

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 14th JULY 2020

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[9:33]

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

PUBLIC BUSINESS

1. Reduction of lodging period

The Deputy Bailiff:

Senator Gorst, do you wish to speak?

Senator I.J. Gorst:

I just wanted to ask the question, there are a number of items later on in the Order Paper, which will need the States to agree that they be taken at this sitting. I have one of them, which is a Draft Limited Liability Partnerships Act, but other Members have many. I wonder if we could, right at the start now, decide to take all of those items. I am happy for them to be proposed individually but I am equally happy to make the Proposition on behalf of all of them, whichever you think is most appropriate.

The Deputy Bailiff:

I am grateful for that mention, Senator Gorst, because it chimes with what certainly I had planned and the last time the Assembly met we adopted a similar approach. In order to save there being 9 separate votes in the chat I was about to, at this point, invite someone to make a Proposition in relation to the lodging periods for all 9 Propositions and their Amendments. But, before I do that, Senator Mézec wishes to address the Assembly as well.

Senator S.Y. Mézec:

I was going to raise a point that is completely separate to what Senator Gorst has raised, is it worth dealing with Senator Gorst's issue first and then coming to me?

The Deputy Bailiff:

Yes, if it is discrete then yes. As Members are aware, there are several items listed for consideration today, which have not been lodged for the requisite time period, and therefore the lodging period will need to be reduced in accordance with Standing Order 26(7) if they are to be considered at this present meeting. Senator Gorst has agreed to make a Proposition that the lodging period be reduced and that Proposition will apply to: P.72, Variation to Lodging Period for Government Plan; P.83, Draft Limited Partnerships (Continuance) (Jersey) Regulations; P.85, Draft COVID-19 Regulations, lodged by the Minister for Treasury and Resources; P.87, Draft COVID-19 (Control of Testing) Regulations, lodged by the Minister for Health and Social Services; P.88, Enhanced COVID-19 Exit Strategy Communication, lodged by Deputy Pamplin; the Amendment to that Proposition of Deputy Pamplin's Enhanced COVID-19 Exit Strategy Communication, lodged by the Minister for Health and Social Services and in relation to that Amendment at the same time the Assembly will need to agree that Standing Order 32 be suspended so the Proposition will be listed for debate at this meeting; P.89, Open Borders arrangements, lodged by Deputy Young; and the Amendment to P.89, Open Borders arrangements, lodged by the Chief Minister and in relation to that Amendment the Assembly will also be agreeing to suspend Standing Order 32 so the Proposition may be listed for debate at this meeting; and finally to P.90, Jersey Heritage Trust: appointment of Chair, lodged by the Minister for Economic Development, Tourism, Sport and Culture. Senator Gorst, you make that Proposition, do you?

1.1 Senator I.J. Gorst:

If I may, thank you very much for your straightforward description of what the Proposition is, so I will not reiterate that; you have done it far better than I could. There are sufficient grounds to be in

the public interest for all of those items. I am hopeful that the variation of the lodging period for the Government Plan that is now because of the M.O.U. (Memorandum of Understanding) with Scrutiny, relatively straightforward, but it needs to be taken at this sitting so that there is certainty over the summer recess.

[9:45]

The Draft Limited Partnerships, again I will speak in more depth on this, but it is an opportunity arising out of the recovery programme to deliver more business to Jersey, which needs to be given certainty now because people are already looking to use that type of arrangement. Then the COVID, there are 2 very straightforward COVID regulations from Ministers, which it is quite clear why they need to be taken at this sitting and not be deferred, and then there are 2 other COVID items, one about communication and one about the border arrangements, the general view is that the Ministers concerned have worked with the Back-Benchers who brought those Propositions and they strengthen what is currently proposed and they, I hope, give further confidence to Islanders around communication and around those border arrangements and therefore it seems to me perfectly reasonable to take them now rather than to have to come back at some extraordinary sitting of the States during the summer recess. The final one, the appointment of a Chair to Jersey Heritage Trust, of course that is required as well to be taken at this sitting so that Chair can be in place and there is no interregnum between the appointment of 2 Chairs. All of those items pass the test of being in the public interest and I make the Proposition.

The Deputy Bailiff:

The Proposition has been seconded by Deputy Pamplin. **[Seconded]** Deputy Tadier, you wish to speak?

1.1.1 Deputy M. Tadier of St. Brelade:

I was going to speak to suggest, because there is a balance to be struck between expediency, and it is the last sitting and it is a busy Order Paper, and I was going to ask to hear from the mover of each Proposition, though not necessarily the Amendments, to make the case for the public interest test, because the onus always needs to be on the person asking for the reduction. Because we have slipped into a mode, which I am really worried about, where we are seeing items, which, in most of these cases, are being lodged because of the pandemic situation. So I am not going to ask that. Senator Gorst did make a generic case for everyone but if we keep on going down this road and setting a precedent where one person can make a general statement of public interest on behalf of other Members, in our system, is a strange precedent. So I just wanted to caveat that but I am not going to make a fuss today. Senator Gorst has addressed the points.

The Deputy Bailiff:

Yes, if I may say, Deputy, you are quite right to point out the importance of the Standing Orders and of course it is the right of any Member to insist on a separate vote in relation to any of these matters but, as you say, in the current circumstances it may be expedient to take all matters together. Deputy Pamplin, do you wish to address the Assembly?

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

Yes, just to advise Members that I will be accepting the Government's Amendments. As Senator Gorst said, they do not change the momentum of my particular Proposition, so I just wanted to let Members know, and just wondering on that basis that is the case that maybe the COVID-related Propositions could go ahead in the order, but I will leave that discretion to yourself and the rest of the Assembly.

The Deputy Bailiff:

That is a matter for the Assembly in due course.

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

I, similarly to Deputy Pamplin, just wanted to advise the Assembly, in considering the vote of Senator Gorst's proposal, is that I have been working with the Chief Minister and am grateful to him, the time and effort he has put into my Proposition that did suffer from some unintended deficiencies and what we have ended up with is a very good improvement and something that is in the public interest and I am hoping I will be able to propose that Proposition as amended when we get to it. It is in the public interest and so I take the point of Deputy Tadier but I want Members to know that I shall be accepting the Chief Minister's Amendment.

The Deputy Bailiff:

Senator Gorst, do you wish to reply?

1.1.4 Senator I.J. Gorst:

If I may, and I understand entirely the point that Deputy Tadier makes and the one that you have confirmed is an issue. I am taking the view, perhaps incorrectly but hopefully not, that during these exceptional circumstances of the COVID crisis it is not inappropriate for us to be understanding of both ministerial colleagues and Back-Bencher colleagues who have little time to bring forward their proposals but they do fundamentally in a democracy have a right to be heard. Therefore I have no concern at all in making this omnibus proposal; it is the right thing to do. But Deputy Tadier sounds an alarm bell and I accept that; that once the emergency legislation for the COVID crisis ceases to be in place when we return in September or after the first sitting in September, then we should make strenuous efforts to return to a better fulfilment of the Standing Orders. I would just put one slight caveat to that, of course we know that from the medical officer of health's position they still remain concerned about a potential second wave around the globe and we would not be immune to that. Therefore there is a piece of work going on that the Chief Minister has alluded to previously around which bits of legislation may be required to be replaced on the statute book and that may need to be done in short order in September before those pieces of legislation expire. But I accept entirely the point of principle that Deputy Tadier made, nonetheless, in the interests of efficiency and giving Members the right to be heard at this time when it is difficult to comply with the normal lodging periods, it is the right thing to do to take all of these items today, and so I maintain the Proposition.

The Deputy Bailiff:

Point of order, Deputy Maçon.

Deputy J.M. Maçon of St. Saviour:

I am not sure if this impacts on this vote, so you may need some time to consider it, but it is Standing Order 20(3), contents of a Proposition, and it concerns Deputy Young's Proposition. Part 3 says: "A Proposition cannot be in the same or substantially the same as a Proposition which the States have previously debated and voted upon unless 3 months have elapsed since that vote." I perhaps will need guidance from you as to some understanding as to why that Proposition was allowed to be lodged, but we can deal with the reduction in time anyway.

The Deputy Bailiff:

Deputy Maçon, I can assure you that the contents of Standing Order 20 were very much in the minds of the Presiding Officer and the Greffier when the Proposition of Deputy Young was approved for lodging, so it was considered in detail, but we can return to that or you can receive a written explanation if you wish to in due course, but we can return to that if that is your wish.

Deputy J.M. Maçon:

Many thanks.

The Deputy Bailiff:

I invite the Greffier to place a vote in the chat channel and the Proposition is in effect that we reduce the lodging period and in relation to 2 Amendments suspend the relevant Standing Order so as to ensure that they can be debated in this meeting of the Assembly. If you are in favour of the Proposition you will vote *pour* and contrary you will vote *contre*. The voting is now open. All Members have had the opportunity to vote and in the circumstances I ask the Greffier to close the voting.

POUR: 42	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
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 R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

Senator Mézec, you had a question about the order of public business?

Senator S.Y. Mézec:

I raised this in an email with you over the weekend but the Assembly may wish to consider it. Later on in the order of business we have P.82, Investigation into the establishment of a digital register of landlords and tenants, which, as amended, asks the Council of Ministers to investigate provisions and administration of a few pieces of legislation and data source deemed relevant in order to determine the feasibility of using that legislation and sources to establish a digital register of landlords and tenants. I question whether this Proposition is in order anymore on the basis that, since its publication, the Minister for the Environment has published comments to the Proposition, which, looking at it, pretty clearly constitute the work that the Deputy of St. Peter was asking to be done in the first place. The first line of the comments says: “The information gathered under the quoted legislation cannot be used for the purposes of a landlord register; it can only be used for the reasons it was obtained”, which very clearly shows that it is not feasible. It is a 13-page document, which then goes into depth on it. So I question whether that Proposition is still in order; it may well have been when it was lodged, but it looks like it is not now, and therefore I would submit that it would not be a particularly good usage of the Assembly’s time to ask work to be done that has already been done and therefore, if it were to be accepted, it would require nobody to do anything.

The Deputy Bailiff:

The Proposition has been lodged. The Deputy of St. Peter will have heard what you have said whether or not to proceed with the Proposition is a matter for the proposer. Deputy Pamplin, you have a point of order?

2. Rearrangement of Order Paper

2.1 Deputy K.G. Pamplin:

I am mindful and in the Members’ hands here. Would Members agree, and I propose that we take all relevant COVID Propositions at the beginning of the order, as myself and Deputy Young have said we are accepting the Government’s Amendments, therefore I just feel that, given the urgent nature of why we lodged those Propositions in the first place, we can deal with the most pressing matter of our times and then get into the rest of what is a very busy week. So I make that Proposition and then, in Members’ hands, see if they agree.

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

I am somewhat confused by the Senator’s reaction because what is absolutely clear in my Proposition is I am talking about data and I am talking about the efficient use of data. I make no mention in my report or Proposition and Amendment about P.106. I find them, as they stand, independent, my Proposition stands independently of it, and whether I agree with P.106 or not is irrelevant. What I am proposing on doing is ensuring we have the right data platform to give the information required in order to administer landlords and tenants alike across the Island. In fact I would suggest that the Minister should be thankful for me for helping him out so he can bring a holistic view to his Ministry and enable him to understand what is there and enable him to do his job better.

The Deputy Bailiff:

We need to confine ourselves to what has been proposed now, it has been proposed by Deputy Pamplin that we take all COVID-related Propositions first. Deputy Pamplin, can you clarify precisely what Propositions you were referring to so that everyone knows exactly what it is your Proposition covers?

The Deputy of St. Peter:

I thought I spoke before Deputy Pamplin and I thought I was immediately after him on that discussing whether he feels P.82 should go ahead.

The Deputy Bailiff:

That is a matter for you, Deputy of St. Peter, and we have heard what you said, but it is important we do not start debating Propositions that we are not dealing with yet on the Order Paper.

The Deputy of St. Peter:

This is not a challenge from the Senator to ask me to withdraw, to ask you to say that my Proposition bears no relevance.

[10:00]

The Deputy Bailiff:

I have not done that and I have indicated that I am not going to do that.

The Deputy of St. Peter:

I misunderstood. I apologise; I misunderstood you. I thought I needed to defend that situation. I apologise.

The Deputy Bailiff:

Deputy Pamplin, can you just clarify for Members, before this moves to a debate and a vote, precisely which Propositions you are concerned with?

Deputy K.G. Pamplin:

I would begin with my Proposition P.88, Deputy Young's Proposition and the Proposition from the Minister for Health and Social Services; basically those 3, and if Member wants to indicate the others that I have missed, but definitely those 3.

The Deputy Bailiff:

It is your Proposition. There is P.87, Control of Testing COVID-19; P.88, COVID-19 Exit Strategy, and there is P.89, Open Borders Arrangements. Does your Proposition cover P.85, COVID-19 (Rates) (Jersey) Regulations?

Deputy K.G. Pamplin:

I believe so, to be consistent, anything related to COVID, but particularly the ones you mentioned to begin with. That would be my Proposition.

The Deputy Bailiff:

Is P.85 in?

Deputy K.G. Pamplin:

I believe I should have to put it in, yes.

The Deputy Bailiff:

So those 4 Propositions. Is that seconded? **[Seconded]** Deputy Ward, do you want to speak on this Proposition, which we are now debating?

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

I see no reason to make this change. We have an Order Paper that has been published to the public; it has been out on the website. People may be picking and choosing which debates they feel that they are most interested in and have arranged their time accordingly and now we come at the very last minute on Propositions that have been agreed at the very last minute and asked to debate them first. The timescale we are talking about in terms of the urgency simply is not there. I will remind the Assembly that we passed emergency laws. If there was a real emergency and a need to change any border controls, distancing, any of those regulations, the Government have the emergency powers to do that right now immediately without the agreement of the Assembly. Therefore there is no reason

to change the Order Paper. We are here, we are prepared and we are ready to get business underway and this last-minute change is both unnecessary and not good for the listening public who perhaps have arranged their time.

2.1.3 Senator S.Y. Mézec:

Following on from those points, which I agree with, it is also not conducive to holding the most informed debate to make this sort of change at the last minute when Members will have their notes prepared and their frame of mind set on the order that has been published beforehand. It is of course the case and okay to change the order where it makes sense to do so but for something like this I would suggest that it ought to have been done with a bit more notice than at the commencement of these debates as we will be going literally right now into a debate we did not think we would be going into. I simply do not think that is a good way of ordering business. It should have been raised beforehand so that everybody could have been best prepared, so I would urge Members not to agree to this.

2.1.4 Deputy J.H. Young:

While I am grateful to Deputy Pamplin including my Proposition in the list of items he is proposing to bring forward, I do very much feel like Senator Mézec and Deputy Ward. Members will probably want time to give thought to their speeches and the points they are going to raise and it is better on balance not to go with the Amendments because Members will have prepared and the public will be ready to follow, and I am hopeful that we can get to those COVID Propositions quite quickly but nonetheless that is my view.

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

I would just like to counter that. Yes, the public are listening, we had the biggest audience 2 weeks ago with the borders. This is massive. The COVID borders, Deputy Pamplin, people are listening in and they want to know what is happening. As for the States Members cannot shovel around a few notes they made on each Proposition, it just beggars belief to me, we are all grown-ups, we knock on these doors, we tell people we are here, we are ready, and now we are all prepared for a full week in the Assembly, we have done our research, we just ask can we get the COVID ones out of the way, it makes sense. The public then can tune out and we will get on with our normal business.

The Deputy Bailiff:

Deputy Ward, you have a question for the Attorney General?

Deputy R.J. Ward:

I wonder if I can just confirm to the Assembly that the powers that these Amendments would bring are already there in emergency powers and therefore by taking them in the order that we have and that the public know about, as opposed to rearranging a few notepapers at their inconvenience, it would make no difference to whether or not we can react in an emergency. It is very important that clarity is there for all Members of the Assembly so that we know that the argument over the need for urgency is simply not there so that people are clear in terms of the voting on this.

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

In relation to Deputy Young's Proposition concerning border arrangements and the associated Amendments, Deputy Ward is correct in that the powers available to the Government are already there in the Screening and Assessment Regulations that were passed by the Assembly back in March. In relation to the Exit Strategy Communications; I am afraid I have not scrutinised that Proposition in any detail, but I do not believe that is covered by any existing legislation, so that seems to me capable of being dealt with by the Government just under its normal powers. In relation to the Rates Law, I do not believe that is subject to the Government's existing powers because that is governed by the existing Rates Law. An Amendment to that law would not be governed by the Government's

emergency powers because it requires a change to primary legislation, so that is an exception to what Deputy Ward has just said. The last one was in relation to the Control of Testing Regulations. That seems to be new legislation, so in principle that does not seem to be covered by the Government's existing emergency powers.

The Deputy Bailiff:

Does any Member wish to speak on this Proposition? Accordingly I call upon Deputy Pamplin to reply.

2.1.6 Deputy K.G. Pamplin:

I would not expect anything less but passion from Members when we are dealing with what is going to be a very busy week. I thank the Minister for Social Security. In terms of my Proposition especially, COVID is the thing that is dominating our lives and the members of the public are listening and this is the thrust of my Proposition. Because I am accepting the Government's Amendments, we can deal with it in swift order and show that we are dealing with this pandemic even within the Assembly, not just in Government, in short order. I leave it to the hands of Members of course, so I ask for the vote and we will see what happens.

The Deputy Bailiff:

I ask the Greffier to place a vote in the chat channel and the Proposition is that the Assembly take P.85, P.87, P.88 and P.89, and their respective Amendments, first. Please vote *pour* if you are in favour and *contre* if you are against. The voting is open. If any Members have been unable to vote in the link, could you please now vote in the chat before we close the voting? I am going to ask the Greffier to close the voting. The Proposition has been adopted:

POUR: 23	CONTRE: 22	ABSTAIN: 0
Senator L.J. Farnham	Senator S.W. Pallett	
Senator S.C. Ferguson	Senator S.Y. Mézec	
Senator J.A.N. Le Fondré	Connétable of St. Saviour	
Senator T.A. Vallois	Connétable of Trinity	
Senator K.L. Moore	Connétable of St. Peter	
Connétable of St. Clement	Connétable of St. Martin	
Connétable of St. Lawrence	Deputy G.P. Southern (H)	
Connétable of St. Brelade	Deputy K.C. Lewis (S)	
Connétable of Grouville	Deputy M. Tadier (B)	
Connétable of St. Mary	Deputy J.M. Maçon (S)	
Connétable of St. Ouen	Deputy S.J. Pinel (C)	
Deputy J.A. Martin (H)	Deputy of St. Martin	
Deputy of Grouville	Deputy of St. Ouen	
Deputy M.R. Higgins (H)	Deputy L.M.C. Doublet (S)	
Deputy S.M. Wickenden (H)	Deputy R. Labey (H)	
Deputy G.J. Truscott (B)	Deputy of St. Mary	
Deputy L.B.E. Ash (C)	Deputy J.H. Young (B)	
Deputy K.F. Morel (L)	Deputy of St. John	
Deputy G.C.U. Guida (L)	Deputy M.R. Le Hegarat (H)	
Deputy of St. Peter	Deputy S.M. Ahier (H)	
Deputy of Trinity	Deputy R.J. Ward (H)	
Deputy K.G. Pamplin (S)	Deputy C.S. Alves (H)	
Deputy I. Gardiner (H)		

3. Draft COVID-19 (Rates) (Jersey) Regulations 202- (P.85/2020)

The Deputy Bailiff:

Accordingly, the first item of business is the COVID-19 (Rates) (Jersey) Regulations lodged by the Minister for Treasury and Resources and I invite the Greffier to read the citation.

