in the last 6 months and kept this Island safe. Any praise that is directed at me, I think we all know, I would want to reflect on those teams.

4.3.12 Deputy M. Tadier:

I refer to an email I got yesterday evening from a constituent and I am going to read that out. It is quite short but it is quite clear in its message. Just for context, this is not a constituent who I am

contacted by commonly. Although I know her, I have not been contacted by her, as far as I can remember, on any political issue that has come to the Assembly. She said: "We are extremely concerned regarding the high cases of COVID in the Island coming from 'inbound travellers'. I note that from next Tuesday everyone will have to isolate until they receive their test results but due to the number of new cases each day, surely this should be brought in immediately before it starts spreading in the community. I look forward to hearing from you." As I said, I responded to that this morning. Now I do not make any comment on the quality of the argument, whether it is right or wrong, and Members who are sceptical and who do not want to support Deputy Gardiner here will say: "Well that person is not an expert, what do they know about it?" but it is somebody I think who is very concerned. They have been following the advice of Government, they have been looking at the local and national media and clearly they are very worried. I think they have a particular reason to be worried in their case because there may be an element of vulnerability when it comes to them. We have already heard that risk is a personal and a subjective perception and that it varies from individual to individual and from group to group, depending how one might be affected. What I do find slightly strange is that the Minister for Home Affairs, when he spoke, he was effectively, and it does not mean he is wrong, but he seemed to me to be putting forward the argument that COVID is not as serious as we might have first thought. That is something which I have heard in the media as well, saying that most people who catch it, for example, are asymptomatic and we have got no one in the hospital on a ventilator and that it is mostly young people who are catching it now and they can cope with it and perhaps they do not necessarily spread it in the same way either. So all of these arguments are ones that I hear commonly because of course there are people out there who do not believe COVID is a risk at all, or very little risk, and so we are balancing all these factors. But that argument in itself is an argument against taking any serious steps whereas the argument we are having today is about the timing. So I think a lot is being made of this departure from medical advice when in fact Deputy Gardiner is not seeking to depart from medical advice, she is just saying if the advice is so good that people should be made to isolate legally, if that is the preferred option, then we should do it straight away rather than waiting a few days to do it. I have listened very carefully to the words and the arguments that have been used in this debate about balancing risks, we have just heard it from the Minister for Health and Social Services, but the risks that are being balanced are not health risks versus health risks, they are health risks versus other risks. So the health advice is quite clearly that we should be getting people to isolate, we should be enforcing isolation until test results have come back and many of us have said that right from the beginning. We said that it is absolutely crazy because Jersey's strength is its borders. We are an island, sometimes that is a problem in other areas when it comes to footfall, *et cetera*, but when it comes to securing our borders from a pandemic, that is the one thing that we have a strength for. But if we are letting people wander around when they have not had their first test result, whether that is for 12 hours, 24 or 36, that simply does not seem to be sensible and you do not need to be a medical expert to know that. So, the idea that we have to wait until we can get the turnaround time down to 12 hours also seems counterintuitive because of course the need for isolation, self-isolation, is much greater when you have a longer turnaround period because if you do not self-isolate during that longer turnaround period, you can potentially come into exposure with a greater number of people. So the argument about waiting until we have got it down to 12 hours does not stack up logically in my book. I also heard the Chief Minister say that the risks about if we have to wait, the health risks are negligible versus the reputational risks on the other hand which might be considerable, therefore, it is not worth doing. But that is not health advice, that is political advice and negligible does not mean zero either. So, if there is a negligible risk to wait for 4 days, that is not a zero risk, and if one or 2 people catch the coronavirus in that 4-day period who would not have otherwise caught it, if that one or 2 persons come into contact with somebody who is vulnerable, who is in a care home, for example, or who is in the community and they do not know that it is being passed on because there is a network for us to pass the illness on, then we could end up with people in hospital on ventilators. We could end up with people dying who would not have otherwise caught the illness and you can go and tell that family: "Well do not worry

because your person who caught the illness is a negligible statistic” and rather than saying that it is negligible, they might say that we have been negligent on that issue. So, for me, I think we are making far too much of this because we are not going against any medical advice. To say that we have to be consistent in following a strategy sounds very dogmatic because we know that the virus itself is not consistent and the numbers that go up and down which are much higher at the moment, relatively speaking, are also not consistent, so we need to get flexibility within the strategy that we are following. Clearly what Deputy Gardiner is proposing does follow the medical advice, she just has a lower tolerance for risk, which is shared by a significant amount of the population. It is not a departure from the health advice, it is a departure from the political advice around reputation, and I am not unsympathetic to that either, but I am just putting that in the wider context.

4.3.13 Deputy L.B.E. Ash of St. Clement:

I shall be fairly brief. I just want to address Deputy Tadier’s use of quoting an email so it comes under quietly the guise of Shakespeare’s comment about: “The devil can cite Scripture for his purpose” because my inbox, and I am sure many States Members’ inboxes, have been pretty divided, particularly recently we have had the subject of masks. While I get one email saying that if we do not immediately tell people to wear masks we are endangering the population of the Island and we are all going to die and then in pretty much the next breath I open an email that says if we insist on people wearing masks we are infringing on civil liberties and we are going to have riots in the street. So, our job, as someone has already said, as politicians is to tread a middle path and try to see what is right for the people of the Island. We are never going to appease everybody or please everybody for that matter. I have long been an advocate of people isolating when they first arrive until they get their test results, and I have told Deputy Gardiner so, and I will definitely vote for the main proposition for that. However, our medical staff and experts, along with the tremendous checking and testing regime we have put in place, have said they will be ready to do this at a slightly later date. Well, I feel we owe it to them who have done brilliantly thus far to give them that time to make sure that they can get everything in place, that they can turn these around in 12 hours. Then we should definitely ensure that people follow that isolation period, for hopefully only 12 hours, it is not asking people very much, and then we can move on. But I would ask Deputy Gardiner, well she has put this forward and it is totally her prerogative obviously, but I will not be able to vote for her amendment but I will vote for the main proposition.

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

As the chair of the Health and Social Security Scrutiny Panel I have, and my team have, been fully supportive of the Health Department across the board throughout this pandemic. I think the deputy medical officer of health has, without doubt, been at the forefront of all of this and we can owe the way the Island is at the present down to that particular person and the team around them.

[15:00]

I was fully supportive of opening the borders and I was fully supportive of people not having to self-isolate at that time. I think we were in a good position to open the borders and it was the right thing to do, the ability for people to travel if they chose to during the summer months when lots of people were probably feeling pretty down, having been locked in their homes for a considerable period of time, so that was the right decision at that time. Over the course of the summer we have dipped in and out of various numbers. We have been up to sort of double figures and down again, and at some stage during the summer we even went down to, I think, a day or 2 without any cases whatsoever. It was my belief, as I said, at that time that I also think we needed to look at everything to do with the Island. Obviously the COVID matter, a health matter, but all of the other health matters whether that be mental health or people with other medical conditions that needed to be able to do other things, potentially leave the Island for treatment, and I have personal experience of that with a member of my family. In the last couple of weeks, things have started to change around us and the colours are

going more and more into the red. From that perspective, we, as an Island, need to look at everything in relation to where we are at the present time. I think the advice that we have received, as everyone has said, has been right and very, very good. It was interesting that somebody said that the deputy medical officer had said no later than Tuesday. Now, I did not hear that comment, and I may be wrong, so maybe somebody will correct me. But I think the thing is that it is only about: is it in 2 days or is it in 4 days? I had a conversation with Deputy Gardiner because I was, and probably am, one of the people who are not risk-averse in the same light. I am fairly relaxed about things so I probably maybe have very different views. All the way along I am pretty relaxed about whether we wear masks, whether we do not, and everything else. Although I have always kept to the rules, I always keep my distance and I am very good at washing my hands. If the medical advice comes that we wear masks, then I will be wearing a mask and I would encourage everyone else to do likewise. I spoke to, as I said, Deputy Gardiner a couple of days ago and I said that I would not be able to support it if, for me, there was no timescale given, in other words, if it was going to be of immediate effect. From my perspective, I therefore can support Deputy Gardiner's amendment from the perspective that there is a timescale. I fully see what Health is saying in relation to everything being set into place but I think it is imperative that we do listen to what people are saying. We are, I believe, still following the advice, because the advice is going to be to isolate, and that is what the advice is going to be, we are just talking about: is it going to be 2 days, is it going to be 3 days, is it going to be 4 days? So I think we are still following the advice and I would hate to think that people think all of a sudden we have gone down a different strategy. However, we always have to look, and whenever you deal with something, you turn up at something and something is happening. As time progresses, your scenario changes and you have to move with the changes. You cannot stand still and you cannot say: "Well this is my strategy, I have to stick to it." You have to be able to be flexible and move your strategy to fit the circumstances as they progress. So I will vote for the amendment and I will vote for the main proposition because I think it is the right thing to do. I think that is all I have to say.