The Greffier of the States:

Draft COVID-19 (Rates) (Jersey) Regulations 202-. The States make these Regulations under Article 2 of the COVID-19 (Enabling Provisions) (Jersey) Law 2020.

3.1 Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):

I am bringing these regulations, marginally faster than I thought I was going to be, to the Assembly at the request of the Comité des Connétables and with the support of the Council of Ministers. We are in the season when the Parishes hold their Rates Assemblies and set the rates for 2020, in fact St. Clement is tonight. I know that the Parishes are working hard to freeze the Parish rates to their 2019 level as part of their own response to the coronavirus pandemic to help their parishioners and many local businesses, which have been affected by the lockdown. The Constables have asked Government to follow suit in respect of the Island-wide rates. Maintaining the Island-wide rate at its 2019 value in 2020 will reduce Government's revenues by about £360,000. We estimate this will keep about £4 in the pockets of a family occupying an average 3-bedroom house. It will keep about £161,000 in the pockets of local businesses in aggregate. We all recognise that this measure is not a significant help in terms of providing financial support for Islanders or businesses but it is right in the present circumstances that Government does mirror the approach of the Parishes and shows solidarity with them. I propose the principles.

The Deputy Bailiff:

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

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

I thought I would speak briefly to endorse what the Minister for Treasury and Resources has said about the Constables wishing to hold the parochial rates at last year's levels, which will be extremely difficult for those Parishes, particularly with large workforces or sizable workforces, and of course all of those staff will have been employed throughout the pandemic and those staff will need to be paid.

[10:15]

So, in line with wage rises, that of course means that the pressure on Parishes has been particularly difficult and it is a sign that across the board the Parishes run tight ships that the Parishes are able to offer to ratepayers to freeze their rates at last year's level. Of course whether they do so or not will depend on the ratepayers who attend the dozen Rates Assemblies across the Island, as we have been told St. Clement this evening, St. Helier not until 29th July. While I mention St. Helier, I would like to commend one of my Procureurs for his initiative in suggesting that I take to the Constables Committee a proposal that we ask the Minister for Treasury and Resources to freeze the Island-wide rate at last year's level because that was an extremely good suggestion; I am not sure we would have thought of it ourselves perhaps. I stand to be corrected, perhaps we would have done, but I wanted to thank the Parish Procureur du Bien Public who gave me that idea to take to the Constables Committee. I do urge Members to support the Proposition.

3.1.2 Connétable D.W. Mezbourian of St. Lawrence:

I wish to endorse the words of the Connétable of St. Helier. I am sure most of the Constables in the past few weeks have been working assiduously to prepare their budgets for the forthcoming financial year. But, as the Connétable said, it has been difficult to keep the rate at the same level as last year. However, we are all endeavouring to do that but I must make it clear, as the Connétable has said, the Constables themselves do not set the Parish rate; the rate is proposed at the Parish Assembly, however the final decision as ever is made by the attendees at the Assembly. But the Constables are in fact

unanimous in supporting this Proposition and we wish to record our thanks to the Minister for promoting the draft regulations so swiftly following our recommendation to her in our letter of 8th June. To say what will be the situation if the draft regs are not approved, the annual wide rate figure will be adjusted by the movement in the Jersey Retail Price Index at March 2020, which is an increase of 2.7 per cent. That increase is applied to the 2019 annual Island-wide rate figure and it would increase that figure by about £358,732. The annual Island-wide rate figure is funded by the domestic and non-domestic rates in accordance with the Rates Apportionment (Jersey) Regulations 2006 and domestic ratepayers will have to fund an extra £197,303 and non-domestic ratepayers will need to find an extra £161,429. Both the domestic and non-domestic rates will increase from the figure in 2019 clearly. On the other hand, approval of the draft regulations means the domestic and non-domestic rates will remain the same as in 2019. Obviously everyone in our Island has been affected in some way by the COVID-19 pandemic and economically a number of business sectors have been adversely affected, some of course significantly, by the requirement to close, which was imposed by the Government in March 2020 on public health grounds. Some sectors will continue to be affected for months to come. Domestic ratepayers may also be adversely affected as for some employment has ceased or income has been reduced during the period when restrictions have been in force. Just to repeat, the Connétables have taken steps to prune their budgets so that, when presented to ratepayers, subject to their agreement, we will be endeavouring to maintain the rate at the 2019 level. In conclusion, having explained what will happen if the Regs are approved and what will happen if they are not approved, the Constables felt it was really heartening to know that the Government of Jersey is prepared to accept a reduced income in 2020 from the annual Island-wide rate, in addition of course to the significant investment and support that the Government has made available during COVID-19 and their acceptance of our suggestion is a token of further support to ratepayers. Members will need to know of course that, as the States now pays rates on its land and property, the States themselves will benefit from rates not being increased in 2020 if these regulations are approved. Our estimation is that the States would receive a net reduction in income of around £360,000. I would just like to repeat again our thanks to the Minister for Treasury and Resources for promoting these draft regulations so swiftly and also to the Assembly itself for giving permission for them to be debated.

3.1.3 Senator S.Y. Mézec:

In the summing-up speech from the Minister for Treasury and Resources, I would like to ask if she would be able to confirm whether any sort of distributional analysis has been done on this to work out exactly who benefits proportionately the most and proportionately the least from this sort of freeze. In the report to this, it estimated that not uprating the Island-wide rate will keep £4 in the pocket of a family living in an average 3-bedroom home. Does she have any idea what is the estimated amount that could be kept from people in different circumstances, i.e. somebody living in a 5-bedroom mansion versus somebody living in a small one-bedroom property in town without parking, who benefits the most and who benefits the least? I will be honest and say I am asking that question to be a bit mischievous because I sort of know the answer already, which is that the reality of this particular measure is that proportionately those who will benefit the most will be those who own the largest properties and the most number of properties and the effect to be felt by those of the least means among us, the renters who live in the smallest homes, will receive the lowest amount or keep the lowest amount. So the question of, if you have £360,000 to spend, would this be how you would spend it? I have to be honest and say this would probably be somewhere near the bottom of the list because of proportionately who it affects. You could argue, look at the voucher scheme that the Government has announced, that is £100 that will go to the very wealthy as well, but in response to that I would say but at least they are getting an equal amount, whereas with this freeze those sorts of people will be benefiting by an absolute amount that is greater than those at the very bottom. I am not speaking in opposition to this, I am not seeking to denigrate those behind it and certainly not to denigrate the Parishes for how they choose to manage their finances and what rate is or is not adopted

because ultimately that is a matter for them and it is observable that some good work is going on. But purely on the matter of the Island-wide rates, this is not a particularly progressive measure; it is not an optimum use of £360,000, and in the grand scheme of things probably makes things slightly more difficult for Government budgets overall. So I would ask the Minister for Treasury and Resources to confirm that it is the case that this is regressive and will benefit the sorts of people who ultimately we are not that interested in putting more money in the pockets of and ask her to focus in any future measure that arises that the benefit will be focused at those who are most likely to spend that money in the local economy and those who are struggling to get by now.

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

This is an interesting one because my understanding, and I suppose I start with the question to the Minister for Treasury and Resources, is that the Island-wide rates bill is supposed to be a contribution towards the States helping out the welfare bill years back, and so the Island-wide rate is linked in some way to welfare and our quite substantial contribution to the economy in helping people out via income support and the tax-paying system, the rates, it seems to me, is part of the tax-gathering system, although it is slightly detached. Therefore I am thinking should we not be raising this rather than freezing it in order to deal with the levels of hardship, which are in place in the Island as a result of the COVID pandemic? The fundamental question is: is this supposed to be linked to the welfare bill and should we not be spending more rather than less on this? It is a finely balanced argument whether this freezing is another aspect of austerity, of not assisting with the extreme hardship that we find among many of our ratepayers as well as taxpayers.

3.1.5 Deputy M. Tadier:

I am really concerned about this seems to be going through on the nod. If I, or any other Member, were to bring a Proposition, which had a spending cost of £360,000, we would rightly be scrutinised for it and we would be asked to justify that spend. Effectively what we are doing is reducing the Government's revenue budget by £360,000 for next year and it is counterintuitive and it is going in the wrong direction because I do not have a problem with fiscal stimulus and, for example, the idea to give £100 to all Islanders is a great way to stimulate the economy and to put money into local businesses and that will find its way back into the economy, and some of it will find its way back into the Treasury. But, as has been said before, this is a really blunt tool because those who can most afford to pay their rates will be getting a disproportionately large cut compared to those whose rates are already relatively small. I want to ask Ministers in fact, the £360,000, what are you going to cut from your budgets in order to pay for it? Because we have already heard from the Minister for Home Affairs the other week when he was asked about whether he would be cutting his budget, he basically said: "No, I am not cutting, I have chosen to make myself immune from any request to cut my budget because most of my budget is to do with staff costs." Presumably the same can be said for Education. Most of the costs for Education are staff-related, maybe not to the same proportion. I want to hear from Ministers, because it is not coming out of my Arts, Culture and Heritage budget I can guarantee that and I will do everything to fight it, so I want to know what are we going to cut? Where are we going to find this £360,000 to pay for giving £4 on average to people's rate bills when they did not even ask for that. Nobody has been out there saying: "You know what, I could really do with a few quid off my rates bill this year." I accept that the commercial sector might be slightly different. We are either not going to have that money or we are going to have to find that money from somewhere else or, as I said, a frontline service potentially is going to be cut. So we need to know what the consequence of this giveaway is going to be.

[10:30]

I have no problem with the Parishes deciding democratically at their Assemblies tonight, or whenever they are, what they do with their Parish rates; that is a matter for them, but this is economically irresponsible at this time to be doing it when we do not know what the consequences are.

The Deputy Bailiff:

Does no other Member wish to speak on the principles? Deputy Wickenden, you wish to speak, you got in just in time.

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

I just want to say this money that is going to be saved in the Parishes in this way will still need to be paid in some way because money just does not fall out of trees, unlike some people think. So at some point this money is going to need to be recuperated and we know that COVID-19 and everything that has happened has had an effect on everyone's lives and most people's finances. Some people have thrived during it, which is fantastic, but many people have not. But we know that the Government is going to have to make some very tough decisions going forward on how we are going to pay this money back or how we are going to recuperate the money from loans and strategic reserves and trying to build up and get ourselves back into the position we were before COVID-19. That is going to end up being in some way charges or taxation; I do not think anyone is naïve enough to think that we are just going to suddenly win a lottery windfall and it is going to fall in our laps. For me, by doing what we are doing here, and we start looking at maybe a bit more in taxation or a bit more in anything else, it is going to disproportionately affect the residents of St. Helier where the majority of our residents live in a way so that all the other Parishes do not have to put their rates up a little bit more. I find that a hard pill to swallow in some ways that we are going to do something here that is going to be disproportionate, in a different way to the way Senator Mézec spoke about it, and I find that a tough pill to swallow. If I am misguided in this I would like to hear in summing-up.

3.1.7 Connétable L. Norman of St. Clement:

I would just firstly like to assure Deputy Tadier that the Home Affairs Department, indeed the Justice and Home Affairs Department as a whole, is playing its full part in finding savings because of the financial situation the Island finds itself in. What I have said is our savings will not be at the expense of front-line services. I do not intend to cut front line firefighters or paramedics and people like that, but there are other savings that are being made. But I welcome this Proposition and, like my colleague Constables, am grateful to the Minister for bringing it. It does show, if it is successful, it does indicate, and it sends out a very strong message to the Island that there is a partnership between the Government, between the States and indeed the Parishes. It does show that we recognise the difficulties that many people are suffering and will be suffering over the months to come. It is true that some folk financially currently will be better off than they might have been if they had continued to receive their salary or other income and they have not been able to spend on travel and other things, so they might be better off. What we have also got to recognise is there are many, and we see it in the unemployment figures, who have lost jobs, many have and are facing reduced incomes and we must not forget the significant effect on businesses, businesses who have probably suffered disproportionately who have been closed, the hotels whose income has been non-existent, restaurants, hospitality outlets, hairdressers. All of these have been greatly affected and will benefit, perhaps marginally, but it will send a message from the Government that the Government and the States recognise that the vast majority of people are suffering some sort of hardship and this is a gesture, a contribution, towards that. I think it would be appalling as we come out, hopefully, of this lockdown and pandemic that the first thing we do is increase taxes by increasing rates. Rates is a tax, do not forget, and to increase it now would be sending out totally the wrong message to the Island and I hope the States will overwhelmingly support this Proposition. I understand what Deputy Mézec is saying, but to means test on the Parish rates would be almost impossible and even if it were possible it would be extremely expensive to do and would take so long that it would be totally meaningless. I understand his position but it really is important for the States to support this Proposition.

3.1.8 Deputy R.J. Ward:

I want to ask some questions of the Minister when she sums up, because it is the principles and I think it is the right time to do it. It is a question regarding by making this freeze whether she accepts that those who are paying more than one set of rates, those owning more than one property for example or many, would be disproportionately benefiting from those individual families who are receiving I think something like £4 only from this? I think it is important that is acknowledged. Also I want to make the point about the £360,000 in future years. Will there be a plan to recoup that through higher rate increases in later years that could be faced by people, because I think the transparency in the long-term vision and planning needs to be made clear as we come to vote on this decision.

3.1.9 Connétable R. Vibert of St. Peter:

I am going to speak only briefly, really confirming what my colleague, the Constable of St. Clement said about that message that the Parishes are making a significant effort to freeze their rates. In our case, in St. Peter, we have an income each year of just over £900,000. It is not a massive amount, but this year we will also run a deficit of £140,000 and that is because we are going to, in effect, support people where they need to be supported and spend money and put it back into the economy. I think it is a very poor message that if the Parishes have frozen their rates and intend to be running deficits in many cases that the States then would up the Island-wide rate. I think in the public's view that would be a very poor message and that is all I have really got to say.

3.1.10 Senator S.C. Ferguson:

This is one of the charges that will fall most heavily on the businesses in the Island. There are a lot of businesses almost on their uppers who still have to earn enough to pay their rates. I might remind Members that the U.K. (United Kingdom) has given exemptions on statutory charges for the first quarter. However, even a small reduction in rates will particularly assist businesses in their fight for survival. I think to start putting charges up on the businesses, some of whom have been effectively shut down for something like 3½ months and have not been able to earn, I think we should reject this.

The Deputy Bailiff:

If no other Member wishes to speak I call upon ...

Senator S.C. Ferguson:

Sorry, Sir. Could I just correct myself? I think we missed that I vote to support this. I have been a little careless. Thank you.

The Deputy Bailiff:

Thank you, Senator. I call upon the Minister to reply.

3.1.11 Deputy S.J. Pinel:

Gosh, what a lot of questions. Thank you to the Connétables, primarily to the first speaker, the Connétable of St. Helier and in answer to I think it was Deputy Wickenden's question, but it might affect St. Helier residents more, it was St. Helier that proposed this, I am bringing it to the Assembly but it was St. Helier who came forward with this. The Connétable of St. Lawrence, thank you to her for her very comprehensive explanation of the technicalities of the rates system, which I think has been helpful to Members. To Deputies Mézec, Southern and Tadier, I think I did explain as briefly as I could in my opening remarks that it would be a £4 effect on an average house, a 3-bedroom house, and several of the Deputies brought in the voucher scheme, which of course is totally separate to this and Deputy Mézec, I think it was, mentioned people on income support, as did Deputy Southern. The people on income support and some of the pensioners, as was announced on Friday, are getting double the amount of the voucher scheme, so they are not being neglected and £360,000 that will not be revenue coming into the Exchequer as such, in the form of rates, is not money that

we have but would spend elsewhere. It is just money that we will not get in 2021. The law is what we are asking the Assembly to change, purely for a year, to help, as Senator Ferguson who I am pleased is going to support it, not reject it, said that it has had a big effect on business, this whole situation, and I think by freezing the rates, which of course is a change in the law, which is what we are asking to happen, it will help out businesses. I think that was exemplified as well by the Connétable of St. Clement and obviously St. Peter. The only other thing I can add to that for Senator Mézec's question, freezing the Island-wide rate is not going to significantly help Islanders in financial distress, which is why we have, as I have just mentioned, doubled the scheme but it is working with Parishes and the Government to synchronise our approach to help people through this pandemic. I hope I have answered everybody's questions and I propose the principles for it.

The Deputy Bailiff:

Senator Mézec has a point of clarification he wishes to raise in relation to something you have said.

Senator S.Y. Mézec:

The Minister reiterated the same point that had been made by some other speakers in the course of the debate about how this would help business. Could she clarify in what way it helps those businesses that have struggled through this crisis? I might pose an example of a sole trader who does not operate from a premises because their tools are in their van and they have not had any work for a few months, versus a finance firm where everyone has just worked as normal but from home, but operates usually from a large premises that they pay rates on. How does that help businesses that have been struggling to implement what she is proposing?

Deputy S.J. Pinel:

I admit this is businesses across the board. I cannot go into the details of each business, nor would it be appropriate to do so, so it is businesses across the board.

The Deputy Bailiff:

Deputy Southern, you have a point of clarification to raise with the Minister?

Deputy G.P. Southern:

Yes, I believe I asked the question as to what the link was between the Island-wide rate and the Island's Welfare Bill. Could she try to respond to that, because that is important to the way I will vote?

Deputy S.J. Pinel:

I am sorry, I am not quite sure I understand that point of clarification. It is a totally separate issue from the welfare situation or the benefit situation or the social security situation, whichever way you want to define it. As I did say in my summing up of the questions that I was asked, the people on benefits are already getting the voucher benefit, if you like, in July as well as independently in September. People on benefits or in the social security system or on income support are receiving the help that they need.

Deputy G.P. Southern:

Sir, still no answer to that question. May I ask the same question of the Attorney General, please, as to what is the link, if any, between the Island-wide rate and the alleviation of poverty and welfare on the Island?

[10:45]

The Attorney General:

That seems to me perhaps more a question of fact rather than of law, but I will assist as far as I may. The requirements for the Island-wide rate and then the Parish rates and the liability for those rates

are set out in I think Articles 17 or 18 to 20 of the Rates (Jersey) Law of 2005. Those do not set out any link between liability for rates, whether Parish or Island-wide, and welfare. They simply set out the liability of occupiers and owners of land to pay Parish or Island-wide rates, so an owner of land, a business or an individual, has a liability to pay a proportion of rates as does an occupier, someone who leases or lets land through a tenancy agreement. To assist the Deputy, the Rates (Jersey) Law does not seem to me to make any link in terms of liability for rates with welfare, so the rates are not a hypothecated tax to be used for welfare purposes.

The Deputy Bailiff:

Deputy Higgins, a point of clarification for the Minister?

Deputy M.R. Higgins of St. Helier:

Deputy Mézec asked the Minister early on about what studies she had done into this measure. I get the impression, from what has been said, that a Procurer in St. Helier thought it was a good idea, the Constable of St. Helier decided it was a good idea, the other Constable thought it was a good idea and the Minister thought it was a good idea, but what research or study was done?

Deputy S.J. Pinel:

I think on that question the Deputy would have to go back to the Comité who brought the suggestion to me to ask me to take it, because of the effect on the Exchequer and that is what I have explained, so that is how this came about. So the Comité, the Connétable and the Parishes that we have already said want to work with Government to help people individually and businesses and this seemed a way forward to do it. It is only a freezing of the Island-wide rate for a year as opposed to increasing it by R.P.I. (retail price index).

Deputy M.R. Higgins:

Unless the Constable gives an explanation we just take it that no study has been done?

Deputy S.J. Pinel:

It is a Proposition from the Parishes, Deputy, and they have done the homework. They are prepared to either freeze or in some cases reduce the Parish rates that will go along with this, when this is passed, so it is just a move forward to help people in a very difficult situation.

The Deputy Bailiff:

The Greffier will now place a vote into the chat channel of this meeting. Members are considering whether or not to approve the principles. The vote is now open. I ask Members to cast their votes. If all Members have had the opportunity to cast their votes, either in the chat or the link, then I ask the Greffier to close the voting. The principles have been adopted.

POUR: 40		CONTRE: 7		ABSTAIN: 0
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator L.J. Farnham		Deputy G.P. Southern (H)		
Senator S.C. Ferguson		Deputy M. Tadier (B)		
Senator J.A.N. Le Fondré		Deputy M.R. Higgins (H)		
Senator T.A. Vallois		Deputy S.M. Wickenden (H)		
Senator K.L. Moore		Deputy R.J. Ward (H)		
Senator S.W. Pallett		Deputy C.S. Alves (H)		
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				

Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy 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 S.M. Ahier (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Bailiff:

Senator Moore, does the Corporate Services Scrutiny Panel wish to scrutinise this matter?

Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

No, thank you, Sir. We have looked at this.

The Deputy Bailiff:

Minister, how would you like to propose the Regulations in Second Reading?

3.2 Deputy S.J. Pinel:

Regulations *en bloc* if I may, please, Sir.

The Deputy Bailiff:

Are the regulations seconded? **[Seconded]**. Thank you. Does any Member wish to speak on the regulations? If no Member wishes to speak on the regulations I invite the Greffier to add a vote into the chat channel of this meeting. There may be a short delay. The vote is now open and I ask Members to cast their votes in respect of the second reading of these regulations. I ask the Greffier to close the voting.

Deputy M.R. Higgins:

Sir, trying to go through on the voting panel we are not getting the codes fast enough to be able to vote. In fact, I have not even received a code on the double-check so I shall vote in the chat and I am voting *contre*.

The Deputy Bailiff:

The Regulations have been adopted in Second Reading:

POUR: 40		CONTRE: 5		ABSTAIN: 0
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator L.J. Farnham		Deputy G.P. Southern (H)		
Senator J.A.N. Le Fondré		Deputy M.R. Higgins (H)		
Senator T.A. Vallois		Deputy R.J. Ward (H)		
Senator K.L. Moore		Deputy C.S. Alves (H)		
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (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 J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Deputy Bailiff:

Minister, do you wish to propose the regulations in Third Reading?

Deputy S.J. Pinel:

Yes, please, Sir.

The Deputy Bailiff:

Are the regulations seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Accordingly, I invite the Greffier to add a vote into the chat channel of the meeting. The vote is now open and I ask Members to cast their votes, either *pour* or *contre*, in respect of the regulations in Third Reading. I ask the Greffier to close the voting.

Deputy M.R. Higgins:

Sir, could I point out that I have just voted, finally, after fiddling around with this password-protected system and I have voted the wrong way? I have indicated *pour*. I want that to be recorded as *contre*. Thank you, Sir.

The Deputy Bailiff:

I do not think that is possible, Deputy.

Deputy M.R. Higgins:

Fine, Sir, but at least my view is made clear.

The Deputy Bailiff:

If it is any consolation, I do not think your vote came through before we closed the vote. I can announce that the regulations are adopted in Third Reading:

POUR: 40		CONTRE: 5		ABSTAIN: 0
Senator I.J. Gorst		Senator S.Y. Mézec		
Senator L.J. Farnham		Deputy G.P. Southern (H)		
Senator J.A.N. Le Fondré		Deputy M. Tadier (B)		
Senator T.A. Vallois		Deputy R.J. Ward (H)		
Senator K.L. Moore		Deputy C.S. Alves (H)		
Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (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 J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

4. Draft COVID-19 (Control of Testing) (Jersey) Regulations 202- (P.87/2020)

The Deputy Bailiff:

The next matter for debate is the Draft COVID-19 (Control of Testing) (Jersey) Regulations 202- lodged by the Minister for Health and Social Services and I ask the Greffier to read the citation.

The Greffier of the States:

Draft COVID-19 (Control of Testing) (Jersey) Regulations 202-. The States make these Regulations under Article 2 of the COVID-19 (Enabling Provisions) (Jersey) Law 2020 and Article 2(5) of the Consumer Safety (Jersey) Law 2006.

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

These regulations are brought in response to Deputy Morel’s Proposition, P.62/2020 and are intended to introduce a system of regulation for private COVID-19 testing in Jersey. I have discussed the policy behind the regulations with Deputy Morel during the development stage and we have agreed that it meets the requirements laid out in his Proposition. The intention in bringing these regulations is to provide a regulatory regime that is proportionate to the risks incurred and the size of the potential industry. The intention is not to make it difficult for private providers to operate or to limit their activities but simply to bring their operations into a framework where Government can ensure that appropriate standards are met and any information about COVID-19 infection is passed to the medical officer of health in an appropriate and timely manner. At this time there are a very limited number of businesses offering COVID testing services directly to the public and there is no indication that they are operating in anything other than a safe and effective manner. However, as Deputy Morel points out in his Proposition, even though it is minimally intrusive, COVID testing is a medical procedure and as such should be the subject of a degree of regulation. The risks of a poorly-operated private testing service are the potential for the spread of infection, either of COVID itself or some other disease, especially where blood samples are taken, the potential for inaccurate interpretation of results and the possibility that proper reports might not be made about COVID infections.

[11:00]

The regulations are intended to create a framework to address these risks, as well as to allow health officers to gain the necessary insight into the operation of the testing itself and associated activity, such as the analysis of tests and the information given to clients. The regulations require that the medical officer of health publish standards for the provision of testing services that businesses must follow. These standards will require that tests are applied and analysed in accordance with the manufacturers’ instructions and that the hygiene and infection control arrangements are safe and effective. I understand this morning a draft version of those standards was provided to Members and have been made available to companies who we understand are offering these services. They will be finalised and published if these regulations are approved. The regulations will establish a legal

mechanism to enforce those standards and provide routes to address non-compliance. They draw a distinction between testing services that are in need of improvements, which will receive assistance and guidance to help them reach the appropriate standards, and those testing services that pose a risk to health, either of the people being tested or the public in general. Where there is a real risk to health a duty is imposed to allow swift action to be taken by asking the Chief Minister to invoke his power under the Control of Housing and Work (Jersey) Law to serve a notice requiring that the business immediately cease testing activity. The regulatory regime relies on the powers available to act on an undertakings licence in the Control of Housing and Work (Jersey) Law. This means that it links in to a well-understood structure for licensing, which already contains all the necessary arrangements for granting and revoking licences as well as established procedures for appeal and other technical provisions. This has allowed the legislation to be brought in good time and has avoided the need to create a bespoke regulatory system for an industry that is likely to be of limited size. Providers will be required to apply for a licence to provide COVID-19 testing, which will specify that testing must be conducted in accordance with the standards published by the medical officer of health. This means that any testing that is conducted in a manner that does not comply with those standards will be outside the scope of the licence and would therefore be unlicensed activity under the Control of Housing and Work (Jersey) Law. This will allow enforcement action to be taken under that law by means of a cessation notice followed by court injunction, if necessary. If a business conducts testing activity without having applied for a licence to do so that would likewise be unlicensed activity and dealt with in the same manner. If the regulations are approved the intention is to formally alert any providers offering those services that they must apply for a licence if required to do so. On application those licences will be considered in the normal manner and granted if appropriate. With the bulk of the regulation requirements dealt with in existing law, the regulations themselves are primarily intended to provide the capacity for health officers to establish whether a business is providing a service in line with the medical officer of health standards. They contain the necessary powers for health officers to enter premises and to inspect or even sample the testing services provided. A system is set up for reports to be provided to the operator when improvements need to be made, or for more urgent action to be taken where a testing service is so poorly managed as to create a risk to health. To make the inspection regime meaningful the regulations provide for the usual supporting provisions common to regulatory legislation. These include creating an offence of obstructing inspecting officers, providing for powers of entry, with or without a warrant as appropriate, and specifying how reports on the service will be communicated and followed up. There is also within the regulations an Amendment made to the Consumer Protection (Unfair Practices) (Jersey) Law to ensure that COVID testing kits fall within its ambit. I recommend the regulations to the Assembly.

The Deputy Bailiff:

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

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

Very quickly, I want to thank the Minister and his department for the work they have done bringing these regulations forward so quickly. As I mentioned previously, I think they have taken a very practical approach and as you can see from the comments from the Health and Social Security Panel they are fully supportive of the regulations they have brought here. I urge all Members to support them.

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

We also have received a briefing in relation to this matter. What I would like to do is highlight something that was brought to our attention after the comments were issued by us. It was to clarify a point, because I think within the comments it says that the M.O.H. (medical officer of health) is permitted to recommend the adoption of regulations from other jurisdictions, such as Public Health

England but I would like to make this following point. The M.O.H. may endorse guidance issued by authorities in other jurisdictions on testing, see Regulation 3(4) of the regulations but of course the M.O.H. has no power to recommend the adoption of regulations from other jurisdictions. If adopted here it is understood that the sense of adopting secondary legislation from other jurisdictions adopting legislative measures, also Public Health England is not a jurisdiction. It was really that we probably misunderstood something along the way, which has not been picked up. I wanted to make that point in order that Members are not confused.

The Deputy Bailiff:

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

4.1.3 The Deputy of St. Ouen:

I thank those who have spoken for their support and I thank the Scrutiny Panel for considering this and I am grateful that we have been able to work with Deputy Morel on this Proposition. Picking up on Deputy Le Hegarat’s point, I have not had the opportunity to fully consider it. As she said, it is something that has arisen recently and I am not quite sure I have grasped the import of what she says. If it is not possible to apply guidance from another jurisdiction, and I imagine in law it is not possible to apply that directly, we would need to make it our own guidance. The guidance that has been issued and circulated to States Members this morning does refer to guidance from Public Health England and would refer operators to that by means of a link and a website address. If there is some deficiency in that of course we could simply replicate fully in written form the guidance that we choose to adopt. It would happen to be the same text as Public Health England but it would become our guidance in Jersey. I am not entirely sure whether I am answering Deputy Le Hegarat’s issue but I am attempting to do so. That is all I can add at this stage.

The Deputy Bailiff:

In a moment the Greffier will add a vote on the principles into the chat panel for this meeting. That has occurred and the vote is now open and I invite Members to cast their votes. I invite the Greffier to close the voting. I can announce that the principles have been adopted.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy Le Hegarat, although we have your comments I need to formally ask you if the Health and Social Security Scrutiny Panel wish to scrutinise this matter?

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

No, thank you, Sir. It has already been done.

The Deputy Bailiff:

Thank you. We now move to the Second Reading. Minister, how would you like to propose the regulations?

4.2 The Deputy of St. Ouen:

If I may, I would like to propose the regulations *en bloc* and I would briefly go through each regulation to explain. In Regulation 1 we have the usual set of definitions. Among the definitions is one for testing service, which is quite wide to capture both the administration and analysis of tests and the process of giving results to the client. Regulation 2 establishes that the medical officer of health can develop standards and guidance for testing and these will be published and available to all providers. It may be that they are the same as another jurisdiction or they may be based on standards with modifications made for Jersey purposes. Regulation 3 provides additional clarity in what is and is not a testing service for the purposes of these regulations. Regulation 4 sets out the procedure for inspections, which can be wide-ranging, and cover analysis and communication of results as well as the application of the tests themselves. They do not allow health officers to enter a person's home without permission, even if tests are being conducted there. Regulation 5 provides the necessary powers to study or remove material as required to conduct an effective inspection, as well as conduct interviews with staff or even of people being tested if they agree. Regulation 6 allows health officers to require a testing provider to test them as though they were an ordinary member of the public. This is to allow the officer to understand the experience of the public and to ensure that they see the testing process in action. Regulation 7 provides the necessary powers of entry to ensure that health officers

can inspect premises even if the owner or occupier might object, although it would of course be preferable to conduct an inspection by agreement where possible. The safeguard for private dwellings applies here also. Regulation 8 enables health officers to seek a warrant to enter premises including a private dwelling if it is necessary to do so to complete an inspection. Specifically this can be where entry has been refused, where the facility is not operating and the owner cannot be found, or where there might be a danger of warning the operator of an inspection that might defeat the purpose of inspecting. An example of this is where there were concerns that evidence could be destroyed in advance. Regulation 9 creates an offence of obstructing a health officer in the course of an inspection or exercising other powers with a penalty of up to 6 months' imprisonment and a fine of £10,000. Regulation 10 requires a health officer to tell the service provider about the outcome of the study, licence removed and information gathered from the inspection. This is to be done as soon as possible as the information might concern the accuracy of the test results, for example. Regulation 11 concerns the testing report that health officers must produce for the Minister and the service provider. This is a wider analysis than the study of materials, which will have been sent to the service provider in advance. If there are no immediate concerns about the health of individuals or the public in general the report must be sent in draft to the business concerned to allow them the right to comment. It is then finalised and sent to the Minister and service provider.

[11:15]

The health officer must also recommend to the Minister what, if any, remedial or improvement action is necessary. If there are significant health concerns the report is sent immediately to the Minister and copied to the medical officer of health, the chief consumer safety inspector and the Health and Social Care Commission as these parties all have interests in the operation of testing services. Regulation 12 requires the Minister to decide whether to accept any recommendation as to remedial action. If on reinspection a business has failed to take the necessary action or has begun to pose a significant health risk the Minister must request the Chief Minister to consider taking appropriate action under the Control of Housing and Work (Jersey) Law. This is not an optional step for me as Minister for Health and Social Services as the Chief Minister must take an active decision to proceed with action. Regulation 13 requires service providers to notify the medical officer of health immediately of any positive test result or where there is reasonable cause to suspect that a person is infected with COVID. Regulation 14 requires the medical officer of health to publish guidance, which has now been done in draft form. Regulation 15 amends the Consumer Safety (Jersey) Law so as to bring COVID-19 testing kits within the definition of consumer goods. This is necessary as the definition in the Consumer Safety (Jersey) Law does not cover the kits as they are not to be used by or consumed by a consumer. That law is primarily directed at goods, not services, but this is a small expansion of scope that I feel is warranted in the circumstances. Finally, Regulation 16 makes the usual provisions for commencement and reference. If the regulations are approved they will come into force tomorrow.

The Deputy Bailiff:

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on the regulations? If no Member wishes to speak on the regulations I will ask Members to vote on the regulations in Second Reading. There is a vote in the chat channel and the vote is now open. I ask the Greffier to close the voting.

POUR: 46		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				

Senator S.W. Pallett				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hagarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Minister, do you wish to propose the matter in Third Reading?

4.3 The Deputy of St. Ouen:

Yes, Sir, if I may and to give my thanks to those I have previously mentioned and also to officers who have worked on these Regulations. I propose the Third Reading, Sir.

The Deputy Bailiff:

Are the regulations seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? Accordingly, I ask the Greffier to add a vote into the chat channel of the meeting in respect of the vote on these regulations in Third Reading. The vote is now open and I invite Members to cast their votes. I invite the Greffier to close the voting. The regulations have been adopted

unanimously in Third Reading: 43 votes *pour* on the link plus the votes in the chat, which will be counted.

POUR: 45	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy 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 S.M. Ahier (H)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

5. Enhanced COVID-19 Exit Strategy Communication (P.88/2020) - as amended (P.88/2020 Amd.)

The Deputy Bailiff:

The next Proposition is the Enhanced COVID-19 Exit Strategy Communication, P.88 lodged by Deputy Pamplin. Deputy Pamplin, there is an Amendment to your Proposition lodged by the Minister for Health and Social Services. Is it your wish, as you indicated, to accept the Amendment?

Deputy K.G. Pamplin:

Yes, Sir, that is correct. I will be accepting the Amendment.

The Deputy Bailiff:

Do you wish your Proposition to be read as amended by that Amendment?

Deputy K.G. Pamplin:

Yes, please, Sir.

The Deputy Bailiff:

Does any Member object to debating the Proposition as amended? Accordingly I invite the Greffier to read the citation of the Proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion – (a) that a dedicated page on gov.je should be established and maintained for the Scientific and Technical Advisory Cell for the publication of the Cell’s membership, its minutes, the evidence considered by the Cell at its meetings and the data and recommendations produced by the Cell for the Government of Jersey; (b) that the minutes of the meetings of the Scientific and Technical Advisory Cell, its membership and appointment processes, the evidence considered by the Cell and the data and recommendations which it produces, should regularly be provided to the relevant Scrutiny Panels; (c) that the only government officials authorised to attend meetings of the Scientific and Technical Advisory Cell should be those with responsibility for scientific, technical, health or medical matters, or people invited by the Chair to assist with a specific matter; (d) that the results of the “Test, Track and Trace” undertaken by the Government of Jersey should be published and updated on a weekly basis on a dedicated page on gov.je, alongside any recommended isolation periods that apply in the event of a positive test for COVID-19 and any threshold applied by the Government for introducing a self-isolation measure for all new arrivals on the basis of turnaround times for test results; (e) that a weekly press conference, briefing or engagement should be held, including by the Chief Minister, and other Ministers, Government officials and technical experts (as required) to update Islanders on the implementation of the COVID-19 Strategy and the Safer Travel Policy; and (f) to request the Chief Minister to take the necessary steps to ensure these measures are in place by 1st August 2020.