4.3.15 Deputy R.E. Huelin of St. Peter:

In the last 6 months we have become used to the tomes of advice of our key medical advisers. That advice comes from years of experience and detailed research on how this pandemic has unfolded across the globe. They have had to balance other health, economic and societal evidence, their task has been unenviable and we owe them a huge debt and, most importantly, their advice has got us to an enviable place. We have been able to travel to see friends and family who have also been able to travel to see us. Visitors have enjoyed our hotels and restaurants and locally our beaches have been busy enjoying our splendid summer. However, as we all know, we are not out of this yet. Winter is coming which will create its own challenges: flu season, more time spent inside, et cetera. Now until a proven vaccine is readily available we are going to continue to need the advice of our proven experts. Yes, we can probe them at regular briefings and press conferences but should we be questioning their advice in the Assembly and making alternative suggestions that go against such advice? I think not. I am uncomfortable supporting anything that does not get the detailed evidence-based advice of S.T.A.C. (Scientific, Technical and Advisory Cell). We have heard that the additional risk to bring forward the day by 4 days is negligible but the disruption is high. We have heard of new measures, including 5-day follow-up testing, we have heard of mandatory isolation to those coming from amber and red zones. This is on the informed fact-based evidence of S.T.A.C. I do not want to look any of them in the eye, having not accepted their advice, I do not want to say to them that I have potentially lost confidence in their work. I will therefore vote for the amendment from the Minister for Health and Social Services, an amendment which merely formalises the advice received and published some weeks ago. S.T.A.C. have not revised that advice. That was isolation before receiving a negative test when arriving from a green zone is appropriate, when testing can be turned around in 12 hours, and that advice will be delivered by mid-October. That it has.

4.3.16 Senator L.J. Farnham:

May I start just by hoping to clarify some of the allegations that have been made by Members of a criticism of Deputy Gardiner by the Government? I just want to reassure Members that that has not happened, there has been no criticism. We welcome, in fact, any proposition by any Member of the Assembly and it is important we have these kind of debates, so I just wanted hopefully to reiterate that point. I think it is slightly unfair of Members to throw those allegations at the Government when we are all, although we do not always agree, I think we all, Scrutiny, Government, Members do strive to work together. I think when we look back, although we have had some good and challenging debates, we have a record of being quite united throughout the pandemic. Although sometimes it does not feel like it, but that is quite good, that sort of juxtaposition is not always a bad thing, so full credit to any Member that wants to bring these important issues forward. Following on from a good point that Deputy Le Hegarat made about how our system, our stepped system, I think, was cleverly designed to be very reactive. It is both proactive because it sets out a programme, a timetable that we stuck to despite some of the early decisions being a little unpopular at first, we stuck to the timetable and we have gone forward in steps. Thankfully, we have not had to go backwards in steps but we can do that. In actual fact, the proposal to go to the compulsory testing, there is, I think, quite very little difference between the strong guidelines now and the compulsory testing that is being proposed, but I will come back to that in a second, is sort of a stabilisation of that position. So, while we could not say it is continued progress, it is a sensible sort of halt now as we go into the winter, to assess the results and then we have the flexibility of our system to go forwards or backwards with it. But I agree with the Deputy that it is really important we have our finger on the pulse so we can react quickly, that is something the States, the Assembly does well. We have talked a little bit about the air and sea links. The air and sea links now are reducing, naturally, gradually because of the increase in regions that are going from green to amber to red so we know the shipping and airline companies are planning accordingly, so there is nowhere near as much concern or, I should say, inconvenience going to be caused to them, as was the case perhaps when we had that great debate on how and when we were opening borders. I think the airlines are working. They have been very, very, very supportive of the position Jersey has taken and I think that stands us in really good stead to redevelop and rebuild our air and sea links as we move forward and out of this. But they are slowing down, but they are slowing down in line with the timetable that we gave them. We want to try and stick to that just because we are almost there and we do not want to really deviate too much from that. For example, I have had 2 contacts today during the lunch period from accommodation providers and one self-catering who were saying they have got arrivals and departures this coming weekend and there is a lag. So they are expecting arrivals in the morning but they will not be able to have access to their accommodation facilities until the afternoon. There are a number of circumstances like that, how would they cope if they were forced to isolate immediately? There is no way they can do it, we would have to work problems like that out. That is just an example of, I think, why we need to be consistent with what we are doing. The figures are very interesting and, as people have pointed out, there is minimal additional risk. I mean, if you look at the numbers coming in, especially over the last week, well at least a third of the positive cases have come from amber or red areas, so they go straight into isolation and then the greens follow and the majority of people are responsible. The guidelines for those arriving are very, very clear, and for green members, they state clearly what can and cannot be done but we do have, fortunately not many, but we do have in our society some irresponsible people. Those irresponsible people who have chosen to arrive and ignore the guidelines before their test result, because let us face it, part of the rationale about not being sort of stuck indoors while you are waiting for your result is because, rather than sit in a hotel or at home with other people or isolate that way, you are just as safe, if not safer, going for a walk on the beach on your own or just staying in the outdoors. But the irresponsible people who have decided to go to shops or to mix with others or to bars and restaurants, they have clearly ignored the guidelines. Now, whether the guidelines stay as they are or we say to them: "You have to follow these guidelines or you have to isolate" the irresponsible people are probably not likely to change their behaviour. As one Member said to me this morning when we were talking about this: "This is a bit like setting a 20 or 30-mile-

an-hour speed limit”, as we are very keen on speed limits over here: “and expecting everybody to follow them to the letter of the law.” That does not happen. Arriving passengers testing positive, by the time you take out the amber and the red members and then you take out the people coming in on green who act responsibly, there is very little left and the argument could be made: are those people going to co-operate whether they are told not to visit busy places or whether they are told to self-isolate for up to 12 hours or until they get their test, are they going to take that much notice? That leads us on to how we police that behaviour and the constant advice from the medical and deputy medical officer of health, and indeed S.T.A.C., is that we need to continue to focus on policing the rules and regulations we have over here to ensure compliance. That is the way we are going to continue to contain this in the way that we have.

[15:15]

Notwithstanding our own individual reactions as to the risk, and a number of Members have spoken about their appetite for risk, and some of us base it on our own circumstances, some on other circumstances, I know we all want to do the best for all Islanders and we often have to find a balance there. But we must remain calm, we must work together to continue to reassure Islanders, most of whom ... I think the vast majority of Islanders, if you asked them now, would be very pleased and very confident in the way we have dealt with this. After a bit of a bumpy start, if we are honest, they are supportive and the vast majority of contact I have had on this, and I try not to look at social media, because you do not always get a very balanced view from social media, but the members of the public that take the time to contact us all individually generally have thought a great deal about what they want to say rather than posting something on a social media tweet or a post on a Facebook page or something. The vast majority of correspondence I have received on this issue is stick to the programme, they are mindful that we are enjoying many more freedoms than other countries and jurisdictions have, they have trust in the system, they have trust in the medical advice. They are wanting us to stick with the programme. So that is my appeal to Members today. A lot of respect to Deputy Gardiner, she has proved to be an extremely effective Member of the Assembly, and full respect to her for bringing this. But I would also respectfully ask Members not to support Deputy Gardiner’s amendment to the Minister for Health and Social Services’ amendment, but instead to stick with the programme, stay behind the process and the programme we have in place. That continuity will continue to reassure Islanders and show that we are continuing to be united in this Assembly, notwithstanding we are not afraid to have these difficult debates.

4.3.17 Connétable R. Vibert of St. Peter:

I apologise for speaking somewhat late in the debate. I admit to indecision on this matter over the last 24 hours, over which amendment to support. However, listening to the debate, we have in the past fully supported the Minister for Health and Social Services and the excellent advice of Dr. Ivan Muscat. We should not move from that and so far we have done extremely well. I know that in the last few days we have seen rising numbers of cases. However, I thought back to my time as a project manager and what we would have done with random results. Of course we would have looked at the evidence. At this point we need to fully understand why we have seen that rise. There could be a number of reasons and we do not know what those reasons are yet. As a project manager, you get the best results from introducing things in a controlled way. Therefore, my decision now is that I will support the amendment of the Minister for Health and Social Services. We know that we can deliver the results from the labs next week and to try to rush into something for the sake of a few days that can cause chaos in a number of areas is not good. Therefore, I would like other Members to perhaps think in the same way and consider what is the best way forward. But certainly I will be supporting the Minister for Health and Social Services’ amendment.