5.1 Deputy K.G. Pamplin:

I wish to first pay tribute to the Greffier’s staff who again have excelled themselves and, to be fair, as they have done throughout this pandemic, working without question and at speed, with haste, with great support to me, a Back-Bencher, but I know they have supported all Members, for their help in providing this Proposition. I pay tribute to them. I also want to pay tribute to Members and to thank them for allowing us to have this debate today and thank Senator Gorst for saying all I was going to say earlier and how important I believe it was, so thank you with good grace to all Members. Lastly, I want to make the point that this is an overall position about where we are and our feelings of going forward through the exit strategy, so again I would like to pay tribute to the hard-working women and men of the Communications team. In fact, I would echo an email I sent to them on 25th March, thanking them. As somebody with a bit of background in this area I absolutely know what it is like to work in a high-pressure environment, but nothing of what it is like when we are going through a crisis, so I pay tribute to all the hard-working men and women of the civil service in the Communications Department. With that in mind, I will be brief in my opening speech and break down the Proposition that I brought through for Members, which I am sure by now, given the paper

that was presented and then amended with thanks to the Council of Ministers for that, just so that we are clear what we are voting for. For a bit of context, of course I am the Vice-Chair of the Health and Social Security Scrutiny Panel. They are scrutinising all aspects of this pandemic with a special focus on health since the outbreak began, in fact further back when my interest began in January. Also in my capacity as a non-executive States Member I have worked constructively wherever I possibly could to offer my help, support and advice to Government, emailing directly to Ministers and senior figures in the States and the Government to support where I can and I have also sought to ensure that the evidence gathered as our panel and here in this report is strong, timely and transparent for a straightforward way for the benefit and the reassurance of Islanders, which is the thrust of my Proposition. Being transparent and presenting information in a clear and consistent manner during a crisis is fundamental in establishing trust. This has never been more important than now, especially as we continue to navigate through COVID-19. The global pandemic continues and we are playing our part here, looking after our Island and Islanders. The path of communication has rapidly changed in the last 10 or 20 years in how we consume information and how we share information. As this pandemic has shown, you have to run fast or the virus and miscommunication will outrun you. Rumours and leaks passed through social media and elsewhere is a problem that we have to get to grips with, because it does not help a very anxious Island for lots of different reasons, the impact on their business, the impact on their health, their well-being and their general concerns. We need to get on top of this and we need to nip these things very quickly in the bud. There is a sense from some Members that communication sometimes is not joined up and that may be not the truth but it is a perception that is very critical, especially during a crisis. There can sometimes be a disconnect between politics and everyday life, something that is all our responsibility and I know as Members we all take that very seriously. During the debate about the travel borders being reopened for commercial travel again it became very quickly apparent to me there was a lot of information and a lot more being asked of members of our Island and ourselves and some of that was starting to get confused during the debate, so I started on this Proposition with that in mind, being an overall theme for me, unsurprisingly, about the power of communication. Then of course it was going to be inevitable, was it not, that the news of the first positive test resulting from an inbound airline passenger, following the reopening of the borders to those commercial flights, was going to spread rapidly but it was more likely going to come from a member of the public, and that is what happened, on Sunday, 5th July, when an information snowball originating on Twitter became an avalanche. Again, it exposed the weakness, as crises do, a weakness in the overall approach to communication. You saw that information bleed into another thing, anxiety grew and grew and we did not hear from a Minister until much later in the week. Now, while I recognise - and I opened my speech by paying tribute to the Communications team - it is not an individual's fault here, they have worked tirelessly, as we all have, trying to get to grips with what was happening in real time. Everybody has gone above and beyond - no more than Islanders of course - and incidents like this illustrate why we need an enhanced communication strategy that anticipates and responds to these things when the public need to know in a timely and transparent manner. It is in the name of all their hard work and all Islanders' hard work and sacrifices in selfless ways that I have brought this Proposition. To break it down, part (a) of the Proposition I believe is pretty straightforward. It simply requests that the S.T.A.C. (Scientific, Technical and Advisory Cell) follows the example of the U.K. Government's S.A.G.E. (Scientific Advisory Group for Emergencies). It publishes its work, reports and minutes. I have put a link into the report for all States Members to see very clearly. I have quoted the Chair of S.A.G.E., Sir Patrick Vallance where he says: "During a response to a virus of this nature, it is imperative that the public is confident the Government has based its decisions on a representative range of the most up-to-date science advice. In the case of COVID-19, the Scientific Advisory Group for Emergencies has been providing Ministers and officials with free and frank advice throughout, based on external scientific evidence and a wide source of essential information. In fast-moving situations, transparency should be at the heart of what every Government does." That is what he is indicating and that is what I go into in the report.

[11:30]

Every time a Minister or somebody with responsibility now says the infamous catchphrase: “Based on medical advice, based on scientific advice”, well, it is now time that we start seeing that and, as S.A.G.E. have done in the United Kingdom, and again I put it into my report, usually they would put such things towards the end of a crisis or a smaller pandemic but in this time they were sharing it and providing it in real time. Of course we all saw Patrick Vallance and Chris Whitty on a daily basis and sometimes their deputies and now on a weekly basis, providing that reassurance and the explanation of the science. I think that is quite straightforward in part (a) and I know the Government have accepted that. Part (b) aims to clarify the flow of information from S.T.A.C. in terms of priority requirements. In a recent push to pass emergency legislation, under extreme time pressures, there has often been a degree of intention in securing the proper scrutiny of key proposals. If we go back, we had some very close to a lot of our hearts difficult Propositions that really fringed on civil liberties, and especially the discrimination laws and the mental health capacity laws. The Scrutiny Panels, as has everybody else, had to grapple and wrestle and try to put as much scrutiny in as possible. What makes it easier is the consistency of the process and that is what part (b) addresses, that the information from S.T.A.C. should be coming to the relevant Scrutiny Panels, ideally of course the Health and Social Security Scrutiny Panel or Corporate Services or wherever. Just put that chain in and we make that routine. Part (c) again is a matter of reassurance as an undue Government influence over S.T.A.C. advice and guidance. I only have to reference the issue that was widely reported in the United Kingdom with regards to the concerns of the Prime Minister’s chief adviser allegedly being present at S.A.G.E. meetings. There is no evidence here in our Island that this has been the case locally, but we just do not know who is attending the S.T.A.C. meetings. We do not have the minutes, we do not have the attendance notes and it is now time to bring that reassurance. I thank the Council of Ministers, the Chief Minister and the Minister for Health and Social Services for their slight Amendment. I am not saying that Government Ministers have been sitting at those meetings, but we do need to see who has been there. It will only bring reassurance because that information, as we are regularly hearing, the decision-making and policy decisions are being based on the S.T.A.C. advice. It is now time to see more of that. Part (d) alongside the continued public health measures, test, track and trace is absolutely crucial and fundamental in achieving a safe exit and the road that we have taken. I only have to point towards other parts of the world, the United States, parts of Australia and other places where these flare-ups are starting to happen but when you dig into the reasons why it is not the public; they are doing the best they can. That could be argued in some places but generally speaking it is about the process of test, track and trace. If you think you are doing enough you must do more. We need to again understand the numbers, how many people are being isolated because they came into contact with somebody asymptomatic. It needs to be clear, timely, with the very latest data for us all to see. So, that is what part (d) is about. It is absolutely crucial that we see that. I think part (e) speaks for itself. Now, look, the whole point about press conferences is the wording, the phrasing, which is what the Amendment that I have accepted of the Government sort of alludes to here. However you want to explain it, I just feel that this is a crucial moment in terms of the ... well, it is talked about in terms of complacency. We have asked a lot of this Island over the last few months and our Island again brilliantly have responded. People have gone and shielded. People have had to close their businesses. People have done what has been asked of them. People also are taking the next phase and they are adjusting, but people again are making brave decisions of reopening their businesses, accepting the new reality, and people continue to shield. So it is really fundamental that that one-to-one relationship that you can only have - like I am having right now when I am looking straight down this lens and talking to you, Sir, through the Chair, but know full well that the eyes and ears of the Island are listening - that can only come ... you could put all the information you like on a Facebook page or on a Twitter feed. That is fine, that is all there, but you cannot beat this one-to-one. I brought this Proposition. This is down to me and I am now here explaining in as much detail as I possibly can why. It is my responsibility. That is why I am

doing it. I have spoken to the Chief Minister and I thank him for calling me up and engaging on why I feel this is important, because there are fundamental differences between bringing a press conference and explaining a new policy, which we have seen a couple of times, and just standing up and saying: “We made this decision, we brought this as Ministers to the States Assembly, and here now are the numbers.” How many people are isolating? How many people have arrived on the Island who are holidaymakers or who are members of the public? Just give us the stats and information, go through the questions. We had a bit of that yesterday when the Minister for Health and Social Services talked about some of the things. We were able to think on our feet and ask relevant questions that came out of that, and then the people can go away and absorb that and then it gives the media the time to really report that and get the facts out. It is a really simple point and I am glad that the Council of Ministers see that. It is just re-owning your communication and realising that in the summer the temptation will be for ... it is the summer; we must find a balance of finding the middle ground, of resting and looking out for each other and the new normal, as we talk about, but we cannot be complacent. What will own that is by once a week coming and explaining to Islanders: “Here is where we are. Here is the latest update. We want you to hear from us first, not somewhere on social media first.” We have had this issue again over the last couple of months. The crisis has exposed this issue of leaks and miscommunication and government sources speaking to media. We have seen it in the United Kingdom. We have seen it in America. We are seeing it here. We need to get on top of this because it does not help. It needs to be heard from the people who are responsible for all our lives, never more important than going through a global health crisis. Part (f) requires the Chief Minister to bring that. I am glad he agreed, again, to that because I think that is timely. We all understand we are going to be very busy this week and the week after, but I think that is straightforward. That is the breakdown of the Proposition. I will stop there and I will sum up further with my feelings on this matter, but again I thank Members for allowing us to have this debate. It is very important. If anybody wants to speak, I look forward to hearing from them. I present and maintain the Proposition.

The Deputy Bailiff:

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

5.1.1 Deputy S.M. Wickenden:

I am always amazed when there is a simple subject matter that the Deputy can speak at length on the very simplicity of it. I want to ask the Deputy one of the things he said that was very resonating. It was you have to run fast in times like now or it will outrun you. Did the Deputy speak to the Health Department and the Communications Department, *et cetera*, to ask for this information to be published without the need for a debate and a decision in the Assembly? Was he told that it was not going to happen and he felt that it was the final need to wait for a Proposition or ... because this could have saved the time for the Greffier, allowing them to concentrate on many of the important jobs they have to undertake, by doing this with his power as a Chairman in the background, dealing with the department directly. Why was it absolutely necessary to bring this as a Proposition and get the Assembly to agree in this manner, which is a slower process?

5.1.2 Deputy R.J. Ward:

I just wanted to check a couple of things with regard to the Amendment. In part (c) the Amendment gives responsibility for technical - if that makes sense - health or matters or people invited by the Chair to assist with a specific matter, and in the report it goes on to say that there are not political appointees in the Government, as in the U.K. Government. I forget what they are called in the U.K. Government. However, does that include inviting the chief executive along or the Assistant Chief Minister, his personal secretary, or any of the other assistant political appointees? Also, in part (e), in the Amendment, it says that there is a weekly press conference and a briefing or engagement

should be held. Now, are they separate or are they in addition to each other? I think it is very important that we get that because we have briefings and we are told that we have briefings, and we all know, we have been to them. Then engagement can be an email. If I email you, it is an engagement. If I send you a text message, it could be confirmed as an engagement. So I think we need to be precise about what difference these things are going to make to the communication that we are talking about that has been talked about at length. I think we need to know very clearly in particular, to go back to point (c), who these people invited by the Chair may be and what they are invited for, if not technical, scientific, health or medical matters, because that is a separate part of that sentence. So, will they be business people? Will they be Social Security? Will they be the Treasury? Therefore, are we opening ourselves up to political influence by the back door and what we have done with this Amendment is weaken the process that was set up and, as was mentioned by the Attorney General, could have been done anyway by the Government because they have the powers to do it? I just want to make sure that we know the impact of these Amendments. Yes, sorry, they are special advisers called SpAds. Thank you, Deputy Maçon, for reminding me of that. We do not have them here. Well, not by name anyway. So, I just want to confirm that those Amendments have not got in the way of what we are trying to do here because I do understand what we are trying to do here.

5.1.3 Deputy K.F. Morel:

I just want to follow up on Deputy Ward there. I agree, I am quite concerned about the Amendment to part (c). In my view, the Scientific and Technical Advisory Cell should be untainted by any political influence and that includes the level of director general, certainly outside of those areas which are specifically scientific. One of the problems I think we have had during this crisis is a sense that we have not been able to know whether the S.T.A.C. advice is entirely scientific, and I think we saw that in the debate about the borders, where S.T.A.C. were talking about the possibility of airlines not serving routes. I did wonder why that information was being processed by people with apparently medical expertise, so it seemed quite strange. So, I do not like part (c) as amended. I think it is too weak, but I accept that the proposer, Deputy Pamplin, has accepted it and so be it. I hope that we get to a point where we can see S.T.A.C. as purely providing scientific and technical advice and not having any concerns providing that advice, which is then to be interpreted politically. I totally accept that the interpretation of that advice is political, but the advice itself should not be. I would also like to speak in response - and I apologise to Deputy Pamplin for kind of pre-empting anything that he may say - to Deputy Wickenden. I have to wonder where he has been these last 3 months if, indeed, he believes that this information has not been asked for. It has consistently been asked for both publicly and privately behind the scenes by a number of Scrutiny Panels and a number of Scrutiny Chairs, and it is indeed the lack of the provision of S.T.A.C. minutes, S.T.A.C. advice, and medical officer of health advice in a formal manner over months which has led to this Proposition being laid before us today. So, I think Deputy Wickenden could look at various Hansard transcripts to see where this information has been asked for by myself personally, I know by other members of Scrutiny, and we have done it behind the scenes as well as in public. So, I would just like to at least address that because it came as some surprise that he felt that Deputy Pamplin should be doing this as a first step. This Proposition, I believe, is very much a last step.

[11:45]

Despite my concerns about part (c) I will certainly be supporting the Proposition and I look forward to seeing formal written assessments of the S.T.A.C. advice. I also look forward to regular communication because I do maintain that I have not criticised the measures Government have taken particularly over the last few months, but I have criticised the communication, which cannot be measured in quantity, can only be measured in quality. The tone, openness to questioning, *et cetera*, needs to be there and needs to continue because while there is a sense at the moment of relief that Jersey has not been hit hard by this virus, the pandemic is still continuing very much. We are still in

the midst of a global pandemic and we must not forget this. So, as different measures are brought forward, because undoubtedly there will be new measures brought forward over time ... for instance, we know at the moment S.T.A.C. have been asked by the Minister for Health and Social Services to relook at the advice regarding wearing of masks. That needs to be communicated. Whatever the decision there needs to be communicated properly and questions need to be asked by media as well as by politicians. So, I hope all Members feel that they can support this Proposition, which has been brought for very good reasons and only in a last resort as previous requests have failed.

5.1.4 Deputy J.M. Maçon:

Perhaps I can give Members a little explanation as to why part (c) has been expanded slightly. It is in the circumstances - and I speak with my Education hat on - for example, when we have been talking about how to reopen the schools. Our facilities manager has had to go and have a conversation with S.T.A.C. in order to help them understand the nature of some of our schools, which can be quite small, so it is to discuss things like one-way systems and how people can manoeuvre in and out of a building or to talk to head teachers. Technically, these people are not the scientific people. They are not the technical advisers, but S.T.A.C. needs to have a conversation with them in order to develop their advice. If they were not allowed to be able to talk to S.T.A.C. and help S.T.A.C. refine their guidance that they can then later give, there is that need for that dialogue to happen. I just give Education as an example. I am sure there are lots of other services that have had to have that conversation with members of S.T.A.C., so in certain areas they have been able to give much more refined advice. So, S.T.A.C. cannot operate in a bubble without having that ability to give advice, without really understanding the context and circumstances in certain situations. So, I welcome the Amendment brought by the Council of Ministers because I did have a concern that if we start putting Chinese walls or barriers where that kind of dialogue cannot happen, it means that S.T.A.C. is going to be in a situation where it might not be able to give the best advice possible. I just hope that gives some clarity around the concerns that some Members have raised. I absolutely agree with them, the medical advice should not be political, it should not have that political influence. It should be able to stand on its own feet. Sometimes I appreciate that whenever you are getting some medical advice there is always going to be a mixture of balance of risk, which obviously we are all very uncomfortable with. We much prefer the fairer situation where the medics say: "Do this, do not do this" and sometimes that is just not possible. So, I hope that brings some clarity to this debate and just to explain where we have had to engage with S.T.A.C. from an education point of view and how that process has benefited the Island by allowing non-technical people to help refine the guidance of S.T.A.C.

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

I would just like to firstly say that the Proposition that Deputy Pamplin has brought contains a lot of things that are sensible. I think one of the things that this pandemic has taught us is that the world of communications has just simply taken off beyond all measure, particularly social media. A rumour cited by one person in 20 minutes can be around the Island and if we are not careful can be fact. So, I was particularly pleased that he paid tribute to the Communications team, who have had to deal with an explosion of communications and have dealt with it admirably. The strategy has not been perfect, we accept that, and it is a very fast-moving strategy. One can see that when one publishes a statistic, as we have done in the last couple of days, about some of the results from testing, for example, you immediately get a demand for 5 different ways to cut those statistics. It is incredibly difficult to react very quickly to that, but we do and this Proposition helps that. I would also just like to quickly comment on the item about weekly press conferences. Deputy Pamplin will know this. We do not control the media. We can offer these things. If there is news, they will take them up and we will have a full attendance, but if there is nothing to say, then sadly you get a very poor attendance or, indeed, no attendance at all. For example, last week we invited the BBC to cover our press conference on fiscal stimulus but they found something much more interesting to do because they

were interviewing Deputy Pamplin at the time and did not turn up to our conference. So, it is just an illustration that whatever we want to do we are entirely driven by the media and they will follow whatever story they want to and to the extent and way that they want to do it. It does not mean to say that we do not accept the points that Deputy Pamplin has made; we do, and I am sure the strategy will evolve even further to develop a communication programme which matches his aims. I am not going to speak for too long on this Proposition. It is really just to say I thank him for his comments about the team, who I have the pleasure of leading politically. I know just how hard they work. We do not get it right all the time, but we certainly try as hard as we can and all suggestions are gratefully received. In general, I would just like to urge Members to support this Proposition because it does nothing but adds to the communications that are already out there, which in turn adds to people's peace of mind. The more information people have about something the happier in some ways they will be. So, I would urge Members to support this.

The Deputy Bailiff:

Does any other Member wish to speak on the Proposition? Accordingly, I call upon Deputy Pamplin to reply.

The Deputy of St. Ouen:

It is Deputy Renouf here. I just indicated I would like to speak. I am sorry if I was not prompt enough, but I hope I might be able to.

The Deputy Bailiff:

Yes.

5.1.6 The Deputy of St. Ouen:

I just wish to speak as the Member of the Government who has brought the Amendment, which has been accepted by Deputy Pamplin. I am grateful to the Deputy for his Proposition and, of course, I am pleased that he has decided to accept my Amendment. I value our positive working relationship with him. The Deputy's Proposition we see as an important one. The Government is endeavouring to communicate as widely, as frequently and as effectively as possible and, indeed, we publish and continue to publish significant amounts of information, be this on the Government website, social media, in press conferences, media engagements and media briefings. We also hold public and private engagements with Scrutiny and briefings for States Members. We have given 13 Members' briefings and we welcome continued scrutiny both of our response to the COVID crisis and the impact on the Government's ongoing policy priorities. Since the beginning of March, the Government has held approximately 79 briefings and hearings with panels. This equates to roughly one for every working day. So, I pay tribute to Scrutiny members and, indeed, all States Members for their reciprocal role in this matter and their engagement with Government in dealing with this crisis for the good of the Island. They attend briefings in strong numbers, listen respectfully and intently and ask constructive and probing questions. Of course, the overwhelming objective of Members is to obtain information for their constituents, which will enhance public knowledge on how best to navigate this crisis, to provide reassurance and to explain why Government is taking the actions that it is. It is, therefore, fully understandable to me and all Ministers that Deputy Pamplin wishes to ensure that as much relevant information is made available as can be. Our instinct as a Government, our fundamental instinct, is the same as that of Deputy Pamplin, and that is why we have been able to support his Proposition with just a few clarifying Amendments proposed. If I can deal with the first of those relating to S.T.A.C., they relate to the Scientific and Technical Advisory Cell, and I am grateful to Deputy Pamplin that those Amendments are accepted. So, as a consequence we will create a dedicated webpage with the information requested and, indeed, the S.T.A.C. terms of reference provided for the publication of its minutes, supporting papers and advice notes. We agree, of course, that the information requested should be provided to the relevant Scrutiny Panels as

a key part of holding the Government to account, and I believe that much of that information has previously been provided. Part (c) of the Proposition was subject to that small clarifying Amendment, firstly to make clear that Ministers do not attend S.T.A.C. meetings and have never done so. S.T.A.C. discussions are independent of any political interference. In Jersey, we have no special advisers, unlike the U.K. We have no political advisers who are there to attend or to influence S.T.A.C. Government officials, the wording in the Proposition, the original wording put forward by Deputy Pamplin, are not political. They are our valued civil service. They are valued because they are impartial. Some Members who have just spoken have suggested that we do not have special advisers or political advisers, at least in name. That is the qualification given, at least in name. I hope that on reflection people who might have expressed that or thought that would reconsider that because they are talking about our excellent, impartial civil service, who have worked their fingers to the bone to help the Island navigate this crisis and they are not political. They are valued for their impartiality by me and by all Ministers and by S.T.A.C., indeed. There has also been that suggestion made that S.T.A.C. is political or may make political decisions. These are professional people in the medical world, in the scientific world, in technical areas. They are people who are practising in our hospitals and within our civil service. They have very significant expertise to guide us. I know that if they saw a hint of an attempt to exert political interference they would slam us down and they would ensure that their independence is maintained totally, because those are the sort of people they are. We can rely on them to give us impartial, expert advice. So, although that Amendment is a small one, one might think it emphasises a very important point. It means that by the addition of the word “technical” Government officials with technical knowledge and expertise on any matter which S.T.A.C. is considering are able to attend at the discretion of the Chair, and the Amendment also allows the Chair flexibility to invite other persons who might be independent of Government to attend upon S.T.A.C. to assist with any specific matter. It is important we do not bind the hands of S.T.A.C. They are the experts. We should trust its members, trust the Chair of S.T.A.C., and allow them the freedom to operate as they see fit to provide advice. It is Ministers who make decisions aided by their advice. If I can come to the Amendment dealing with the press engagement, the Government continues to engage openly with the public and the media on our response to COVID-19. We are still holding press conferences where necessary, and recently we have had press conferences on travel and fiscal stimulus.

[12:00]

We are also participating in interviews, answering questions and giving briefings. Indeed, our director of communications is briefing the media on a daily basis, as everyone would expect him to do so. A weekly press conference is not the only means. It is not always the most effective means of getting our message across. There is a place for them but not necessarily every week. If we have to hold a press conference when, frankly, we have little to say, that will lose the impact of a press conference and we will be wasting the time of Islanders who tune in to watch and the media who take time to attend. That is the message we have been receiving from editors and journalists and, indeed, the public as viewing figures for the recent series of press conferences fell towards the end. We have heard from the Constable of St. Ouen how one media outlet chose a different priority and simply elected not to attend the most recent press conference. We do not control the media - of course, we would never wish to - and it would be inappropriate to insist on press conferences every week and almost try and require them to attend. So, our Amendment ensures the continuation of engagement through a weekly press conference, briefing or engagement. As a Government, we will continue to communicate in the best, appropriate way through all those channels of engagement. So, we have accepted and understood the spirit and intent of Deputy Pamplin’s original part (e). We are grateful to him for taking the time to consider the Amendment and for accepting it. I believe that in doing so he did a significant amount on his own, on the ground, field research, so I am confident that in accepting the Amendment it reflects the will of the media and this Island. I am pleased we were able to reach agreement on this. In conclusion, Ministers appreciate the appetite and the need for continual

improvements in our communications and Propositions such as this do help us focus minds. They are constructive and appreciated. I am pleased we have worked with Deputy Pamplin to reach full agreement on the best way to proceed in this matter and, therefore, I hope Members will support the Proposition as amended.

5.1.7 Senator K.L. Moore:

I had been trying to resist the temptation to speak in this debate because Members will be all too familiar with the frequent requests that both the Scrutiny Liaison Committee and the Corporate Services Scrutiny Panel have made throughout this period in relation to communications. I would like to commend Deputy Pamplin for going to the great efforts that he has to bring this Proposition and to seek the Amendments from the Council of Ministers. It is a shame, though, that it has been necessary for a Back-Bencher to bring a Proposition of this nature to force the Government to take these actions to provide this reassurance and confidence boost for the public. We have repeatedly been asking the Government to take this matter very seriously throughout this time, and while we understand that they and their officials have been extremely busy, they must at all times remember that the reason they have a professional communications team is just that, to assist them in communicating, particularly at difficult times, and communicating directly with the public. It was the comments of the Minister for Health and Social Services that really made me compelled to speak during this debate. It was really very surprising to hear the Minister tell the Assembly that we must simply trust the S.T.A.C. We cannot blindly trust people when we do not know what it is they are taking into account and we do not know who it is they are seeking evidence from and entering into discussions with. If we could, for example, use the situation of the dentists, who for many weeks tried to engage with S.T.A.C. and Ministers in order to develop the regulations that would enable them to open their practices and treat people who were in desperate need of dental treatment. The S.T.A.C. refused to meet with those dentists as far as I understand, and it appears that in many other situations there have been other groups that they could have reasonably sat down and had a proper, adult discussion with, yet that did not occur. It is stories such as that that lead members of the public and us as Back-Benchers to question what is really going on. So, it is really important that Members do take this very seriously. It is a major step forward. It is something that the Government should have done a long time ago of their own account and it is somewhat disappointing that they have not been able to do so. But I would like to just remind the Minister for Health and Social Services that confidence is something that is earned and reassurance is something that should be given. We cannot blindly trust without having that confidence in a body. So, this Proposition as amended will go some way to providing it. Yet just as a very live experience, I would like to remind Members that, of course, just yesterday we saw that the number of cases arriving through our ports and testing positive for COVID have now reached 4 since the borders opened last week. Of course, my immediate reaction was to ask how many people have arrived through the ports and been tested during this time, and that was a piece of information that I am still yet to receive a response to, which is a very surprising matter. So, it absolutely points to another of the aspects of Deputy Pamplin's Proposition and the very need that those statistics are provided to each and every member of the public and not just States Members so that we can all engage and be reassured at this particular time. So, of course, I will be supporting the Proposition and I thank Deputy Pamplin for bringing it.

5.1.8 Senator J.A.N. Le Fondré:

Just very briefly, I think, again really just to thank Deputy Pamplin for the way we have all worked together on these Amendments. I think one little point of clarification because I, too, was seeking the same information that Senator Moore was talking about. There is an infographic that is issued on a daily basis which sums up the number of people who have arrived at the airport, the average number of hours and the number of positive tests. So the information is out there publicly. I had understood it was also being circulated to States Members but obviously we will go back and check it, but in terms of the public confidence, that information is absolutely being issued as we speak on a

daily basis. I reiterate the point that obviously we cannot control the media in any shape or form, and nor do we want to. As has already been alluded to, we do absolutely rely on the advice of the very professional Comms Department and, therefore, at this stage in the crisis and in the very good position we are, that is why the nature of the engagement does need to be flexible. If it helps, just in terms of some further stats, since January there has been just under 1,300 media enquiries that the press office has dealt with. There have been 15 pre-recorded statements on COVID on social media and in the media by both ourselves, other Ministers and also the Bailiff. There have been 31 livestreamed press conferences on COVID - I think that is since sometime in March - which obviously were from myself, the Deputy Chief Minister, the Minister for External Relations, the Minister for Children and Housing, the Minister for Health and Social Services, the Minister for Education, the Minister for Social Security, the Minister for Treasury and Resources, as well as the M.O.H., deputy M.O.H., medical director, chief executive, director general of Justice and Home Affairs, and the chief of police. Obviously, all the press conferences have been streamed on social media and recordings were also provided to the media, and obviously media have been free to broadcast those conferences live on air. In general, both local radio, BBC and 103, have chosen to do so up to last Friday, where, as we have already said, the BBC chose ... they did attend but they chose not to broadcast live, whereas 103 attended and broadcast live. Obviously, there are various other types of media engagement that take place in terms of briefings being given for background to journalists, often led by Ministers and officials using Teams. Obviously, various Members of the Executive do attend the Hotseat and also articles being responded to in terms of the Island's COVID response both to business brief our Island and capital, and also I will be contributing to the *European* for the second time later this summer. There have been updates. I believe we are now at 16 States Members' briefings since 3rd March, and also we have written 10 letters to the *J.E.P.* (*Jersey Evening Post*) on COVID-related issues. So, it just gives an overview of the volume of engagement that has been taking place, and that is excluding the quite significant engagement we are now getting through the social media sphere. For example, at the moment we have in the order of 32,178 Facebook followers and 17,183 Twitter followers. That was as of 9th July. Obviously, that then leads to that distinct area of engagement as well, as well as the all-Island drops we have done. As Members will recall, we have tried to do roughly every fortnight but sometimes more frequently the at least hour-long States Members' briefings, where Members have direct access - obviously virtually - to officers involved, depending on what the subjects are, and being free to ask any question they would wish on any subject. So, I hope that gives an indication of the level of engagement we try to do. We do continuously try to improve. We do listen. We do not always agree to every suggestion that is made, but we feed them all back to the Comms Department and we take their advice and obviously consider our own political judgment as well. In terms of S.T.A.C., the crucial thing I think for me - and I think the Minister for Health and Social Services has covered a lot of that - is to make sure that they are free and they can operate in a flexible and agile way according to the circumstances they are facing and the part of the crisis they are trying to deal with, particularly as regards the medical professionals. Some of them, if not all of them, still continue to act operationally as well and some of them still have, for example, surgical lists as well as dealing with the issues of S.T.A.C. and coronavirus. On that note, I was about to conclude, although I do see 2 points of clarification.

The Deputy Bailiff:

Yes, Deputy Ward has a point of clarification for the Chief Minister.

Deputy R.J. Ward:

I wonder if I may ask: we had a list there of types of engagement undertaken. Can I ask are those the types of engagement that we would expect to just continue to see from the Amendment of part (e) of the Proposition and would they, therefore, be separate from a press conference? The reason I ask it as a point of clarification is given the speech we have just heard, it is not clear as to whether a weekly press conference will happen and whether the separate points in that sentence, separated by the

comma, means that a briefing or engagement of the type we have already seen will happen instead and, therefore, there would be no change. I am just trying to clarify what the change would be in that Amendment.

Senator J.A.N. Le Fondré:

What I was trying to do was illustrate the amount of different types of engagement that have taken place since the whole crisis kicked off. I think as the Minister for Health and Social Services said, what we have tried to do in all matters is where there is a matter of extreme importance absolutely press conferences continue, but it will depend. If there is nothing to be said, then sometimes on the advice of Comms the way to get and maintain the confidence is not necessarily to do a press conference, but it is very much depending on the situation that one is facing at that point in time.

The Deputy Bailiff:

Senator Moore, you had a point of clarification as well?

Senator K.L. Moore:

I did, yes. The Chief Minister suggested that the statistics in relation to those arriving and being screened at the ports was available online in an infographic. I have looked for that infographic and cannot find it.

[12:15]

Perhaps he might like to point Members to it by providing us a link in the chat.

Senator J.A.N. Le Fondré:

I am very happy to get that circulated.

5.1.9 Deputy M.R. Higgins:

In fact, I might be able to assist Members with some of that information. Can I draw Members' attention to Written Question 257/2020, which Deputy Ward asked of the Minister for Health and Social Services and which was answered on Monday? It says: "A total of 1,743 passengers arrived on commercial services. Details are shown in the table below and address the questions." So, if Members want to have a look at Written Question 257 of yesterday, they should be able to find some of the information they require.

The Deputy Bailiff:

Thank you. If no other Member wishes to speak, I call upon Deputy Pamplin to reply.

5.1.10 Deputy K.G. Pamplin:

I thank those Members who engaged in the debate. I will just work backwards, if I may, and thank Deputy Higgins for that point of clarification. He is indeed correct. That is one of the tools of our arsenal that I have discovered in my first 2 years of being a politician: the power of written questions. I urge everybody listening, members of the public, members of the media, to remember that this Assembly, since we came in 2 years ago, have been consistently answering very valuable written questions and he is indeed correct to point to that. So, if those members of the public are not aware, thank you to him. The Chief Minister, again all I can say is thank you for engaging with me on this one. He addressed the points that the Minister for Health and Social Services addressed and others, so I will speak on that in order. Thank you to Senator Moore. She is quite right as the Scrutiny Chair to point out that myself and other members of Scrutiny have been requesting certain items. In the larger scale, away from COVID as well, we are currently in a position where we are still requesting something on the Health and Social Services Scrutiny Panel on a very important piece of work, so this just points to an overall issue that has been going on for quite a long time but I think is very prevalent in this fast-moving pandemic situation that we find ourselves in. So, I thank her for her

support on that. The Minister for Health and Social Services, I thank him for his words and again for his phone call over the weekend and, indeed, our working relationship since early February when we started talking about this matter. The point I would say to the Minister for Health and Social Services is this. It is about clarification of all that he just said and all that the Chief Minister said and it is taking that and funnelling that in a very simple way once a week, timely, when the entire Island know that that is the moment when the Minister responsible, be it the Chief Minister or the Minister for Health and Social Services, is going to come forward with the relevant people, be it Dr. Muscat or whatever expert is needed at that moment, to update the Island with the information that we have all just been discussing over the debate. It should be sent to all States Members so we have it in our calendars that we know exactly when it is happening. Members of the public should know at that moment that is the time to listen to their wireless, the radio, whatever radio station it is. This is the distinction I also want to make in overall reference. There is a difference behind a Government policy as opposed to the real-time statistical information about numbers of testing, confirmed asymptomatic cases, the numbers coming into the borders and to be challenged on that. By all means, bring press conferences about policy decisions and things like that, but specifically I believe if you listen to the Island they are speaking as one saying: "We just need to know when we need to come and hear the very latest update." I remind everybody, as somebody who has lived the world of social media and has had that as a profession in all the previous work that I have done and have brought into my role, it is an excellent tool. It is a free way for us to have a one-on-one conversation with anybody who wants to engage with us, but it is an extension to the radio for those people, sometimes of a certain age or sometimes of a financial disposition, who do not have access to Facebook or do not have access to social media or an infographic. They just want to hear it directly from the Chief Minister, from the Minister for Health and Social Services, the elected people by the people of this Island. You cannot beat it. That is the point of why we have elections. That is why we are all here. I just think there is a very clear distinction that the people want to hear from the Island's leaders at that time, by all means bringing alongside people that need to be speaking. I think that is a real key thing I like to get across. Thank you to the Constable of St. Ouen. He mentioned this that other Members touched upon - I believe the Minister for Health and Social Services and the Chief Minister - with the editorial decision making of certain media to carry which press conferences and which not. Again, it is a bit of background because that was my previous life before this job, and I have spoken to now the editor of the *Jersey Evening Post*, reporters in general from most media, and the assistant editor of the BBC, who was kind enough to provide me with some information in response to the points being raised. He said - and he has given me permission to quote him directly - in reference to the COVID-19 briefings with latest numbers and explanations of dates and targets: "We would be pleased to carry the weekly COVID-19 updates conference live." The often-mentioned drop in viewing figures, this has to be really carefully tuned into because it is in relation to social media viewing figures. It is a very obvious point that in early March, at the beginning of this crisis when we were in the period of unknown and we were rushing towards an uncertain decision of lockdown and then suddenly all of us found ourselves at home with everybody wanting to know information and having the time to do that, as we went forward and the exit strategy took a hold, people then started, like myself, taking their children back to school and then making decisions about where they would be going to work. So, obviously your time changes then the ability to sit and watch live Facebook press conferences. But as the assistant editor of the BBC mentioned, audience figures are not yet available for the BBC. It is R.A.J.A.R. (Radio Joint Audience Research), for those who know what that means. It is the way they collect audience figures for media. They will not be available until 29th July, so they would be able to say categorically: "Here is the overall viewing figures for television/radio that we can give an absolute concrete feedback process to Government about the response" and the same time for other media as well. So I think that is a really careful point to ...

The Deputy Bailiff:

You seem to have frozen.

Deputy K.G. Pamplin:

I think I may have cut out, Sir.

The Deputy Bailiff:

You froze for about 10 seconds. You are fine now.