4.3.18 Deputy K.F. Morel:

One of the most fascinating things about sitting in this Assembly is watching the Government contradict itself from one debate to another. Today we have heard that it is too soon for the appropriate arrangements to be made to accommodate this amendment. Yet when we were debating the safer travel policy back in early July, the fact that the Harbour testing facilities were under construction, were clearly not operational nor ready, that was not a concern for the Government; that was not too soon. The arrangements that need to be made to accommodate this amendment to the amendment are much less than those that needed to be made to bring in the safer travel policy in July at such short notice. Yet it was fine then, but it is not now. The reason for such contradictions in the Government's argument is I believe simple, Government does not like being told what to do. It feels much more comfortable telling us what to do. I will highlight further contradictions later in this speech, but first I must address one of the comments made by Deputy Wickenden. The Member for St. Helier District 1 said that we as an Assembly must show respect to the Island's health professionals. In doing so, he was implying that we are showing a lack of respect for the Island's health professionals. There is no doubt in my mind that is not the case and has never been the case. Indeed, to suggest this, shows a lack of respect on the part of Deputy Wickenden for the Members of this Assembly and, in particular, for Deputy Gardiner, who has in very good faith brought this amendment to the amendment and the proposition overall. Advice from health officials, and this is interesting, as I understand it, as we were briefed yesterday, was to bring in this period of self-isolation no later than Tuesday. Those health officials did not prescribe Tuesday. They did not say it had to be Tuesday. They said no later than. That means quite simply that Deputy Gardiner's amendment to bring this period forward to 23:59 on Thursday sits entirely within the health advice. One of the things that I found very interesting over this summer as we discussed risk is that the reality is that our individual assessment of risk is hugely uncertain. We are incredibly bad as human beings at assessing risk. Did you know that we are approximately 15 times more likely to achieve sainthood than we are to win the U.S. (United States) Powerball lottery were we to buy a ticket? Indeed, we are more likely to be hurt by a meteorite than to win that same lottery, the odds being one in 75 million to be hit by a meteorite but 250-odd million to win that lottery. Out of interest, becoming a saint is a one in 20 million chance. The reality is that our risk assessment is hugely affected by our emotions and our individual situations. If the outcome is a positive one, then we tend to overestimate the chances of it happening to us. Hence people across the U.S.A., across countries all around the world, buy lottery tickets, despite the fact that they are more likely to be made saints than to win that lottery. If the outcome on the other hand is a very negative one, then we will take measures to avoid it, even though the statistics tell us the chances are incredibly low of it happening. Hence people will jump into their car and drive down the motorway but will express great fear at being in an aeroplane. Of course you are far more likely to be injured in a car than you ever are on an aeroplane. So what we are discussing here is not just risk, it is emotion. In this case, it is an emotion linked to our community's desire for a sense of security. Now, regardless of the Chief Minister's perfectly valid breakdown of the probabilities involved at the heart of this amendment, there lies a lack of logic at the heart of the safer travel policy. That lack of logic has been the lack of self-isolation before receiving the first negative test result. Islanders throughout this summer, in my view, have not accepted that illogicality. For instance, Madeira is currently enjoying a healthy tourism sector. Jersey modelled its own safer travel policy on Madeira's, as I understand it, or certainly Madeira is one of the places that influenced it. There was however one key difference. Madeira requires self-isolation before the negative test result and that requirement has proven to be no impediment to tourism. In my view, and I believe when you look at the experience in Madeira, making this change will have no impact on tourism to Jersey. Making this change with little notice will also not set a precedent or be confusing. This is where we look at another contradiction in the Government's arguments. How do we know that it will not be confusing? How do we know that the precedent has already been set? Quite simply because this Government on 14th September did exactly what it is saying this amendment must not do now. It changed the rules on travel with little notice and no decent explanation. The reality is people travelled and they continued to travel. The reality is that Islanders

and tourists managed. The Government did not kick up a stink and tell itself that it should not have done that. It went ahead and changed the rules at almost no notice whatsoever. It changed the rules on the day the rules were meant to come in. There is a reality in this Island and that is that Islanders want stricter border controls before they have to suffer restrictions on their own liberties themselves. We have heard the Minister for Health and Social Services and the Chief Minister raise the possibility of mandatory masks in the future. That is not today's debate. But in my view Islanders will be far better prepared to accept that future decision if they feel the Government has done all it can now, today, at the borders. This amendment to the amendment is one of the things that will help Islanders later on accept mandatory restrictions on their liberties. Many Islanders throughout the summer, in my view, or certainly as far as those who have communicated with me, and again I mean directly, not just via social media, have wanted to see the introduction of self-isolation before receiving a negative result. They wanted to see it sooner rather than later. This amendment delivers this sooner rather than later. So I feel I have to support this amendment because I do believe it is the wish of Islanders to see this come in. So I urge Members to support this long-awaited amendment to this proposition, because it is the right thing to do. It will deliver that greater sense of security that Islanders want. Ultimately, it will help the Government later on when it tries to bring in, if it needs to, further restrictions to Islanders' liberties.

4.3.19 Deputy K.G. Pamplin:

I am glad my good friend the Constable of St. Clement has returned to the Chamber because he has been a great help to me in the first 2 years of my Assembly life and a great support. I do enjoy it when he speaks. He speaks with a passion, a ferocity, that he still has even though he has been here way longer than I have. I think that is full credit to his longevity and his commitment to his role. But we fundamentally disagree and I will get to that in a moment. The issue here is, as Deputy Morel just spoke to in criticism of other speakers, this is an ongoing pandemic. I pick up on the word the Constable of St. Clement said earlier about people suddenly being spooked. That is not the case here. Equally, because I do not think it has been said enough in a lot of self-gratifying praise going around, fine, but who are the absolute genuine people who have stepped up to make this a success? It is Islanders. Every single one of us, all of us, all of our staff, people behind the scenes, my children, your children, grandparents, people working hard in industries, people who have lost their jobs, people who are worried because of their illnesses about making trips to hospitals. Let us draw our minds back to the brilliant decision from the Health Department and the Minister for Health and Social Services when he released money quickly to support the G.P.s (general practitioners) to quickly get online and write to every single vulnerable member of this Island, the elderly and those with autoimmune diseases and other issues, long-term respiratory diseases like asthma, and advise them about the precautionary measures being put in at those early stages that have remained, about shielding, about protecting. This reminds Members who spoke today, the vast majority of those people are still doing that. Those are the people who have made the biggest sacrifice and commitment since March. I can speak personally; I did not see my son for 9 months. I have not seen my grandmother in a healthcare environment. It is too risky.

[15:30]

Other people who are watching this today, they are doing that and it is absolutely full credit to them. But, when they see the same news headlines that we all see, 24 hours a day because of the world we now live in. There are 24-hour news channels, because the appetite for the information on the first ever global pandemic in a generation is the one thing that we are all talking about and living day to day. When you drop your children at the school gates, when you are working, talking as we all do, aside from other matters. It has fundamentally changed the way of life for a long period of time. It has had a detrimental effect on mental health. That has exasperated the good and the bad of all that we are doing. What people are seeking here is reassurance. Numbers are going up, as we always said they would, as Dr. Muscat has always said they would probably do in these winter months. That

is what we are seeing. We cannot ignore the fact that right now the United Kingdom, across the board, is facing exponential rates. In fact the Scottish Minister has just announced in the Scottish Parliament what they are doing, because they do not want to hit a lockdown. Closing pubs this weekend, she has made that decision right now and they are closing those pubs this weekend. They have 48 hours to make those plans and suddenly put at risk for all those people who suddenly realise the impact of those jobs. This is what is happening in real time. So here we have a scenario where also, and I read the latest news headline here that has just come in from the medical world, that in Paris COVID-19 patients are taking up more than 40 per cent of intensive care beds. Then locally here in Jersey I am sure again people have had these conversations with their own family members: "I see the numbers have gone up and mirror the same numbers in March." Then I have to coolly remind them where we were in March, panicking about P.P.E. (personal protective equipment), did we have enough ventilators on the Island, we were not social distancing, we were not washing our hands, wearing masks was something that they did far, far away. But we put all those mitigation things in place not to overwhelm the health service and to reduce the viral load of a very highly contagious virus. We have succeeded in that. So that is why, yes, the numbers are the same in terms of positive reactions. We also now have P.C.R. testing. Back in March we did not have what we have now. We are in a much better place for all the reasons that people have outlined. But this is what it comes back to for me and why I brought my enhanced communication strategy proposition. It is not about style over substance. It is about reassurance to the people who right now are listening to every word of this Chamber, yet again. Again, I go back to when we were talking about all the things that we are being lauded for. That is great, but one of the really strong things that we have shown the world is the democracy of this Island, that this Chamber has held its Executive to account and we have taken the debates that are happening in the homes of Islanders into the people's Chamber. Our voters, our constituents, who hire us on their behalf to do their work, because they are too busy looking after their families and making decisions of how they are going to pay the bills. So they can now finally see in their Island's Chamber we are debating something that is affecting their life in real time. What is the one thing that has come out this week and 2 weeks ago about debates, about apathy and connection with Islanders? This is for this moment, surely, and we should be lauded for having that debate. So, again, congratulations to Deputy Gardiner and to anybody who brings propositions. I said it earlier today. In 2019, as it is now documented, in the States Assembly review, 2 ministerial policies were brought in 2019, 34 private Members propositions. The ability to work as a non-Executive Government member is you have your regular Parish constituency meetings, or if you engage publicly through all sorts of things you can now do thanks to emailing and social media and surgeries, et cetera. You get an ear on the ground and you listen and talk to people. You take the bus to and from home or you walk through your local park, you have dinner in your local café or you speak to parents and family when you drop your school kids off. But you bring those things into the Assembly, which I understand the Executive part of this Assembly are caught up in their responsibilities for running the Island. A large majority, there has been a lot of success, and there are a lot of things we could do better. But then we come in here where we have equal representation to bring the voice of the people to debate the matters. We should not be demonstrating against that. Finally, nobody is arguing against the medical advice of Dr. Muscat. I reiterate the point, in years to come when we review this period, we will then probably truly understand how lucky and fortunate we were to have Dr. Muscat where he was and to step up and do the role he did. Nobody is denying what that man has done. He was not the medical officer of health come January, come December, when the coronavirus was becoming a problem. But he stepped up and stepped up and the team around him did so. Equally, all the health staff, social staff, the people who work in the shops, and all of us, as I said at the beginning. It is not questioning his medical advice. As others have said, the latest is Tuesday, and again you cannot ignore that Islanders are seeing numbers increasing. You cannot ignore that the pandemic is still prevalent. You also cannot ignore we are in a good place; we have all these things. It is right that we raise the importance of washing hands, keeping our social distance, and all the other mitigation things that are proving a

success. The viral load of this contagious virus is not being transmitted as much, and long may that continue. But Islanders need reassurance. They just want reassurance. They see numbers increasing, they are hearing a lot of noise, they are looking to us to bring them that reassurance. That is what this debate I hope is doing. I hope Members do listen carefully to what is in play here. We have come a long way but all we are asking here is, it is not the incompatibility of the lab, we understand that they are working up to 12 hours. That is not the issue here. It is the inconvenience to people who understand that, if this comes in Friday, Saturday, Sunday, you just have to isolate while you get your test result. But, because of the excellent team in place, the results are coming in. It may be inconvenient, but in 3 weeks' time, because we are always behind the curve, if there are problems we will be so much more relieved that we took this decision to support the medical officer of health and the team by just putting this extra measure in place. I will finish there.

4.3.20 Deputy L.M.C. Doublet:

I will not speak for very long because I just wanted to add one small point, but I think it is an important point. I will be supporting Deputy Gardiner's amendment and I hope that other Members will support it and the main proposition as well. I really do thank her for bringing this and I know that she has put a huge amount of work into it. I just wanted to draw Members' attention to a line within the report attached to the main proposition. It does relate to the amendment. But that line says: "Ultimately, the well-being of our own community and our ability to continue to work, study and see family on-Island is what needs to be protected." So I am going to vote for this amendment because I do think we should be doing this sooner rather than in a few days' time. I just want to add to that line that I have read out from Deputy Gardiner's report. I want to add that the rights of our children on-Island are also what are need to be protected. Just to add a child rights perspective to the debate on this amendment, the fact is that when the virus originally hit Jersey some of the measures that we took had a disproportionately negative impact on children. Children were included in many of the measures when we now know that the medical advice is that they should not have been included because they do not spread the virus to the same extent. I do not think we gave enough attention to their rights. Members will have seen from the briefing paper sent to us by the Best Start Partnership on the impact on children and pregnant women of the pandemic, on how badly children were affected by some of the measures that we had to bring in to tackle the COVID pandemic. So when I am considering actions to tackle COVID, at the forefront of my mind is how do we stop those negative impacts from affecting children if we do not need to put those negative impacts on them? So I would rather see maybe a slight negative impact put on travellers being a little bit inconvenienced now, not that we can see that cases are rising and perhaps more measures are coming, I would rather put that on people travelling and I would rather put that on our own system in having to perhaps work a little bit harder to put this in place quickly, than shift those negative impacts down the line so that they end up affecting children. In terms of risks, that is how I am weighing up the risk. So I do want to consider the rights of children and I will be supporting this amendment and I will be supporting Deputy Gardiner in her main proposition.

4.3.21 Senator I.J. Gorst:

This has been an interesting debate because it is one of those debates where, to listen almost from an uninformed perspective, one might be forgiven for thinking that those in favour of Deputy Gardiner's amendment to the Minister's amendment and those opposed to it and wishing to stay with the Minister's amendment were on completely different pages, and that we were talking about whether we should introduce quarantine until one has received one's first test result or not; that we were talking about the fundamental issue of whether to introduce quarantine or not. Yet, when we step back, there is a lot more that we are united on and whatever the result of this particular debate on this particular amendment, quarantine until receiving one's first result is going to happen. It will be in line with the Deputy Medical Officer of Health's advice to Ministers and to the Assembly. I for one am very aware of seeing numbers rise on a daily basis in the way that they have over the last number

of days. Because, like Deputy Southern, it is not my wife that asks me what the numbers are, but it is my 8 year-old daughter who every day wants to know: “Daddy, how many cases are there?” Because she sits as I drive her to school, listening to the radio, sometimes I must confess I am listening to the “Today” programme. She sits and hears of the rising numbers in the United Kingdom. She hears of the rising numbers in France. As do all Islanders. We sit and ask ourselves what do those rising numbers mean for us as individuals? What do they mean for us as a community? How are we going to manage being quite literally an Island in Europe where cases are rising? Dr. Muscat has been quite clear in his advice. I was not able to join Members for his briefing yesterday. But he has been quite clear that, although we have relaxed, some of us, over the summer, although some of us have been able to travel off-Island and visit family and friends and likewise have family and friends visit us, he also reminded us that in his professional view that would not be the case as we go into the winter months.

[15:45]

So the medics and those advisers have proven to be correct. Although he has recognised, and this really is back to Deputy Morel’s point, about risk, but also building confidence, that right at the start when we introduced the safer travel policy, Ministers thought that the recommendation would be to introduce quarantine prior to receiving the result of the first test. But when you look at all the statistics and the evidence around the risk, we were advised and we had that debate in the Assembly, that it was minimal and still it has been the case throughout the summer months. But as we go into winter we are looking at other measures to help mitigate those minimal risks and to enhance the processes and mitigations we have on Island. We now have to move to a situation where we continue to want to see numbers suppressed, and let us remember currently the excellent work of all the teams right across government, the tracking, the testing, the tracing, all those things are managing to stop community transfer, which comes back to what Deputy Tadier was saying about the risk over the next 4 days, which in some ways is at the heart of this debate. We are all agreed, I think, that it is now the right step and the right thing to do to introduce quarantine. But we have to remind ourselves that right now, if one is travelling from a green area, which is what we are talking about because we are amber, you have to wait for your second test result on day 5 and remain in quarantine. For red you are currently quarantined for 14 days but right now, coming from a green area you receive a government email telling you to limit your time away from your home or your accommodation, to limit your social contact with others, to adhere to the social distancing, to avoid public transport, to avoid indoor gatherings, bars and restaurants and to keep on with the good hygiene. When I saw Deputy Gardiner’s original proposition at the end of last week I was not surprised because Deputy Gardiner has a deep empathy for her constituents and has been contacted by many people who are asking the question: is it now the right time to introduce this quarantine measure between test and first result? I sent her a message, I think it was on Saturday, that for my part I thought there was a need to give notice and to allow systems to operate properly. I want to come back here and mention something that Deputy Morel said, that sometimes Governments speak with forked tongue. I hope they do not. When evidence changes Governments should rightly change their position but that does not mean to say Governments get everything right and this Government has not had everything right in regard to the pandemic. The issue he raised about some of the changes, I am not sure off the top of my head whether the date was the 14th, as he mentioned, but I accept that, were introduced without giving sufficient notice and I for one, and my colleague Ministers were not pleased with that and we made it absolutely clear to our officials that we were not pleased. It is not an appropriate way to manage the pandemic not to communicate properly and to give people time to understand what the implications of those changes are to them as individuals but also as the community. I sent a message to Deputy Gardiner and asked her in that message whether she would be satisfied with the implementation of quarantine from midnight on Friday, say 24 hours later in effect than what she is proposing here, because I thought that might be a sensible compromise. Ministers met virtually, as we tend to do these days, and I was told in no uncertain terms that the appropriate notice and the

appropriate processes and systems could not be put in place in that timeframe. In that meeting I was perhaps ... sometimes I get a little cross as you know. Others that do not know the machinations of government will not know that, and so I did in that meeting to make sure and test whether what we were being told was appropriate and whether it could not just be done in a different way. I was satisfied that maintaining the date of midnight on Monday complied with the medical advice but importantly I want to touch on what Senator Farnham said because he was absolutely right. Members will choose one of the dates this afternoon. That date will be implemented. One date you could argue that it would give more confidence but, for my part, I think the fact that we are doing it is what is going to give confidence. The fact that we now have a 5-day test if you are arriving from a green area gives not only me confidence but I know that from the medical officer of health's perspective it gives him a lot of confidence that he can continue to advise, to control and suppress the virus. But if as of tomorrow evening people coming over the weekend have to quarantine then any accommodation they are going into needs to have time to prepare. We heard from Senator Farnham, from the industry he represents, that would be a challenge for them. It would be a challenge for them. It would be a challenge for the systems that need to be put in place and we can argue around the testing time whether the majority of tests would be back within 12 hours on Friday or whether we are only going to have confidence in that 12-hour testing turnaround time from Monday or not. That is a decision that Members need to factor into when they vote. I am mindful that I am probably running out of time. I do not know if you have already started the clock there in the Assembly as I cannot see.

The Bailiff:

You are on 13 minutes so far, Senator.

Senator I.J. Gorst:

Thank you. I wanted to say let us not be divided as an Assembly on this matter because I think we are unified on it. We do all agree it is the next appropriate step that will enhance the safer travel policy and give extra confidence to Islanders as they are seeing those numbers grow, as we are. The question is: is it not reasonable to give that extra time, those extra few days to have more assurance about the testing time, to have more assurance about the process, to allow the hospitality sector and the tourism sector, that has suffered massive strain throughout this crisis, time to just organise how it will deal with its rooms and its arrivals and create quarantine space for people coming in from green areas, because that is what they will have to do. Let us be absolutely clear. It is not just like you or I coming home and going up into the spare room or wherever it is and waiting away from one's family until the test result comes in for those people who are coming to enjoy our Island. It is more complex than that. For my part, on balance, I stick with the date of the 12th but I make no criticism whatsoever of Deputy Gardiner and her proposal because I think we are all on the same page. It is simply that matter of notice, that matter of preparation because this virus has not gone away. The mitigations we will have to continue to talk about and educate ourselves on and take action on throughout the winter months have not stopped. We will have to continue this refinement. We will have to continue to challenge each other and here Deputy Pamplin is right. We can be proud. We are one of the only Parliaments where most of these changes have not just been made by Ministers but have come through the appropriate democratic parliamentary process and long may that continue. I would like to have spoken for more than 15 minutes on why it is the right thing that Parliaments should be supreme over Governments but we have just agreed that is the wrong thing to do. Whatever the decision on these amendments we need to keep together because we have the long winter to deal with and I know that we can if we continue to stick together.