Deputy K.G. Pamplin:

Thank you. Another point he alluded to, and it is an issue that others have brought up, is the approach - and I am quoting him as well here and other members of the media and other Members who have raised this in Scrutiny - providing quotes from anonymous Government spokespersons in responses to the media seems to be a common occurrence. It is something that happens around the world; I am not just singling out what is happening here of late. I mention that because it is clearly something ... so if the director general of the Communications Department and the media can sit down and discuss these things, I think that is really important because I go back to my original point. The Island want to hear from their elected people with the responsibility, the politicians, and I just think that is a really important point. I thank Deputy Maçon who was quite right to explain the different ways of engaging with people. I pay tribute to him, Senator Mézec and the Minister for Education for their appearances on the local youth radio: brilliant, that is fantastic. There are so many different ways to engage, but that has been a consistent way of engaging with young people. There are many ways to do this. We are 49 States Members who make up the legislature. We all have access to our Island via social media and our surgeries and things. The more we can do, do it, it is so important. Deputy Ward was quite right, as he always is, to find the detail about the concerns of part (c) of the Proposition, which Deputy Morel also focused in on as well. I think the point has been made clear. Every week there is an appetite, especially during the summer period. As we head towards the winter months, as Dr. Muscat said in our quarterly hearing the other day, there will be a ramped-up flu season. We are going to be taking precautions. We are all slightly concerned about that and the economic impact, so why would you not once a week just say to Islanders: "Here are the latest figures, here are the latest numbers. That is what we are talking about today. What are your questions?" That can be funnelled out. It is so important. They are there; talk to them. They want that information and then we can all make our own minds up. I believe Deputy Wickenden spoke at the beginning, but I think all the answers were covered by other Members so I will not go into detail. All I would say to him is I have been engaging with the director general of Communications right back, as I quoted my email earlier, with helpful interjections and I have had a great working relationship with the Minister for Health and Social Services and others, so I guess that is all I need to say on that. So, in summing up, I will just finish by saying this. The pandemic has done many things. One thing it has done is it has fully torn back the curtain on the idea of who is in charge, who is responsible, who is accountable. That is what a crisis does. We are all exposed here, every single one of us. Picture if you will that moment to illustrate it, when Toto the dog pulls back the curtain of the Wizard of Oz in that famous movie. What brings reassurance, among other things, is communication, honesty and consistency. If you think you are doing enough, then you are not doing enough, and if you do not, who will? It has been brilliant to see the sudden increased engagement in the use of social media and red tape being dropped and all of us dropping our normal ways of working to ensure democracy can continue. We have all stepped up here, but no more than the members of our community that we represent. There are many ways to do this and give confidence to folk, especially when going through a crisis, but it cannot be only on your terms. This has been exposed over the last few months and speaks to the cultural issue at the heart of local and national politics. This is not about me. This is not about one senior civil servant or one senior politician. This is a fault that has often been swept under the carpet, the smoke and mirrors, the spin, the thick of it, being suddenly a sense that this is just accepted, this is just the way it is. That is the way it is, Kevin, just learn. You have come into politics now, Kevin, stop asking so many questions. Islanders have gone above and beyond since March and there have been many sacrifices, but that connection and that often-used phrase "in it together" can be

quickly lost as fast as it is heard by a sudden change or disconnect. There is an anxiety for the future of this Island and the health of all of us, so why not build on the things that were suddenly put in place to update and upfront honestly that it was happening and is happening? The Chief Minister and the Minister for Health and Social Services and the Constable of St. Ouen are correct to mention that, but we can do more. As Dr. Muscat repeatedly says, there is a lot of work ahead of us. We should all be prepared for what is to come, so let us just hear weekly what are the facts, what are we dealing with. Let us be honest and open and let people make their own decisions. Again, to quote Dr. Muscat in our last Scrutiny hearing, we should be seeking out the fires to fight before they start. It is true of this virus. It is true of the way communication spreads, again as the Constable of St. Ouen mentioned, on social media. Much like the virus, as Deputy Wickenden I believe alluded to, you cannot be slow. The virus will outrun you and so will a targeted leak or information being confirmed on social media by a member of the public live in real time. Yes, this can happen even on a Sunday. This has been an undercurrent, one can argue, for the disconnect sometimes and feeling: “What is going on? What is the point of voting?” I often get told: “Kevin, what is the point of voting? They just do what they want anyway. They do not tell us the truth. They just hear what they want to hear.” I do not agree with that and I know a lot of us do not agree with that also, and I am not implying that has been the case here. It is the perception. So we have been given a once in a generation opportunity to not return to how things were done and just accept that that is just the way it is, a chance for all of us as political leaders of this Island to course correct and establish a frank and new relationship with the people of this Island. I believe it is wanted. I am hearing that it is wanted and I know other Members believe in this, too. I get that sentiment by the way that the Proposition was brought forward today, and I again thank Members for doing that.

[12:30]

All of this I believe is in our hands. The message is really simple. If you are a Minister responsible you should be ready to come out and own the good or bad of the situation or the responsibility that falls upon you. People should know that weekly time, I reiterate that point, and especially through this anxious period all of us need to hear from you, a once in a week conversation with the Island, not just through Facebook and Twitter but one on one. Any way you can make that happen will make a huge difference. This is about informing and providing the truth and the reality of a continuing pandemic. We hear today the news that the United Kingdom is going to bring in mandatory masks for going into shops in the United Kingdom. The pandemic is still happening. We live in a beautiful, lucky part of the world geographically and everybody did what they have been asked to do. This virus is still there and the consequences as we saw through the thrust of the stimulus package that was put forward by the Government just shows what is ahead of us. Doing what you think is good or what is convenient or what is easy, well, this virus has infected that notion. It has exposed it for what it is. The vaccine is in our leaders’ hands, it is in our hands. It is that important. We all want the same thing. We all want the best outcome for this Island. We are all concerned about our children, our businesses, our livelihoods. Are we making the right decisions? In truth, maybe I should not have brought this Proposition, but I believe it was the right place to have this open debate for the reassurance of the Islanders who are watching and listening to us today. Again, I do it gratefully and generally with thanks to the Council of Ministers for their support, for seeing what this was all about. It was not about me. It is not about me and it is certainly not about personalities. We were just reaching the point where enough was enough. Too many Islanders sometimes feel not heard - how many times have we said that in previous debates on different subjects? - on what is important, are equally concerned and confused, and just want what I said 2 weeks ago: reassurance. Guess what? The Island is watching and listening. How will we respond? Well, how will you today? I maintain the Proposition *en bloc* and I call for the *appel*.

The Deputy Bailiff:

Thank you. In a moment the Greffier will place a vote in the chat. The vote is open and I ask Members to cast their votes. Have all Members had the opportunity of casting their votes either in the chat or on the link? Accordingly, I invite the Greffier to close the voting. The Proposition has been adopted unanimously:

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy 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 M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy K.G. Pamplin:

Sir, I may, can I just, once again, thank Members. That was my first Proposition and it would never have happened without the support of every single Member and, again, the dedication of the Greffier team who are an example to this Island. Thank you, Sir.

6. Open Borders Arrangements (P.89/2020)

The Deputy Bailiff:

Thank you. The next item is Open Borders Arrangements, P.89/2020, lodged by Deputy Young. Deputy Young, as you know, your Proposition was lodged on 7th July and the Chief Minister lodged an Amendment on 10th July. Do we understand the point you said earlier that the Amendment is accepted?

Deputy J.H. Young:

Yes, Sir. I confirm that that is what I wish to do.

The Deputy Bailiff:

Do you wish the Proposition to be read as amended?

Deputy J.H. Young:

I would very much like to be able to have the Proposition read as amended and debated as such, Sir.

The Deputy Bailiff:

Thank you. Does any Member object to debating the Proposition as amended? Accordingly, I invite the Greffier to read the citation of the Proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion – (1) to request the Ministers for Home Affairs and Health and Social Services to ensure that the arrangements and processes now in operation to open our borders to persons from outside the Bailiwick of Jersey are made as safe and effective as possible in protecting our community from the importation of the COVID-19 infection, and, in order to achieve this aim, to request that the following additional measures are introduced with immediate effect – (a) all persons who opt-in to the border testing programme should receive a P.C.R. (polymerase chain reaction) test on entry to our borders and in the event of the capacity of our testing facility being exceeded by the number of persons arriving at any one time, untested persons should isolate until tested; (b) that persons entering our borders from amber or red category countries, as defined in the safer travel policy guidance, should be required to self-isolate in the accommodation which they declared in their travel pre- registration for the timeframe stipulated in the guidance including if they have received earlier notification of a negative P.C.R. test result, and confirm in their declaration how they will be travelling directly to that accommodation; (c) during the period of self-isolation required under paragraph (b) – (i) persons should be required to travel directly to their accommodation and not break their journey, and (ii) persons should be advised to travel to their accommodation by private vehicle if possible or otherwise travel by public transport; (d) that persons arriving in Jersey should not visit any hospital, residential care home, nursing home, domiciliary care setting or the prison, or visit anyone at high risk of COVID-19, until they have completed their required period of self-isolation and/or received a negative P.C.R. test result; (2) to request the Minister for Health and Social Services to issue guidance to the bus and other private transport operators to enable safe arrangements for persons requiring to self-isolate, when arriving at the airport or harbour, to limit infection risks, including the wearing of facemasks; (3) to request the Minister for Health and Social Services to issue guidance to operators of registered tourist accommodation to manage the accommodation provided for those persons required to self-isolate to limit the risk of the infection entering the community; and (4) that these arrangements should remain in place for a minimum of 6 weeks and, after that point, may be renewed by a decision of the Minister for Health and Social Services; and the Minister may introduce additional or alternative measures at any point if he considers that the risk of infection require it.

6.1 Deputy J.H. Young:

At the beginning of the debate, I would like to make it plain that in bringing this Proposition, which was a difficult thing for me to do, I saw it as being complimentary to the decision that the States previously made and respectful to it. I know I voted against that at the time. It was not on the principle. It was on detailed arrangements of implementation because, like all Islanders, I felt the need to get off the rock for all sorts of reasons during our long months of closed borders. I think, looking back, I did identify and provide information to the Minister for Health and Social Services very early and well before we did so, about developments in Iceland which is a jurisdiction which I visited recently several times and one in which I think has gained in international reputation in how it has successfully managed the COVID crisis. Indeed, I think our opening borders model is closely following the Icelandic model. Of course that island is interesting because they are very heavily dependent on tourism and I have seen how they went through the same debate in reaching their decision to open their borders, which they did on 15th June, but critical to that was the detailed regime which is a lot of detail. Of course, in Jersey, the proposals came through very fast probably because we had concerns about losing our airlines because we were not in the position of our sister island of being able to control what the airlines do and there were big risks there, and I absolutely accept that. Of course it meant that the proposals and details were worked out within 5 days from ink on the paper until being debated and of course the Scrutiny team have done fantastic work right the way throughout. We have learnt so much now and we are working so well with Scrutiny but they really had such a very, very short time to do their work. I think that was kind of the starting point but unfortunately of course immediately after adopting the Proposition, we had the situation where we had on days one and two of the arrangements two positives. Then of course, unfortunately, we had the unfortunate incident on day three when we did have visitors who exceeded the capacity for whatever reason for testing on the Condor obviously in a situation which we all have accepted is not going to happen again because, like all of us, every country in the world, we are all learning lessons. That was upsetting. It certainly caused a lot of public anxiety and comment, that incident. I do not think I misheard during the debate but I think we were advised that we could expect one positive case in 17,000 arrivals in 6 weeks. Therefore, at its best, it would not be 7 weeks before one arose and at its worst, it would be on day one. Of course, it is absolutely true that the risk forecast is very, very low. I have never argued against that but I think now I wonder whether it is maybe quite as low as expected and certainly with any risk management work, one looks at the prevalence of risk, in which case it is very low, but most particularly, the impact if the risk happens. Therefore, for example, the risk of contact with people in hospital, people who are in care homes or vulnerable people of a person who was unknowingly carrying the virus would be very significant. Of course, for a business premises it could result in them having to close and economic loss. I was very interested in the evidence that we heard yesterday. I heard Senator Moore recently say she was waiting for information of the number of tests that we have done through travel. My note from the States questioning yesterday is written down here. 2,887 tests. I hope I did not get that wrong and that seems consistent with the written answer that the Minister for Health and Social Services gave to question 257 yesterday, which detailed the number of tests up until I think an earlier date to the 8th, so that is consistent. That is one positive in 721 with our four positives. I looked at Iceland yesterday. They declared the results of their border opening for the last month and, very interestingly, they declare 34,864 tests of which 76 were positive which, incidentally, is fairly consistent with our experience of 158 persons. Remember in the S.T.A.C. report, it says that the testing is only likely to be 60 per cent successful in that respect but I think the point I make is there is a risk there to manage and the Proposition is intended to complement our decision as to how best to do this. I have sent this information through to S.T.A.C. today or to the Minister for Health and Social Services and asked him to have a look at that because I do wonder whether this is evidence of the kind of general infection rate that has been carried asymptotically by well people in travel. I do not really think that anybody who is symptomatic is knowingly going to get on a plane and infect somebody. It is people who do not know they have it and so I have asked S.T.A.C. if they please could discuss this, and I would be very keen to when they have a chance to do it. I am so grateful to the Chief Minister for his Amendment. I put my

Amendment together and I repeated the mistake and the error that the States made in rushing it together in 5 days. I repeated it by doing it in half a day and I got it wrong. I think the Amendment that the Chief Minister has done has put that right, that deficiency that I was very uncomfortable with that I had never intended to make, to make testing obsolete.

[12:45]

Clearly, I had emails saying that this was not proper yesterday and in the written answers to the States, only one person has so far opted for that. Nonetheless, it is really important that that provision was there and of course my Proposition needed to be different from the previous one otherwise, as Deputy Maçon identified earlier, it would fall foul of the States. I think the Chief Minister's Amendment, and particularly the States allowing me to pose it as amended, gets around that problem I think, subject to the Chair, so I am very grateful. Of course, in doing so, in the work that he and his officers have done, and I am sure in consultation with others, has really made a series of improvements and enhancements which, if you like, detailed arrangements were not appearing in the Proposition. Some of them probably might have been buried away in the various extensive policy documents and all but I think it is really important to have on the record in the States decision that the details are recorded about how we, as an Island, will go about managing the risks. I had a number of emails and calls, and I accept that a large number of them are hostile to my original Proposition, but a good number are in favour and what I have said to those people that are in favour is that I intend to accept the Amendment because it improves it and corrects certain errors. When they have read through the Amendment, they have said to me they feel much more confident and assured with that. I think that sends the message that it is important to have this on the record in the Proposition that the States adopt and it is in line with Deputy Pamplin's message about maintain confidence and communication to help people who are reticent still and worried re-emerge into normal life. The measure in the amended Proposition is very temporary. It is intended to give us the 6-week period over the summer to see how it goes and we all know that is not going to be the end of it. Every expert everywhere is predicting, at the very least, great uncertainty about whether the infection comes back in, and all our advisers are telling us, so I think those lessons are really important. It is a fast-moving situation and of course we will also be able to learn the lessons as other countries open their borders during this holiday time. I have included in the original Proposition being explicit that our Minister for Health and Social Services has the power to either extend these measures if necessary in 6 weeks' time or end them or he can put additional ones in or he can vary them at any time if he needs to. I have absolute confidence in our Minister for Health and Social Services and the S.T.A.C. group. I think it is really important that that is where the responsibility lies because I think that is the key principle. This is where one turns to the principle as it stands. In the opening paragraph, it deals with the principle. The arrangement is that we open our borders so that the arrangements are safe and effective to protect our community upon the importation of the infection and introduce measures. Going through the details briefly of the Proposition, at point (a), obviously the adding in of the quarantine arrangement was missing from my Proposition and that is essential, so much so that I have to say I would have real problems in going ahead with this if that had not been done. Secondly, a commitment that if there is an excess and persons arrive that cannot be tested, while they wait for testing, those people go to isolation. On (b) it is very much new. This adds in a procedure for amber and red jurisdictions which were highlighted by the Scrutiny Panel, and this I think is important. It sets out the details about how that will work. To show why it is helpful to have these sort of debates, yesterday I had communication from 20 international pilots based in Jersey and I was very pleased that, through S.T.A.C. and the Minister for Health and Social Services, one was able to facilitate arrangements suitable to allow those members of our community to maintain their jobs within the rules and so I am grateful to everybody for expediting that. On point (c) is the question of advice. I think that point (c) goes together with point (b) and is just unchanged. Point (d) is absolutely new. I am grateful to the Chief Minister and the Minister for Health and Social Services. This has all been added to and it is very sensible that if people are awaiting test results, they avoid putting themselves

into high risk situations and I am very, very happy to see that there. On point (2) about transport, I absolutely accept that my original Proposition was impractical and, again, I would not have proceeded with that one. I am grateful to the Minister for Infrastructure and his comments for pointing that out and I am very pleased there are ways forward. This is now based on advice to the current operators through the Minister for Health and Social Services and that is the right way to do it. Point (3) I think is unchanged and point (4) is improved to be able to help the Minister make any changes he needs to make because I have total confidence in him and his team. I think there are a couple of points before closing I would like to make. Clearly, we are on a journey and a learning curve. We have only tried this out for 10 days and it is obviously very successful for both local people and our community but I think clearly the speeding up of the average 32 hours for awaiting test results is dramatically going to help. I know that we are in a queue for equipment to be able to help us do that and in fact there are lots of other jurisdictions who are all doing the same thing, and I think our sister island has the same situation because they have tried, tested and stopped it. Then I think at some stage, and I know this is not now, it may well be in the post 6-week situation that we have to consider the costs because the Island is obviously bearing a very, very substantial cost for the testing. I have seen, again from the Icelandic lessons, they introduced the charge to passengers which they had to drop, which resulted in easyJet pulling their flights out of Iceland, so there are real risks. There is also pleasing news yesterday that the app is coming because I think that is going to help the contact tracing so there is some real positive news on that. Obviously, there may be unresolved issues but I have every confidence that the Minister for Health and Social Services and the advisory team can maintain the work they are doing and they have the freedom to change and modify this. One final point. People say: "Why is this necessary because the Minister for Health and Social Services could do this anyway?" If the States Members go with the Proposition, which is obviously for Members to say, it puts explicit commitment on the record of what we are trying to do and how other communities and other places can look at us and people can have confidence in how we are moving towards a new normal life having to cope with this awful COVID infection for some time. I will make the Proposition as amended. Thank you.

The Deputy Bailiff:

Thank you. Is the Proposition seconded? **[Seconded]** Thank you.

LUNCHEON ADJOURNMENT PROPOSED

The adjournment until 2.15 p.m. has been called for. Does any Member wish to speak on the adjournment? Thank you. The States is adjourned until 2.15 p.m.

[12:55]

LUNCHEON ADJOURNMENT

[14:21]

The Deputy Bailiff:

Members, I am most sorry to have kept you waiting. I trust I can now be heard.

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

Yes, Minister, you are heard loud and clear.

The Deputy Bailiff:

Thank you very much. The next Member to speak is Deputy Wickenden.

6.1.1 Deputy S.M. Wickenden:

I thought I would get in early, as I do not think this debate will go very long because now that the Chief Minister and the Minister for Health and Social Services have had their Amendments been

approved, I see this Proposition being surplus to requirements really. What I wanted to add in was to certainly thank and congratulate the teams from Modernisation and Digital, alongside the Ports of Jersey and Digital Jersey, who have helped at very short notice set up the testing, track and trace system that is working so well at the harbour and airport. This allowed us to identify and notify the people that have come in that have been positive. Some of the challenges, certainly the harbour, have not been insignificant in the slightest about how we deal with this system at the harbour with cars coming off, whereas at the airport there are desks with keyboards and mice but at the harbour you have got to have multiple people because they do not have those kind of levels of technology out there and you have got to have multiple people to carry the testing kits and write things down. They have been out there, members of Modernisation and Digital have been out there at the weekends in all weathers, rain or shine, standing and helping collect all this information. I want to thank the patience of the passengers who have been on a very long journey and then have to wait even longer to get to their next destination. I would just like to thank them. I hope the Minister in his summing up would also thank them for their hard work and the great work that they have done.

6.1.2 Deputy R. Labey of St. Helier:

I just have a few questions, the same question I asked in Senator Moore's debate 2 weeks ago. It is all very well issuing instructions to arrivees to go straight to their accommodation and self-isolate until they get their test results but what if their accommodation is not available to them for 2, 3, 4 or 5 hours, where do they go? Senator Moore was gracious enough to admit that work on that had not been done yet but I wonder if there is any progress on that. What is the industry opinion of the Proposition as amended and the extent to which industry has been consulted by either the proposer or the proposer of the Amendment? If I go to London from Jersey on a day trip for work and in the evening I return and I get P.C.R. swab-tested and, hopefully, get my results within 24 hours, all well and good. But if I picked up the virus in London it is useless because it will not show up for another few days. I understand that the pilot testing scheme had the opportunity for people to return for a test after 4 to 7 days but that that has now been dropped. I just wonder if the quite considerable amount of businessmen travelling from Jersey to London and returning again has been somewhat forgotten and is a way of bringing in the virus by stealth. With all of these kind of measures, which are almost impossible to police, one is relying on people's good nature, better nature. There will always be those who disregard or disobey or do not take heed but the way of reducing that is to get as many people on side as possible. I just wonder, what kind of welcome are we presenting at the airport? Are we treating people like kings or like cattle? Are we explaining to them? Are we being polite? Are we being helpful? Are we being as quick as we can? Are we giving them a warm welcome? Are we explaining? Are we getting them on side so that they feel at home? A necessary process to go through but they were treated very well. You could bring in all the measures you like but treating people like responsible adults and being courteous and getting them on board knocks all that into a cocked hat.

The Deputy Bailiff:

Thank you. Does any other Member wish to speak in this debate? If no other Member wishes to speak ...

Senator J.A.N. Le Fondré:

Sir, can I speak, please?

The Deputy Bailiff:

Yes. I would encourage Members who wish to speak to indicate in the chat, otherwise the debate will be closed.

6.1.3 Senator J.A.N. Le Fondré:

Yes, just really to pick up, we have obviously gone over quite a lot of the issues in previous debates, so I will try and keep this relatively short. Obviously really grateful to Deputy Young for accepting the Amendments, which we have put forward because I do genuinely believe that he has said that in answers to his Proposition and, hopefully, as well continues to just address the concerns that a number of Members still have and obviously a number of members of the public still have. But, again, reemphasising what we have said previously, we always act in accordance with the medical advice. We listen to the experts and we implement our measures on a timely and proportionate basis. Just to give a little update on that, some Members may have seen the graphics sent round and in fact, as I think Deputy Higgins suggested earlier, in the last 9 days 2,887 passengers arrived on Island. Every single one of those was mandated to follow the medical guidelines, including wearing a mask. Passengers are either self-isolated for 14 days or undertaken a P.C.R. test. In the case of the latter passengers receive their test results on average 32 hours after arriving in Jersey. Obviously that will fluctuate because my perception at the moment, saying at this stage is that the technical outage that we had on Sunday may have caused some of those delays, so obviously we keep working to reduce that time. I will just emphasise, I have made the point to Deputy Young and we were talking it through in a very positive way, on all these systems we are going through a basic process of continued improvement. We are at a good place there; that does not mean we stop, that means we keep going. As I said, I am hoping we will be receiving advice and recommendations. Sorry, in relation to a query from Deputy Higgins, I thought I would keep the camera off because I understand it has been causing some bandwidth issues from other Members. In terms of the process of continuous improvement, I am hoping sometime in the next few days that we will be receiving recommendations for further improvement, so that is getting more kit on Island and possibly even taking that next step towards getting a tracing app commissioned as well. We will continue to evolve in this and, as we keep saying, this is, again, the issues around living with COVID-19 in a new normal world at the moment. Obviously in relation to Deputy Ward's Amendment to P.84, again, from the last time passengers have been contacted regularly by the contact tracing team via S.M.S. (Short Message Service) messaging and obviously there is a process of escalation in place for those who do not respond. Again, as we have previously said, there have been only very small technical issues at the start and, again, measures keep getting put in place to resolve them as they come up. Again, it is a very good place to be. As we scale up there will be random issues, if that makes sense, technical issues that will come through because there will be some combination of circumstances that will cause a minor issue. All the way through it is about keeping the risk low. In summary, the contact tracing process as well, if any passenger does test positive, as we know we have seen 2 or 3, obviously 4 to date, which I think most if not all of the passengers who have come in who have tested positive, all have had some connection with the Island.

[14:30]

Not that that is relevant but generally it is people either coming back or coming to, to visit family. But anybody who is tested positive a full contact tracing process is undertaken and obviously Members were given a briefing on that last Thursday with quite a lot of detail, how that is managed. That is all around ensuring anyone who has been in contact with an individual, that is usually within 2 metres for longer than 15 minutes, is tested and then put in isolation until they have been cleared. I do really say this again, our border measures are robust and they have been endorsed by expert medical advice and they probably are or will remain among the most comprehensive in Europe. But, as I alluded to, I am confident that we will continue to further strengthen them and part of that is through the adoption of this amended Proposition. I think it is about endorsing Deputy Young's comment, it is about putting it on record the process that we have in place and, again, instilling that confidence. I do not need to go through all the parts of the Proposition. I will try and swiftly do some comments; (1)(a) and (1)(b), (a) has been amended because it is acknowledged that arriving passengers must be of their choice to either participate in the testing programme or to isolate for 14 days. You cannot at this stage force someone to submit to testing and nor is it proportionate when

considering that the alternative 14 days isolation, that is in equally safe measure and is enforced by a substantial fine. To date, the majority of arriving passengers are opting in to the testing regime, rather than submit to 2 weeks of isolation. I think probably in relation to Deputy Labey's comment, what we are doing, effectively, is crystallising and improving upon measures that we agreed last week. Therefore, we are not seeing any impact from the commercial operators; to date everybody has been very satisfied with the robust systems that we have in place. The example is that I think on the B.A. (British Airways) Heathrow flight from yesterday every one of the 126 passengers opted into the testing programme, except for 8 passengers who were able to prove that they had already undertaken an authorised P.C.R. test within 72 hours prior to departure. Paragraph (1)(b) of the Proposition has been amended to acknowledge that Government's advice regarding red, amber and green category jurisdictions and those categories are continuously reviewed and updated according to the latest development and advice. Arrivals from either a category red or amber will be tested and asked to self-isolate. In the case of a red category jurisdiction, that is for 14 days and in the case of amber, they are required to self-isolate until they receive a negative result from the P.C.R. test on day 5. I will just reiterate, I am very grateful for Deputy Young's engagement with regards to these Amendments. I will just address, as I have just called the Proposition up, again, it is in discussions, we felt again it is about giving comfort to people and also because it is inherently logical. I have also responded to a couple of these comments, for example, I have received and other Members from members of the public, so I.C.D. (International Classification of Diseases): "Persons arriving in Jersey should not visit any hospital, residential care home, nursing home, domiciliary care setting or the prison or visit anyone at high risk of COVID-19 until they have completed the required period of self-isolation and/or receive a negative P.C.R. test result." I will not go into too much on that but I hope that speaks for itself. It is about just that additional precautionary approach for a slightly specialist setting. I think to not take too much more time of Members up on this, I am sure there are other issues and other Ministers can come in and address them. But let us just remind Members of the position we find ourselves in; the safer travel policy has been in operation for almost 2 weeks and our Island has welcomed nearly 3,000 arriving passengers. They only picked up a handful of COVID cases, all of which have been asymptomatic, all of which were appropriately contact-traced and all of which are now self-isolating, as are those identified via contact-tracing apps from being in close contact with passengers testing positive. I also remind Members that we have also been identifying again through a very robust testing regime Islanders living on Island who are also asymptomatic. As we keep saying, this is all about keeping it at low risk but managing that risk as well. It is about the balance of safeguarding the well-being of Islanders, their physical and mental health and about protecting the economy and local businesses. Because of all the various issues that can generate, if we get into that, into a very bad space, particularly with the consequential impact on Islanders, which can include then mental health problems. Really without saying anything further, I really do support this Proposition as amended and I do ask all Members to support this if they can.

6.1.4 Deputy K.G. Pamplin:

Always a pleasure to follow the Chief Minister and just echo his comments towards Deputy Young and his appreciation of us at the same time lodging similar Propositions but I congratulate him for doing so. I just wanted to talk about this issue of asymptomatic because it can be often used as others just say it is asymptomatic, it still means that somebody is carrying the virus, of course, if that person then has the symptoms that we all now know, the cough, the fever, *et cetera*, they become pre-symptomatic, that period of asymptomatic falls away. I think we just have to highlight because that is a very important part because the science is still out there, there is often people discussing this and I think it is just a really important point to put across medically, as Dr. Muscat explained in our quarterly hearing. But asymptomatic, yes, is less of a risk than people with full-blown symptoms but there is a reason why this pandemic has spread so quickly so fast and scientists are still trying to figure it out. Asymptomatic is still serious, you can still pass the virus around and that is why I believe and I congratulate Deputy Young for bringing this back because we have got to get that point

across with all the things the Chief Minister just said. I think this Proposition does just that as well, so that I just wanted to say.

The Deputy Bailiff:

Thank you. Does any other Member wish to speak? Accordingly, I call upon Deputy Young to reply.

6.1.5 Deputy J.H. Young:

I want to thank the 4 Members that have spoken and spoken in support of the Proposition. I think I want to pick up one or 2 points because I think they raised important matters. Firstly, I would absolutely share Deputy Wickenden's praise for the teams because obviously what we are seeing is that we have had nearly 3,000 people coming to the Island successfully and they have all been, effectively, tested within a reasonable time. Particularly, I was not aware of the particular difficulties in the harbour; I am not surprised. But I think that those involved should be praised and supported and we should look after them. I think the issue about the passengers, this is where I think that is important as well and Deputy Labey raised a very important point there about do we welcome them and then treat them like kings or do we make them feel not good about it. This is where, again, I have constantly referred to the experiences elsewhere, particularly in Iceland. I have sent through details to the Comms Unit and to the Minister for Health and Social Services where they have produced a little video, a lovely little graphics video that just makes nice messages to people to explain why we are doing these things and asking for their help to come along to help us keep Jersey safe and to allow us all to go about our lives. It is a lovely thing and I think that is something we should do, which certainly when I read it is very charming and I think that is the sort of thing we can do to provide access when people book and when they do their pre-registration forms, then they get the right sort of messages. I think now - I have to hands up - industry consultation: obviously I have not had time to do that. I have not personally received any messages from industry that are negative about it. I did go to a hotel the other day and had lunch and I spoke to the staff there and I was very, very impressed in the way that a particular hotel and our tourism industry is responding to this. I saw bags of evidence all round me that everybody, including the visitors because they were full, were engaging with what we are trying to do to keep Jersey safe. I do not, I am afraid, know the answers to the accommodation about where people go if they have not got accommodation available. I do recall an answer was given in yesterday's States that we paid, I think, some £300,000 in accommodation. I would like to feel that within the system ... I am sorry I do not know where that is but that reply did give me confirmation there is an arrangement. I have not heard anybody say that the measures are not timely and proportionate because I think they are mostly common sense. I think if we send the right messages to people coming in they are going to do those things anyway. I think the Chief Minister is right, it is really great to see the continuing improvement issue and it would be great if we get that new kit and I think those are very positive things. Here is why: we will have to all learn to live with COVID for some time but I hope that all the measures we have got in place, Jersey can go on the record as being a jurisdiction that has really not only controlled COVID very well within its community but has also made arrangements that as safe and practical as can be to allow us to function in accordance with the external world, both Islanders and the people that want to come and visit us. Obviously there is some impact there and it is not, as it were, up to normal but, nonetheless, I think that is really, really important. I do not know that I need to say any more but I really want to thank the Chief Minister because without this, without his recognition of why I was bringing this and understanding that perhaps I am more risk averse than others; at my age I probably kind of chime and engender with a lot of people who are just sort of coming out and realising we have all got to adjust. I think the Chief Minister, with the work that he has done with his team to deal with the snags that were there and there is no argument, I am not covering that up in the Proposition, to put them right. I think well done for all those doing the testing programmes; they deserve real praise. We have got a really good test, track and trace thing in and great that we have got the work

going on on the app, which I think will, as far as I am concerned, make it much easier. Deputy Pamplin is right to raise the issue of asymptomatic; what none of us know, the scientists throughout the world are working on this to try and find out. I am really comforted, confident that we have got a good scientific team, that if we find out things or other places do we need to make adjustments, that that will be done because the Proposition provides the mechanism. With that I would just like to, if I may, make the amended Proposition and ask for the *appel*, please, Sir.

The Deputy Bailiff:

Thank you, okay. In a moment the Greffier will add a vote into the chat channel of this meeting, this she has done and I invite Members to cast their votes.

Deputy M. Tadier:

Sir, it is Deputy Tadier here. I am having trouble with my chat, so I would like to vote in favour. I do not know what is going on with my screen today unfortunately.

The Deputy Bailiff:

You voted in favour. Have all the Members who wished to vote had the opportunity of voting either on the link or in the Chat?

Connétable J. Le Bailly of St. Mary:

Sir, Constable of St. Mary, I am also having trouble. I cannot get into the voting link and I cannot get into the chat. I would like to vote *pour*, please.

The Deputy Bailiff:

Thank you, that has been noted.

[14:45]

Deputy M.R. Higgins:

Sir, I have voted on the dedicated line but can I point out sometimes we are asked to provide a 4-figure code, we have to wait for it to be sent to us, then put it in and we do not have enough time sometimes to get to the end.

Connétable J.E. Le Maistre of Grouville:

I would also like to vote *pour* and I could not get on, I am afraid.

The Deputy Bailiff:

Is that the Constable of Grouville?

The Connétable of Grouville:

Yes, indeed, Sir.

The Deputy Bailiff:

Thank you very much. I was just making sure that I recognised your voice. We have 3 votes delivered orally, which I hope the Greffier has noted and we have voting in the chat and I now close the voting. The Proposition has been adopted and we know the votes on the link 40 *pour* and 3 *contre* and the votes delivered orally or in the chat will be added to those votes on Hansard.

POUR: 44		CONTRE: 3		ABSTAIN: 0
Senator I.J. Gorst		Connétable of St. Martin		
Senator L.J. Farnham		Deputy M.R. Le Hegarat (H)		
Senator S.C. Ferguson		Deputy S.M. Ahier (H)		
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				

Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy J.H. Young:

I would like to thank Members for their support, thank you.

7. Draft Road Traffic (No. 64) (Jersey) Regulations 202- (P.10/2020)

The Deputy Bailiff:

We now move back in the Consolidated Paper to the first listed item of Public Business, the Draft Road Traffic (No. 64) (Jersey) Regulations, P.10, lodged by the Minister for Infrastructure and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Road Traffic (No. 64) (Jersey) Regulations 202-. The States make these Regulations under the Order in Council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956.

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

I hope this will be a simple matter for the Assembly today. This law aims to make it safer for children in cars. I am asking Members to agree to amending the Motor Vehicles (Wearing of Seat Belts by Children) Order to broaden the circumstances under which a child under the age of 14 is required to wear a seat belt. Under the current order certain vehicles are exempt, which, in my opinion, ought not to be. But to amend this order it is necessary to firstly amend the primary legislation. I shall set out the proposed Amendments to the Road Traffic (Jersey) Law. I shall then set out what Amendments I shall bring to the Child Seat Belt Order once that primary legislation is amended. The overall aim of amending the Road Traffic (Jersey) Law is to ensure that it effectively ensures that vehicle users are required to wear seat belts and that the penalties for not doing so are appropriate. This proposed Amendment will also ensure that legal inconsistencies that currently exist between the U.K. and the E.U. (European Union) and Jersey law are removed, ending the possible confusion that sometimes exist when Islanders take their vehicle to the U.K. mainland or Europe. The details of the 5 proposed Amendments to the regulation are as follows. Regulation 1 is an interpretation provision identifying the principal law as meaning the Road Traffic (Jersey) Law 1956. Regulation 2 makes the penalties relating to seat belt use consistent by raising the penalty for anyone aged 14 years or over riding in or driving a motor vehicle without wearing a seat belt. It raises the penalty from the current maximum fine of £200 to a maximum of £1,000. When addressing the level of fine for not wearing a seat belt it became clear that there were inconsistencies with both the penalty for adults and children. The penalty for an adult or child not wearing a seat belt was a maximum fine of £200. This is considered too low, given the gravity of the offences which involve potential loss of life or serious injury. The penalty has, therefore, been raised to a maximum fine of £1,000. Regulation 3 requires passengers in buses to be notified that every passenger sitting in a seat equipped with a seat belt is required to wear it. Within this regulation a bus is defined as any motor vehicle with more than 8 seats in addition to the driver's and notification is by sign, an official announcement or an audio-visual presentation. Regulation 4 amends the provision in the law that prohibits a person from driving a motor vehicle carrying a child who is not wearing a seat belt. Currently the prohibition applies only where a seat belt is fitted or legally required to be fitted in the vehicle. The effects of Regulation 4 will be to ensure that the prohibition applies, regardless of whether it is fitted or legally required to be fitted. This regulation also raises a penalty for driving with someone aged 14 or under who is not wearing a seat belt from a maximum of £200 to £1,000. Finally, Regulation 4 broadens slightly the provision in an order prescribing descriptions of seat belts which may be worn and the manner in which such belts may be fixed and used. That power is broadened to refer more generally to the requirements relating to the use of such seat belts or the manner in which they are fixed, including requirements relating to other fixtures and fittings, such as airbags. Regulation 5 broadens the definition of a medical exemption certificate to include certificates issued by the United Kingdom or any member State of the European Union. A medical exemption certificate certifies that a medical practitioner is satisfied that it would be inadvisable on medical grounds for the adult or child named in a certificate to wear a seat belt. If the Assembly accepts these Amendments to primary legislation, I would then be able to approve the proposed new order. This new order will mean that all children must wear seat belts in all vehicles, with the exceptions of 2-wheeled motorcycles, vehicles with a designed speed no more than 15 miles per hour, taxis which do not have appropriate child seat belts, buses which do not have appropriate child seat belts or where it is licensed and standing is permitted. It will also exempt children who have a disability, which means they are appropriately restrained or have a medical exemption to wear a restraint and where there is an unexpected emergency or the child is being transported by the emergency services. The order will also cover the circumstances under which a child is allowed to travel in the front seat of a vehicle and will include the requirement to ensure that the airbag does not pose a risk of injury to the child or is deactivated. This legislation will mean that if a child is unrestrained in a vehicle and the child is not exempt, then the responsibility lies with the driver of the vehicle, not of course by the child. I hope that this legislation will make

travel on Jersey's roads safer for our young people and I ask the Assembly to approve it. I make the regulations, Sir.