The Bailiff:

The Standing Order as to timing of speeches does not come into force until tomorrow because it comes into force the day after but for your guidance, Senator, that was 16½ minutes.

4.3.22 The Connétable of St. Saviour:

I will be voting for Deputy Gardiner. I would like a Christmas with my family, my children and my grandchildren but we seem to be importing the virus all the time and when you listen to what the U.K. is saying they have lost - and I apologise for my clock in the office - they seem to have mislaid a lot of paperwork and a lot of data and they seem not to have a clue what they have done with it. Our track and trace is brilliant but the English track and trace does not seem to be doing very well at all. I have to commend Deputy Doublet because, bless her heart, she has worked tirelessly to make sure that children, mothers who are pregnant and vice versa are well catered for. But nobody in this Assembly seems to care about the elderly and as I am one of those at 75 I would like to know who is looking after us because last time this virus hit the elderly were locked away and completely forgotten about. It is so important for elderly people who do not live at home or cannot have visitors or who are in homes that they can see people, and not in a chair up against a wall waiting for somebody to come. I do not think we are doing them any favours by letting everything come through and not checking because we cannot rely on the British Government because, as I have said before, they are not checking. Deputy Doublet is looking after the children and I would not knock that. I think that is absolutely fantastic but the children who come at Christmas and come during the day have their families with them. Elderly people do not have that luxury. I have that luxury because I live on a farm and I look after myself and at 75, having gone past my sell-by date, I am still extremely fit and active on my farm. But there are a lot of us elderly people who are not, so Deputy Gardiner is doing us all a favour with the track and trace and I think it has to be done.

[16:00]

We cannot keep importing this virus and ignoring the elderly of this Parish and of the Assembly. I would like somebody beside myself to stand up and say yes, the elderly need to be taken care of as well because we have Deputy Doublet as the champion for the youngsters but there does not seem to be anybody who is interested in us old folks. I will be voting with Deputy Gardiner.

4.3.23 Senator T.A. Vallois:

I have been umming and aching whether to speak in this debate because I have been torn and the reason for that is because I have been asked to attend the Competent Authorities meetings. I have not been able to attend the last couple of meetings and I recognise the arguments laid out by many others referring to the health advice and the health advice is absolutely important. But I would like to make the point that I do not think this is necessarily about health advice. Let us look around the world about the way politicians have made decisions in certain areas at certain times. We came in at the same time as England did in terms of lockdown but we were way in advance of where they were with regard to their coronavirus contraction and spreading in their areas, and we have done exceptionally well. I join every other Member in congratulating not just those amazing officers we have who are working day and night to support us during this difficult time but also my fellow colleagues, Ministers, in doing what we need to do around the clock to support the efforts being put in to resolve this issue. However, it is an issue that nobody completely understands so I would argue this is not an argument around health advice. This is an argument about operational risks and understanding what that means in terms of operation and whether we are able to put in the appropriate resource to achieve the time limits we are discussing now goes back to that risk factor that many other Members have talked about. Being a Member of the Assembly who has been classed as particularly of a risk profile whereby I have to reduce my contacts, so I have to be careful who I am interacting with because of my condition, and I recognise what the last speaker was talking about, the Constable of St. Saviour. The elderly are much more affected by this and we have to understand the premise of our own community. When I am deciding about whether it is this Friday or next Tuesday and how this may look and how this may achieve the ambition or the vision or the strategy or the expectation we have to ensure we do not have a higher spread than we want, we know we have to live with the virus. We are aware we have to live with this at some point. My major concern, and

this comes purely as Minister for Education, is I do not want to see our schools having to lock down again. I will do everything I possibly can to make sure we can keep our schools open. I want to make sure, as an elected Member of the States Assembly, that I am protecting as much of the community as I possibly can from this virus that is more known about now than it was back in March. I want to make sure we are in the right position to escape what could potentially be a bad situation. There are Members who have talked about risk profiles and there are Members who have talked about issues around how we manage this particularly complex situation and I ask the question around this

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The Bailiff:

We appear to have been receiving extraneous communication. Someone had their microphone switched on. Perhaps people could take care not to do that, please. It will probably end up being more embarrassing for those who are overheard than those who are doing the hearing. Would you like to carry on, Senator?

Senator T.A. Vallois:

I would like to make the point about we are looking forward and thinking about what is going to happen, and we have been warned to be prepared for what the winter is coming towards us with regard to coronavirus and how it may or may not spread. There have been many speeches before me. Deputy Pamplin referred to our old members of the community who live in particular care facilities or with particular autoimmune diseases or certain own risk profiles that Deputy Young referred to in their speeches. When we are looking at this in terms of how we assess and provide the right operational risk we need to also think about the fact that we have in the next couple of weeks a number of students as well who may be looking to come back, depending on what happens and the advice that is given in the U.K. to our students, particularly the universities. We have families across borders that we want to keep in touch with but we also need to recognise our strengths that we have. What worries me is the way we categorise our green, amber, red profiling against, as an example I will give, if you look at the Imperial College of London hotspot map they provide. Some of our designated areas in which we have people coming into the Island or out of the Island are within those designated areas. The reason why I raise that is because they are clearly very different to how we are profiling them. I understand the need to give advance notification to whether it is operated or whether it is members of the public in order to provide the right guidance so they can adhere to what we are trying to achieve with this. I also recognise that many months ago we were also doing it literally on a daily basis having to change the requirements because we did not understand the disease. With regard to this amendment between whether it is Friday or Tuesday next week with regard to how we bring in the requirements around this isolation period, I have to ask if we are going forward for the 12-hour, this focus on this 12-hour provision, whether it is sufficient for the numbers that may come in during certain other periods of the year, as an example, half term or at Christmas, given the resources we may or may not have, in order to achieve our ambitions of that 12-hour isolation. Also whether, considering last week and the numbers we have seen coming in and the last few days, 65 per cent of those positive cases have been from green areas. I think that is important to make those points in this debate because I think it will help people to understand why other Members are considering risk profiles in different ways. It is not one against the other and we have to balance those risks just like the Minister for Health and Social Services said, and do what we feel is acceptable for the community we represent.

The Bailiff:

Thank you very much, Senator. I beg your pardon, before I call on you, Deputy of St. Mary, Deputy Perchard asked for a point of clarification. Was that in Senator Vallois' speech?

Deputy J.H. Perchard:

Yes, please, Sir. Thank you for picking that up. I wanted to ask about the comments made about resource implications because Deputy Gardiner's proposition does not relate to a 12-hour ambition. That is the Government's ambition but Deputy Gardiner's proposition does not contain that ambition at all. It is not relevant. I wondered which resources the Senator was referring to when she said that at the Competent Authorities meeting she attended there had been an issue around resourcing this quickly.

The Bailiff:

Are you able to assist with that, Senator Vallois?

Senator T.A. Vallois:

Yes, I am happy to assist with that. I was not able to attend the last 2 Competent Authorities meetings. I have no vote in those Competent Authorities meetings at all or the Emergencies Council. I am purely invited as a Minister to those meetings. When I referred to resources and the concerns around how it might be implemented, depending on the days, I understand there are concerns around the alteration of guidance and briefing instructions of port staff and notification to operators, the communications around this and I.T. (information technology) systems to enable smooth running. That is my understanding of the position but also I raised the issue of resources from what I see from the expectations of the OpenCell requirements, the container we brought in for the extra testing requirements. When you look at what the expectations are for the OpenCell requirements and what we are doing against the numbers you would have seen in the briefings we have had, that is why I ultimately raised the resourcing issues.

4.3.24 The Deputy of St. Mary:

I speak partly as a result of the challenge put out by the Constable of St. Saviour as to whether there was anyone else who wished to speak on behalf of people of her vintage, shall I say? I am very much of her vintage and I perhaps speak not on their behalf but in connection with those who I met. Members may recall I had the misfortune or maybe fortune to spend Easter in hospital having tested positive and that does enable people to approach me to ask as to my welfare, and I am pleased to advise them that hopefully, as they can see before them, I have recovered completely. I say that because the word "reassurance" has been mentioned in the course of this debate and I think that is the main word we need to concern ourselves with. We are talking about a difference of 3 days of isolation. The worst of all worlds to my mind is to take an unfortunate leaf out of England's book and be changing our mind or making predictions we are unable to fulfil. My concern is if we did take the earlier date, not thereby returning results within the 12-day period that will undermine the efforts we have so far successfully achieved. Before I finish there I would like to commend Senator Gorst for his comments that we are all in this together, as we used to say at the beginning of this. There is no difference in approach or in opinion by the membership. We wish to achieve the same result and I am disappointed in some of the remarks made during this debate that suggests there is a gulf between us. For my part I am not concerned as to who brought this particular proposition. I am just concerned about the result. If it is the case and the public are able to be reassured that the measures we are introducing are part of an overall government plan and there is no risk of us failing to fulfil the time limit, then that is the better course and for that reason, and with great commendation to Deputy Gardiner for bringing her proposition, I am afraid I will not be supporting her but will be supporting the Government's side in this.

4.3.25 Deputy G.J. Truscott:

I have been listening intently to the debate this afternoon, as one always does, and plainly we are divided but I think we all know which way we are going to vote by this stage. Plainly we are all watching the television currently and sadly only yesterday I think 72 deaths were announced on the BBC attributed to COVID-19, and that was the largest increase for some time. Plainly the COVID-

19 virus is on the rise again and you could look at the shading of the maps to the north and east of us. They are all changing red, *et cetera*.

[16:15]

This is to me about timing and logistics. All our hearts, all our efforts are to help and protect the community and Islanders. There is nobody in this Assembly I would say otherwise of. We all have everybody's health in mind. I can certainly understand why Deputy Gardiner has brought this. It was the 38, that significant jump. We have had a wonderful summer. The figures have been relatively stable and kept low. The weather was brilliant. It has just been a really good, relaxing time and, to a degree, the COVID-19 issue seemed to melt away to a great extent. Without a shadow of a doubt the wave is coming, and I think whether we pull up the drawbridge or put up our defences on Friday or Monday evening, I think that is down to each individual Member. But for me, it is about if we are going to do this, let us do it correctly, let us have everything in place, let us have the testing properly working. I do not want confusion up at the airport this weekend. I do not want disappointed people there. I do not think the extra few days is going to make a huge amount of difference. As I say, I can understand why Deputy Gardiner is doing this and either way, whichever way this goes, I think the result will be the same at the end of the day. Most of everything has been said now and I have not much more to offer, so I will be supporting the Government on this one.

The Bailiff:

Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call on Deputy Gardiner to respond.

4.3.26 Deputy I. Gardiner:

It was a really good debate and I thank all Members for all their contribution. I would like to start with the point that Deputy Pamplin made, and I would like to thank too members of the public who contacted me and encouraged me to go forward with this proposition and to basically have a specific day when the requirement will be introduced. I have received lots of telephone calls, emails, messages in support, and not only on the social media. Privately, the people that have never contacted before, and, yes, I do feel I am representing different maybe groups, voices, that need to be heard here and who are concerned and who basically said: "Why the debate? Just introduce." But I do understand that we need the debate and this is the procedure. We have all done well. We are all on the same page. This amendment was brought forward yesterday based on the evidence that came to our attention during the last 48 hours and I would like to make clear to all Members this amendment asking to start on Friday morning and not on Tuesday - not Monday, Tuesday - it is 4 days. Yes, it is only 4 days but it is half a week and from now it is a week forward. It is not a panic reaction. I am not hysterical. I have never been hysterical. I am pretty clear on my principles, I am pretty clear looking through the data, and I am looking through the numbers and I am listening to the public and I am balancing the needs of various groups of Islanders. As Deputy Young, Deputy Southern, Deputy Pamplin, Deputy Le Hegarat, Deputy Morel mentioned, nobody talking about ignoring medical advice. We are grateful for medical advice that you have received and the medical advice yesterday, as we have heard, no later. It does not mean that it should not be done earlier. Stricter border controls, as mentioned by Deputy Morel, should be introduced before we are introducing stricter measures on our population, on our residents. I want to address the disruption point, it is coincidence. I did not plan but it has happened. We debated here until late on Wednesday, back in July, to open the borders. We did not have procedures really, it had all been new. We had this place, obviously Government prepared, but it all has not been operated, it did not run before. So we had debated on Wednesday, as Deputy Morel said, and the introductions come on Friday morning. So we have been in this timeline before. Nothing really different from debating and receiving this decision today and introducing it on Friday morning. But I personally felt that I cannot, and it happened yesterday because until yesterday I was not really sure. I cannot accept the Government amendment without

debate because I am not taking personal decision and responsibility and will look into the people's eyes who will be infected because we did not introduce it on Friday. It will be the States decision and I will accept it. Senator Farnham mentioned that one-third arrived from the amber and red but it means that two-thirds arrived from the green. Basically saying there are travellers, visitors, who are arriving on Friday morning, and they will not have their accommodation, will have them going into the shops without having their results. I have been told by several beauticians, I have been told in several department stores in town that they basically feel scared, the people who work there, when the people walk in from the airport with their suitcases and they have in their mind: "Ooh, I might be infected." They even ask can they leave. Some of the people have been asking: "Did you get your results? If not, sorry, we are not serving you." So business has taken it into their hands, let us not do this for them. It is about the risk assessment and we are ... and I thank the Constable of St. Saviour and Deputy Doublet because they brought 2 different groups, which are both important, and by the way by the telephone calls I was contacted by lots of senior citizens. They said: "I am not coming to town. I am not going out because I do not feel safe." Their voices need to be heard here. As Deputy Perchard - and thank you for her speech - mentioned we have a different appetite for the risk. I am going back to the numbers. Think about the numbers because this is what pushed my amendment. Twenty-two people on 1st October, 38 people on 6th October within 6 days. Thirty-eight people, our Islanders, going into self-isolation following the contact tracing in one day. We have more than 300 people already sitting in self-isolation, do we need an extra 200 because of the contact tracing? I know where I am standing. I know who I represent and I know on behalf who I am bringing this proposition. From my perspective, now it is not about being a Backbencher or Executive or the Government, I am asking Members to vote with your conscience. Having in mind your parishioners and vote as you feel would be right for the people that you represent. There is no benefit to delay a protective measure. It is just getting less risk that is necessary, and I am asking for the appel.

The Bailiff:

Thank you very much. I ask the Greffier to place the link in the chat. The vote is on the amendment to the amendment. The link is there and I open the voting and ask Members to vote in the now usual way. We will have to pause please. Can people stop registering votes and we will put another link into the chat. This is entirely for Deputy Gardiner's amendment to the Minister for Health and Social Services' amendment. We have a bit of a technical issue and we will be with Members again very shortly. The vote has not reopened as yet. We are going to put the link in again and I will ask people to please stop voting and we are going to disregard everything. Wait until the link comes in and then either vote on the chat or on the link but anything above the link we will disregard and we will deal with the voting again. The link is there now. I open the voting again. I ask Members to vote in the normal way, either by using the link or now using the chat. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The amendment has been defeated:

POUR: 21		CONTRE: 26		ABSTAIN:
Senator T.A. Vallois		Senator I.J. Gorst		
Senator S.Y. Mézec		Senator L.J. Farnham		
Connétable of St. Saviour		Senator J.A.N. Le Fondré		
Connétable of St. Brelade		Senator K.L. Moore		
Connétable of Grouville		Senator S.W. Pallett		
Connétable of Trinity		Connétable of St. Helier		
Deputy G.P. Southern (H)		Connétable of St. Clement		
Deputy M. Tadier (B)		Connétable of St. Lawrence		
Deputy M.R. Higgins (H)		Connétable of St. John		
Deputy J.M. Maçon (S)		Connétable of St. Peter		
Deputy of St. Martin		Connétable of St. Mary		
Deputy L.M.C. Doublet (S)		Connétable of St. Ouen		
Deputy J.H. Young (B)		Deputy J.A. Martin (H)		

Deputy K.F. Morel (L)		Deputy of Grouville		
Deputy of St. John		Deputy K.C. Lewis (S)		
Deputy M.R. Le Hegarat (H)		Deputy S.J. Pinel (C)		
Deputy J.H. Perchard (S)		Deputy of St. Ouen		
Deputy R.J. Ward (H)		Deputy R. Labey (H)		
Deputy C.S. Alves (H)		Deputy S.M. Wickenden (H)		
Deputy K.G. Pamplin (S)		Deputy of St. Mary		
Deputy I. Gardiner (H)		Deputy G.J. Truscott (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)		

[16:30]

The Assistant Greffier of the States:

The Members voting pour: the Connétable of Grouville, Deputy Doublet, Deputy Ward, the Connétable of Trinity, Deputy Perchard, Deputy Morel, the Deputy of St. Martin, Senator Vallois, the Connétable of St. Saviour, Deputy Young, Deputy Higgins, Deputy Pamplin, Deputy Alves, Deputy of St. John, the Connétable of St. Brelade, Deputy Le Hegarat, Deputy Gardiner, Senator Mézec and Deputy Tadier, and in the chat those voting pour were Deputies Southern and Maçon.

4.4 Incoming passengers from Green category jurisdictions: requirement to self-isolate (P.122/2020) – amendment - resumption

The Bailiff:

We go back to debate on the Minister for Health and Social Services’ amendment to the main proposition. It may be that Members will feel that they have had the opportunity of expressing their views quite clearly during this very lengthy debate and will not feel the need to repeat what they have already said, but, of course, the debate is now open.

4.4.1 Deputy J.M. Maçon:

It is just a question for the Minister that I have had from a member of the public and I think I know the answer but I just want to put it on the record. With this discussion about you must isolate until you have had your first test, they just wanted to know, for absolute clarity, that their first test could be one they have had 6 months ago. It is their first test on returning to the Island no matter how many times they have returned to the Island it will be that first test? If the Minister could just confirm that that would be helpful.

4.4.2 Deputy I. Gardiner:

First of all, I would like to say thank you to Members for supporting my amendment, it was very close. As Members know it has always been my approach, the Minister mentioned it, that the urgency of the situation was important. Probably this proposition would not have been brought forward if we had had some certainty. If we had an answer last week with the specific date we would have more reassurance. I would again like to thank all health professionals who made this possible, along with all Islanders who are supporting it. Obviously I understood the will of the Assembly and I will be supporting and accepting the Minister’s amendment. It is good that we now have a specific date, we know that regardless of the testing time and regardless of what will happen with the lab, whether it does 12 hours or does not do 12 hours, everybody who comes from the green zone arrivals will need to self-isolate. I hope it will be within 12 hours but if not it is still an Assembly decision that it will happen. I am also pleased that from greeting at the airport you do not need to self-isolate that it has

been now changed to stronger guidelines that people are required to meet. Limit time away from the home or accommodation, limit social contact with others, adhere to one metre physical distance, avoid public transport, avoid indoor gatherings, including bars and restaurants where possible. I hope visitors who come to the Island this weekend will follow these rules. The requirement has been highlighted and it is good. I would like to say thanks again to all Members.

4.4.3 Senator T.A. Vallois:

On the basis of the Minister for Health and Social Services' amendment I would just like to ask for some form of reassurance because my concerns with the data and the arguments that have been expressed during the debate and what I have seen previously ... of course we have concerns coming up with regards to half term and particularly the Christmas holidays. We have registered over 1,700 students in the United Kingdom and I raised my concerns in the last debate on the amendment around the difference in classification for red, amber and green requirements. I just need some reassurance that the concerns around resourcing and the concerns around the requirements for ensuring that we are putting in the necessary requirements for isolation and testing and tracing for families, students, people coming in and going out, even though it is of the point of Tuesday next week, depending on what happens in the U.K. between now and then and what is decided ...

The Bailiff:

I am sorry, I have to interrupt you, Senator, the Constable of St. Ouen is seeking a point of order.

The Connétable of St. Ouen:

Sorry to interrupt the Senator in full flow, as I know I would not like it to happen to me. My question relates to the previous speaker who indicated that she was accepting the amendment, does that mean that the debate continues or do we finish the debate there and move to the main item on the Order Paper?

The Bailiff:

No, the debate on the matter has opened. Deputy Gardiner has indicated she accepts the amendment but it is still open to the Assembly to vote it down as the debate has opened. If Deputy Gardiner's acceptance of the amendment means that Members no longer feel strongly about it then, of course, they just do not need to speak and we can move quickly to a vote. But the answer is it still needs to be formally debated and voted upon. Does that assist you, Connétable?

The Connétable of St. Ouen:

Thank you, Sir.

The Bailiff:

Senator Vallois, if you would like to continue.

Senator T.A. Vallois:

Thank you. It probably just gets me to the point that I was trying to make and my concerns that I want to express widely and freely as I am able to as a States Member but also as Minister for Education. My concerns come at the point of this provision of going towards this 12-hour requirement and the resources that are required in order to achieve that ambition and that aspiration, which I recognise all of us have. We also have to recognise that although we are responsible and we are trying to achieve the right thing for our own population, other jurisdictions may not be as acquiring as we may be and my concern comes at the point of there may be sudden changes with regards to the way that consideration is given for certain regions, certain requirements in terms of hotspots. That is why I referred to the Imperial College of London hotspot map that they provided and having a differentiation between how we determine those different colour schemes for incoming travel. But my predominant reason for saying this is, of course, I want to make it clear that we want

to ensure the physical, mental health and well-being of our own students and being able to be with their families in those circumstances is put at the utmost respect to the difficult circumstances we find ourselves in. That was the point of me making this speech now, and I hope the Minister for Health and Social Services is able to give me some reassurance on that.

The Bailiff:

Does any other Member wish to speak on the amendment of the Minister for Health and Social Services? If no other Member wishes to speak then I close the debate and call upon the Minister for Health and Social Services to respond.

4.4.4 The Deputy of St. Ouen:

First of all, may I respond to a question asked by Deputy Maçon. This is part of the safer travel policy that governs all arrivals into the Island. All arrivals have an option of isolating for 14 days if they do not wish to take a test. Some do but not many, most choose a test but all of them will now have to isolate for a period. From a green area, and if this amendment is carried, it will be until they receive the results of their test on arrival and we know the rules for amber and red areas. Deputy Gardiner asked: “What if the 12-hour turnaround period is not achieved?” The requirement to self-isolate will be until the results of the test is received. They will not be exempt after 12 hours. We are hoping that tests will come in in time before 12 hours but if they are to extend beyond 12 hours they will still be required to stay in self-isolation until they receive a negative result from their test. Senator Vallois has asked about the students returning and resourcing. Because we know we have challenges to face this winter, we are adding extra resources to the various teams involved around test and tracing and around enforcement, and I can discuss the finer details of that with the Senator, because I do not have numbers at the moment. Insofar as concerns the testing, the information that was given at the briefing yesterday about the on-Island testing capacity we can see that we hope to move beyond the 1,000 tests a day and the chart we had was showing 1,500 and a little more tests by 19th October. The total capacity I understand of the OpenCell is 2,000 tests a day when it is fully up and running. We will be retaining the capacity to send tests as now to the U.K. We will have good capacity within the Island. We will obviously need to try and have some sense of how many students would be returning and when and I would be keen to work with Deputy Maçon ... and I give praise to the Senator and Deputy Maçon for their pre-emptive measures in seeking to support our students and the plans they have in place. We can discuss and try and put a plan around accommodating returning students. The Senator also spoke about sudden changes. It would be our intention, of course, to always avoid sudden changes and to give proper notification and advance notice so people can plan properly. As we have heard from Senator Farnham, it is likely that numbers - perhaps apart from students - travelling into the Island will diminish over the coming weeks so we might not see influxes of people from areas where there might need to be changes but, nevertheless, we will maintain trying to give adequate notice of all changes. I can say, as I think I said in my speech on introducing this amendment, that officers have arranged for the teams at the ports this week to highlight and to reemphasise the measures that are required as part of the preparations for Monday evening or the Tuesday self-isolation. It is not just business as usual, there will be that greater emphasis for the remainder of this week as far as Tuesday on exactly what incoming passengers need to do to safeguard the Island. We have had a long but a good, honest debate and I hope Members will feel able to support my amendment which gives certainty and clarity over what now needs to be done.

[16:45]

The Bailiff:

Thank you very much, Minister. I ask the Greffier to place the voting link in the chat. I therefore open the voting 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. The amendment has been adopted:

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
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. Mary				
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 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)				

4.5 Incoming passengers from Green category jurisdictions: requirement to self-isolate (P.122/2020) - as amended

We now come back to the proposition, as amended. Does any Member wish to speak on the proposition as amended?

4.5.1 Senator J.AN. Le Fondré:

Just very, very briefly I would like to do 2 things; one is to thank all Members for their contributions today. It has been a very good debate and passionate at times. I would just say that we have to be critical of arguments as opposed to being critical of the individual who brings the argument. As I have always said, Backbenchers are absolutely entitled to bring the debates that they bring, so congratulations to Deputy Gardiner in terms of bringing the debate. What I do want to also do is to say thank you to the teams of officers who have assisted particularly Ministers in putting together the information required in terms of allowing us to present the arguments today, and also just advising us when we have called on them with very short notice. What I will do for Members, which I think would be useful, and I do not know when so it will not be in the next week or so, but I will arrange a technical briefing on the statistics and how they are calculated on risk. Because I think it is very important from a whole reassurance point of view that where we see the statistics that have been referred to today, is how that translates into effectively infection risk on the Island, because we do have a long few months ahead. The focus, as I said, for the deputy medical director of health is on the measures we do inside the Island - he was far less concerned about the timing of the measures coming in at the border - and obviously that will be a set of separate discussions because we know on-Island there are differing views, for example, about the efficacy of masks and whether they should be worn. That is a debate for another day but I think I will arrange at some point a technical briefing for Members on the stats and the risks as they are being put together, because I think in those terms information is critically important for all Members. Other than that, obviously supporting the proposition as amended and I thank the Deputy for bringing the proposition.

4.5.2 Deputy M.R. Higgins:

I would just like to ask a question of the Minister for Health and Social Services, which concerns me and does concern others that I have spoken to. It is to do with the statistics that the Chief Minister just referred to. Now, we all get details of how many cases we have got in Jersey and we have been told that it is 38, however, international websites - John Hopkins and also Worldometer - are giving different figures to ours. I am sure we must be supplying them with data. For example, at the present time they are saying that Jersey has 47 cases rather than the 38 we are being told locally we have got, and they are also stating that we have got 2 critical. So perhaps the Minister for Health and Social Services can explain to us where they are getting their data from and if it is inaccurate I hope he will get in touch with them to try and correct them.

The Bailiff:

Of course it is a matter for the Minister for Health and Social Services whether he wishes to speak in the debate but this is not his proposition.

4.5.3 The Connétable of St. Saviour:

I just want to have some sort of reassurance from the students that will be returning that they will be tested and, please, they will do exactly what they are asked. Because if you listen to the news it is rife at this moment in the halls of universities and if they are going to bring the virus back I need to know that they will be isolating and that the people here will be safe. Again, I feel we are importing the virus and I know the youngsters have to come back but I do want them to be sensible when they are back.

The Bailiff:

I am not sure who is in a position to give you an assurance as to how young people will behave on their return, Connétable.

4.5.4 Senator T.A. Vallois:

I would just like to give some form of reassurance where I can to the Constable of St. Saviour. I believe our students are extremely responsible when it comes to recognising the guidance and the information that is provided. Their parents and their families are also equally responsible to recognise the importance of the COVID-19 guidance that is provided by the Government. I have no doubt that should any students come back and the right guidance and information in place is shared with them, which we are regularly working on - as we all know this changes time and time again - but we make sure that it is shared as and when that information is pulled together. So I would just like to give that reassurance to the Constable of St. Saviour.

4.5.5 The Deputy of St. Ouen:

I am not sure I can answer completely Deputy Higgins' question but if he would like to send me the details of what he has seen we will look into it. We have in the past had to correct some information that was out there internationally and was incorrect and was corrected after our intervention. It does also depend on ... how can I explain this without getting technical, and I am not sure I can. I think our data is kept on the basis of the dates when the swabs are taken. You can also record data from the date when results are received, and there can be a variance between those 2 dates. There are all sorts of ways of keeping statistics of course. But we will look into that and if the Deputy would kindly provide me with what he has seen, thank you.

The Bailiff:

Thank you very much. Does any other Member wish to speak on the proposition as amended? If no other Member wishes to speak then I close the debate and call upon Deputy Gardiner to respond.

4.5.6 Deputy I. Gardiner:

Again I would like to say thank you to all Members who contributed to this debate. The debate was needed and we have now certainty that we did not have yesterday or last week. Back in July and after in August I continued to ask the Government to have a framework of how would we know when we are going to the next stage. I have been told it is not the number of infections, it is a combination of different factors, and I still would like to have some type of framework. I am grateful to the Chief Minister that he mentioned in his speech that he will call us to the briefing and will present some more data that we will understand in depth and give us some reassurance how it will go forward. I think that one of the main points that will be important for me, and probably for other Members, is to really have clarity. If there are questions that as a Scrutiny we are asking, as a Safer Travel Guidance Review Panel we are asking, and we continue to ask, it would be much quicker and easier to get clear answers, specific answers that can address our concerns as soon as possible and not something that will happen in the future. We know that it will happen in the future and now it is happening in the future, so we know that in fact the risk will continue to rise, that is rising around the world. What will be our framework to go forward? It will be really, really helpful to work together as a whole Assembly within this same framework that we can calculate, the public can calculate, we can understand the data. It is great that now we have a clear decision, from Tuesday morning everybody will have to self-isolate until their result will be ready, and I am grateful to the Minister for Health and Social Services that in his closing speech to his amendment he emphasised and highlighted that the new guidance to all incoming travellers will be introduced and it will not be business as usual until next Tuesday, and it is very, very important. So thank you, and I ask for the appel.

The Bailiff:

Thank you very much, Deputy. I ask the Greffier then to put a link for voting into the chat. I open the voting and ask Members to vote in the usual way. If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The proposition as amended has been adopted:

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
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. Mary				
Connétable of St. Ouen				
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)				

The Bailiff:

Very well, that concludes Public Business and I ask the chair of P.P.C. to propose the arrangements for the business for future meetings.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

There have been quite a few changes since the Consolidated Order Paper was published. The Deputy of St. John has withdrawn P.117. That was initially down for the next sitting of the Assembly. P.112 has been moved from this week's meeting to the next sitting of the Assembly. A number of propositions were lodged on Tuesday, all of which have been listed for the 17th November sitting and these are P.123 Our Hospital Site Selection: Overdale, lodged by the Council of Ministers; P.124 Draft Social Security (Amendment of Law No. 14) lodged by the Minister for Social Security; P.125 Draft Financial Services (Disclosure and Provision of Information) (Jersey) Regulations lodged by the Minister for External Relations; P.126 Draft Limited Partnerships (Annual Additional Charge) lodged by the Minister for External Relations; P.127 Draft Intellectual Property (Unregistered Rights) (Marrakesh Treaty) lodged by the Minister for External Relations; P.128 Establishment and funding of the Fiscal Stimulus Fund lodged by the Minister for Treasury and Resources; and P.129 Our Hospital Project: acquisition of land for the new hospital at Overdale lodged by the Council of Ministers.

The Bailiff:

Very well, and you propose that is the arrangement for future business?

[17:00]

Deputy R. Labey:

Well I have got a little bit more unfortunately, Sir. There is not too much down for the next sitting but I would still expect the Assembly to continue into Wednesday. The meetings of both 3rd and 17th November are very heavy. I think it is prudent whether the Assembly should consider either starting - for both but we will take 3rd November first - on the Monday for questions. Now, I look to guidance from you, Sir, but in talking to Members a lot of Members feel they would prefer to decide that Friday is a continuation day for that sitting rather than do the Monday afternoon, including a lot of Members of my committee. So I do not know whether I can take soundings from the Assembly but I am happy to propose the Monday and if that does not go through propose that we designate now the Friday as a continuation day.

The Bailiff:

It is a little difficult over the chat to take soundings other than effectively throwing open the floor for a debate. Obviously the next sitting is 20th October; I wonder if soundings could be taken before then and Members will then know it will be either Monday or Friday that you will be proposing depending upon the soundings for the one after that, and it can be decided at the next one. But that is just a first thought from the Presiding Officer and you may wish to proceed in a different way.

Deputy R. Labey:

I think that is very good advice and I am happy to do that, to take soundings from Members from tomorrow on what they would prefer. I see some people want to speak.

The Bailiff:

Yes, well, let us obviously give people the opportunity to speak on the arrangements of future business.

5.1 The Connétable of St. Clement:

Just a brief one. As the chairman mentioned, the meeting on 20th October is reasonably light, I do not quite see how we can go into 2 days. I just wondered if there was any possibility of any of the business on 3rd November - if it has been lodged long enough - to bring forward to the 20th. We

have got 3 days aside, we are probably going to complete the business in one day and then come to the next sitting where we are looking for more than 3 days. So if it were possible, I do not know how long these propositions have been lodged, to bring some forward to the 20th that would probably help the situation.

5.1.1 Deputy M.R. Le Hegarat:

My only observation about bringing them forward to a Monday, that means that any written questions have to be lodged earlier than the normal which would be the Monday, so it would have to be lodged I believe on the Friday. That means that we end up losing 2 days of the weekend and a lot of us may very well do those questions over that weekend because obviously we are busy during the week. That is just my observation in relation to bringing it forward; that has an impact on written questions.

5.1.2 Deputy I. Gardiner:

Also we have P.A.C. (Public Accounts Committee) meetings on Monday between 1.00 p.m. and 4.00 p.m. so I would rather personally, and probably for the other committee members, to have it if we need on Friday and keep the Public Accounts Committee meeting as scheduled.

5.1.3 Deputy R.J. Ward:

Are we talking about the week of 3rd November? If we are, the Friday would mean moving of a public hearing that we have got arranged again and the way that business is working out for Scrutiny the public hearings are having to be fitted in, in regards to the Government Plan and there are just so few dates. So I am minded to go with the Monday and not extend into the Friday simply because we have some business already arranged for that day.

The Bailiff:

I see at least one other Member wishes to speak and possibly more, the difficulty is that these observations are taking place in a vacuum, there is proposition before the Assembly for consideration. What I had suggested was that this discussion might be usefully taken offline and a final decision made as to a continuation date for the 3rd November sitting taken at the sitting of 20th October. But if Members wish to achieve clarity now then there probably needs to be a proposition before the Assembly either for the Monday start or the Friday continuation which Members can then vote on, otherwise there is simply going to be a discussion, then presumably a proposition and then a whole set of discussions again. So I simply make that point and, in that context, did you still wish to speak, Deputy Tadier?

5.1.4 Deputy M. Tadier:

Yes, Sir, I do. It is a comment that I think I need to make anyway, whether it is now or before we finish the allocation of public business. It is just to say that I think the workload for 20th October is relatively light, I cannot see why we would need to have any extra additional days for that. But I would put a caveat in that says that the P.78, the slave trade, it risks being longer than it might otherwise be if I cannot get the meeting that I have asked for with the Constable of St. Helier. The Chief Minister has indicated to me that he would like me to meet with the Constable because some of that is relevant to him, and so far he has refused my invitation to meet, and including with Black Lives Matter. That will potentially slow down and lengthen the debate on 20th October. So could I appeal to the Constable to please accept my invitation without prejudice to discuss that matter?

The Bailiff:

Very well, Chair of P.P.C., did you wish to make a proposition or ...

Deputy R. Labey:

No, Sir, I thought your suggestion was very good. I will undertake to consult with Members from tomorrow and we will vote on this in the next sitting.

The Bailiff:

Then do you propose the conduct of future business as you have previously indicated but without fixing an either early start or continuation date at this point?

Deputy R. Labey:

Thank you, I do.

The Bailiff:

Very well. I will take that as being seconded. Does any Member have any observations on that? I will take silence on that as acceptance of the proposition if Members agree. In which case that is the arrangement for future business and the States can of course revisit at the next sitting the continuation days or otherwise for the sittings thereafter. The States stands adjourned until 20th October.

ADJOURNMENT

[17:07]