The Deputy Bailiff:

Thank you. Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Thank you. In a moment the Greffier will add a vote into the ... sorry, Deputy Guida, you wish to speak.

7.1.1 Deputy G.C. Guida of St. Lawrence:

Sorry, just one question for the Minister. How does that fit with classic cars which will not have seat belts fitted by construction?

7.1.2 Connétable M.K. Jackson of St. Brelade:

I speak particularly in regard to Article 4 and maybe I should be talking at the Second Reading but I would just say that this clarification or this proposal has been a long time coming. I would ask the Minister whether he has consulted with the Taxi Drivers Association regarding the matter.

The Deputy Bailiff:

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

7.1.3 Deputy K.C. Lewis:

Classic cars which do not have the seat belts are exempt. Taxi drivers, I believe they have been consulted and I believe they are exempt if they do not have the child restraints. But people are obviously advised to wear seat belts at all times but certainly must wear a seat belt if provided.

The Deputy Bailiff:

Thank you. The Greffier will add a vote into the chat channel of the meeting. The vote is now open and I ask Members to cast their votes: 42 Members have now cast votes on the link. Any Members who have not succeeded in voting on the link, please do so now in the chat before I close the voting.

The Connétable of St. Mary:

I am still unable to get into the link or to the chat, so I would like to vote *pour*.

The Deputy Bailiff:

Thank you. I ask the Greffier to close the voting. The principles have been adopted unanimously; 43 votes *pour*.

POUR: 45		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 Trinity				
Connétable of St. Peter				

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

Minister, before we come to the Second Reading, can I ask the Connétable of St. Brelade, does the Environment, Housing and Infrastructure Scrutiny Panel wish to scrutinise this matter?

The Connétable of St. Brelade (Chair, Environment, Housing and Infrastructure Scrutiny Panel):

No, thank you, Sir.

The Deputy Bailiff:

Minister, how do you wish to propose the regulations? I think perhaps when proposing the principles you did give us more than a flavour of the regulations. I think you may be muted.

7.2 Deputy K.C. Lewis:

I am sorry, I beg your pardon. I would like to propose *en bloc*, Sir.

The Deputy Bailiff:

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on the regulations? Deputy Guida, you had a question in the chat, do you wish to speak on the regulations?

Deputy G.C. Guida:

No, Sir, it is the same question.

The Deputy Bailiff:

Does any Member wish to speak on the regulations before I close the debate in Second Reading?

7.2.1 The Connétable of St. Brelade:

Once again, I am keen that taxi drivers get some clarification because historically there have been question marks raised. I would ask that as part of these regulations the Minister do that and issue guidelines for taxi drivers.

Deputy K.C. Lewis:

Absolutely, yes, I believe they have been consulted ...

The Deputy Bailiff:

Before you do that I need to formally close the debate and does any other Member wish to speak? I call upon the Minister to reply.

7.2.2 Deputy K.C. Lewis:

Yes, indeed. I will ensure that everyone is consulted in the public service vehicle industry and I believe that I already have done but I will check on that. There are certain exemptions for taxi drivers, indeed wearing seat belts themselves. I propose in Third Reading.

The Deputy Bailiff:

We are not on Third Reading yet, we will be soon.

[15:00]

Deputy K.C. Lewis:

I am jumping ahead of myself, Sir.

The Deputy Bailiff:

I ask the Greffier to add a vote into the chat channel of the meeting. The vote is now open and I ask Members to cast their votes. If all Members have had the opportunity of voting either on the link or in the chat, then I will invite the Greffier to close the voting.

The Connétable of St. Mary:

Sir, the Constable of St. Mary, I have the same problem, cannot get into either, so I will vote *pour*.

The Deputy Bailiff:

Yes. I can announce that the regulations have been adopted unanimously in Second Reading.

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				

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

Minister, do you wish to propose the regulations in Third Reading?

7.3 Deputy K.C. Lewis:

Yes, please, Sir. I propose *en bloc* in Third Reading.

The Deputy Bailiff:

Thank you. Are the regulations seconded in Third Reading? **[Seconded]**

7.3.1 Deputy J.M. Maçon:

Can I just clarify, with the changes and I know this is Third Reading but with the law as it is, I have just received a note from someone listening, is it correct that if the penalty goes up to over £1,000 that it can no longer be dealt with at Parish Hall level?

The Deputy Bailiff:

Okay, thank you. Does any Member wish to speak ...

Deputy J.M. Maçon:

It appears that I should ask that in Third Reading.

The Deputy Bailiff:

In the circumstances, yes. Does any Member wish to speak in Third Reading? Accordingly, I call upon the Minister to reply.

7.3.2 Deputy K.C. Lewis:

Yes, Deputy. You know more than I do, Sir, but I would say that Deputy Maçon is correct; I think there is a £500 limit with regarding Parish Hall but should it go to a Magistrate's it could go to £1,000 but that is a maximum of £1,000. Unless it was an extreme case, I cannot see it ever reaching that point but it is there should it be required. I think most cases will be dealt with at Parish Hall level should the need arise. I make the Proposition in Third Reading.

The Deputy Bailiff:

Thank you. I ask the Greffier to add a vote in the chat channel of this meeting. The vote is now open and I invite Members to cast their votes. If all Members have had the opportunity to cast their votes, I ask the Greffier to close the voting.

The Connétable of St. Mary:

The Constable of St. Mary again, Sir, I cannot get into either, so I will vote *pour*.

The Deputy Bailiff:

Thank you.

Deputy R. Labey:

Sir, could I just offer some advice to the Constable of St. Mary?

The Deputy Bailiff:

Yes.

Deputy R. Labey:

I would send him a message in chat but he cannot see chat. In my experience rebooting your computer, turning it off and counting 10 seconds, turning it back on again and then coming back into the right Teams fixed the problem with chat for me on a couple of occasions. I just wanted to pass that on.

The Deputy Bailiff:

Thank you, Deputy.

The Connétable of St. Mary:

Thank you for that.

The Deputy Bailiff:

I can announce the regulations have been passed unanimously in Third Reading.

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				

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

Deputy K.C. Lewis:

I thank Members for their support.

8. Draft Financial Services (Disclosure and Provision of Information) (Jersey) Law 202-(P.69/2020)

The Deputy Bailiff:

Yes, thank you. The next item on the agenda is the Draft Financial Services (Disclosure and Provision of Information) (Jersey) Law, P.69, lodged by the Minister for External Relations and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Financial Services (Disclosure and Provision of Information) (Jersey) Law 202-. A law to require the provision of information relating to beneficial ownership and significant persons by

certain entities and for other purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

I would like to ask my Assistant Minister, the Connétable of St. Ouen, to act as *rapporteur* and is ever hopeful that the connection in St. Ouen is intact but let us wait and see.

8.1 The Connétable of St. Ouen (Assistant Minister for External Relations - *rapporteur*):0:48:16

I can just confirm to my Minister that the connection is perfect, as with everything else in St. Ouen. The Draft Financial Services (Disclosure and Provision of Information) (Jersey) Law, the law sets out on a statutory basis the information about an entity established in Jersey is required to provide it to the Jersey Financial Services Commission. While I will propose the principles now, when it comes to Second Reading I do not intend to move Article 27. Further work is required to ensure the measures adopted in relation to nominee directors are appropriate for our jurisdiction. The law sets out how information is required to be provided to the commission and the frequency with which it is updated. It will ensure that the information contained on Jersey's central register will be accurate and up to date and that the appropriate authorities have the channels to access information necessary to fulfil their obligations. The law also provides the basis for Jersey's company registry to move to a fully online system, providing users with a more efficient experience. As we continue to recover from the health and economic impacts of COVID-19 and in particular the finance industry will face continued international scrutiny. Planning is in place for the next MONEYVAL assessment to ensure Jersey can demonstrate it continues to comply with international standards. Jersey achieved an impressive 2015 MONEYVAL assessment. However, the assessment team's report indicated that further changes were required to ensure that Jersey continues to maintain its position as a leading international finance centre in line with developing standards. This law will play an important role in achieving another successful review by allowing Jersey to comply with recommendation 24 of the F.A.T.F. (Financial Action Task Force) recommendations, which relates to the beneficial ownership information for legal persons. The Government has consulted extensively with industry in preparation of this law to ensure it achieves its aims in a way that is workable and proportionate. I will summarise briefly the main provisions, which are largely to meet the international standards set by F.A.T.F. The law introduces a definition of beneficial owner and requires the commission to publish guidance on applying the definition. The law requires all entities to file information about beneficial owners and officers and directors with commitment. The law provides the basis for a public register of directors and officers to be established. Only limited information will appear on the public register and the regulations detailing precisely which information will be placed before the Assembly for further consideration. The law moves away from the traditional annual return to an annual confirmation statement, confirming that information held by the commission is correct. The law also introduces a new requirement to file the information regarding nominee shareholders with the commission. This is to satisfy the F.A.T.F. requirement that nominee shareholders are not misused for money laundering or terrorist financing purposes. The law introduces the concept of a nominated person authorised by the entity to be the main interface with the commission for the provision of information. This can be a person ordinarily resident in Jersey or a trust and company service provider. We have consulted with local businesses on how to ensure that this is achieved for them. In addition to their locally resident company secretary or directors they can choose to file information through a local lawyer or accountant. Given pressures on the industry at this time transitional provisions will allow existing entities a longer period to file any additional information with the commission for the first year that the law is in force; the commission may extend this period further. The F.A.T.F. recommendations require sanctions for failure to comply with the requirements to be effective, proportionate and dissuasive. The law, therefore, introduces a range of graded penalties and offences. The registrar may also strike entities from the register for failing to comply

with certain provisions of the law. For the first time the commission will be able to display information back to entities by their nominated person. This will be of huge benefit to users and will reduce the time and cost associated with key information. Significant work has gone into ensuring the integrity of the register. The law will allow Jersey to modernise its registry and to comply with international standards. I, therefore, propose the principles.

The Deputy Bailiff:

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

8.1.1 Deputy K.F. Morel:

I just wanted to start by thanking the Assistant Minister and the department for providing my Scrutiny Panel with a briefing on this law and by responding to our concerns. I direct Members to the comments paper that we have lodged, which I am sure will help them understand the law and understand our concerns which related to the inclusion of the Minister as someone who we provided with information. But following advice from the department we are satisfied that this only relates to the sanctions regime and the Minister does play an important function in maintaining that regime, so we were satisfied with that. I would also ask the Assistant Minister if he could respond by providing our Scrutiny Panel, all members now, with a timeline for him bringing back Article 27. I think it is quite important that we see as soon as possible what shape that Article will take, as it deals with bearer shares and nominee directors. I do feel we need to see what form they take as soon as possible, so in his response I really would appreciate a timeline for that. But as our comments paper suggests, just to assure Members that we have scrutinised this to our satisfaction and have no further concerns following the Article 9 being provided with the information that we needed.

The Deputy Bailiff:

Thank you. Does any other Members wish to speak on the principles? I call upon the Assistant Minister to reply. Forgive me, Deputy Young.

8.1.2 Deputy J.H. Young:

I just wanted to ask a question, I confess not keeping up to speed with all this detail but, having worked in the financial services industry, I am well aware of the issues about bearer shares and nominees and so on. Can I ask the Minister to respond? I understand from what Deputy Morel had to say that this issue is deferred for another day and that did surprise me, to be honest. I would like to hear a little bit more of why that is and also when that issue will all come back to us because obviously that has historically been seen as an area of potential weakness in terms of potential for money laundering through any entity structure, particularly obviously the complex ones. But I would just put that question out for the Minister.

The Deputy Bailiff:

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

8.1.3 The Connétable of St. Ouen:

I do not have a timeline for either Deputy Young or Deputy Morel but I think, as I am sure he has alluded to, the issue of bearer shares and nominee directors is a thorny one and we are working through the process to ...

The Deputy Bailiff:

Assistant Minister, you have become very muffled in your reply.

The Connétable of St. Ouen:

Sorry. Can you hear me more clearly now, Sir?

The Deputy Bailiff:

That is better, yes.

[15:15]

The Connétable of St. Ouen:

Yes, as I was saying, I do not have a timeline for the return to the Assembly for those 2 items, as I am sure both Deputy Morel and Deputy Young will understand. They are particularly difficult issues and it is important for us as a jurisdiction that we get these issues right. But I can assure you that we are working on it and I will circulate to all Members a date when they will be brought back to the Assembly. Other than that, I do not have any other comments to make, so I make the Proposition and ask for the *appel*.

The Deputy Bailiff:

Thank you. I ask the Greffier to add a vote into the chat channel of this meeting. The vote is now open and I ask Members to cast their votes. If all Members have had the opportunity of casting their votes, either on the link or through the chat channel ...

The Connétable of St. Ouen:

Sir, rather amusingly my system has thrown me out, obviously because I was making the Proposition it must have a gremlin and saw I was speaking. Can I raise my vote as *pour*, please?

The Deputy Bailiff:

Yes. I now ask the Greffier to close the voting. The principles have been adopted unanimously.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy 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 M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy Morel, even though we have seen your comments, I need to ask you if the Economic and International Affairs Scrutiny Panel wish to scrutinise this matter.

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

No, thank you, Sir.

The Deputy Bailiff:

Thank you. Very well, Minister, how do you wish to propose the Articles in Second Reading?

8.2 The Connétable of St. Ouen:

With the Assembly's consideration I would like to propose them *en bloc*, Sir.

The Deputy Bailiff:

With the exception of the Article you not moving.

The Connétable of St. Ouen:

Yes. I would like to just make a couple of comments about Article 27. As I have indicated before, the issue of nominee directors or sham directors is a particularly complicated area, made even more so by the Jersey ... were to recognise the concept of a nominee director, somebody acting on behalf of another without due regard for their duties as a director does not exist. The duties of a Jersey director cannot be abrogated. F.A.T.F. recommendation in preventing the misuse of nominee directors have been met in a number of ways and further consideration and consultation is required to ensure the right approach to the jurisdiction is adopted. Provision also introduces a prohibition on companies issuing bearer shares and permits the commission to maintain a record of disqualification of company directors. These requirements are necessary to meet the standards set out by F.A.T.F. and will be brought back in further regulation. I move the regulations *en bloc*.

The Deputy Bailiff:

Are the regulations seconded? **[Seconded]** Does any Member wish to speak on, forgive me, the Articles? If no Member wishes to speak on the Articles then I invite the Greffier to add a vote in the chat channel of the meeting. The Articles, with the exception of Article 27, are now being voted

upon, either *pour* or *contre*. The vote is open. If all Members have had the opportunity of voting, either on the chat or by way of the link, I ask the Greffier to close the voting.

The Connétable of St. Mary:

Constable of St. Mary, Sir, I still have a problem. I am back in on the system but cannot get on the link and cannot get on the chat. I would like to vote *pour*.

The Deputy Bailiff:

Thank you. I can announce that the Articles have been adopted unanimously. The vote was 43 in favour on the link, other votes recorded in the chat.

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 Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				

Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Assistant Minister, do you wish to propose the draft law in Third Reading?

8.3 The Connétable of St. Ouen:

I do, please, Sir, and if I can just make a couple of quick comments. Most particularly to direct my thanks to Deputy Morel and his Scrutiny Panel for their understanding and assistance in getting this law to this stage.

The Deputy Bailiff:

Are the Articles seconded in Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading? Accordingly I ask the Greffier to add a vote in the chat channel of this meeting. The vote is now open and I invite Members to cast their votes.

The Connétable of St. Mary:

Constable of St. Mary, I have the same problem, Sir, I vote *pour*.

The Deputy Bailiff:

Thank you. If all Members have had the opportunity of casting their votes, either on the link or in the chat, I ask the Greffier to close the voting.

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

Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy 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 M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Connétable of St. Ouen:

If I can just thank all Members for their support.

9. States of Jersey Development Company: Amendments to the Board of Directors and Articles of Association (P.70/2020)

The Deputy Bailiff:

The next matter on the agenda is the States of Jersey Development Company: Amendments to the Board of Directors and Articles of Association P.70, lodged by the Minister for Treasury and Resources and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - 1. To approve the following appointments and extensions under Article 21(b) of the States of Jersey Development Company Limited's Memorandum and Articles of Association - (a) to appoint Paul Masterton as Chairman of the company with effect from approval by the States Assembly, in accordance with the Memorandum and Articles of Association, to take effect from the delivery to the company of the notice referred to in paragraph (e) below; (b) to extend the term of office of Paul Masterton as a non-executive director until 20th December 2023 in accordance with the Memorandum and Articles of Association, to take effect from the delivery to the company of the notice referred to in paragraph (e) below; (c) to extend the term of office of Ann Santry as a non-executive director until 20th December 2022 in accordance with the Memorandum and Articles of Association, to take effect from the delivery to the company of the notice referred to in paragraph (e) below; (d) to appoint Nick Winsor as a non-executive director of the company with effect from approval by the States Assembly, in accordance with the Memorandum and Articles of Association, to take effect from the delivery to the company of the notice referred to in paragraph (e) below; (e) to authorise the Greffier of the States for and on behalf of the States of Jersey to deliver a notice to the States of Jersey Development Company Limited in accordance with Article 21(b) of the Memorandum and Articles of Association to give effect to such appointments and extensions. 2. To approve the passing of a special resolution of the company to amend Articles 23 and 29 of the Articles of Association of the company to provide that directors may serve for a period up to 3 years and that the number of directors shall be a minimum of 3 States appointees and a maximum of 5 States appointees and to authorise the Greffier of the States for and on behalf of the States to deliver a notice to the States of Jersey Development Company Limited in

accordance with Article 21(b) of the Memorandum and Articles of Association to give effect to such special resolution.

Deputy S.J. Pinel (The Minister for Treasury and Resources):

I would ask that the Assistant Minister, Deputy Ash, will act as *rapporteur* for this Proposition.

9.1 Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - *rapporteur*):

The States of Jersey Development Company was established, as Members will be aware, through a Proposition approved by this Assembly in October 2010. I checked the Hansard for the vote on that day, it is 25 *pour*; 22 *contre* and 2 abstentions, so it is fair to say that opinion was clearly divided on the matter and it is probably also fair to say that opinion has remained divided for many years since. But some 10 years down the road this Island now benefits from 2 extremely high quality office buildings in the International Finance Centre and an outstanding conversion of the old Jersey College for Girls site which includes 40 units provided to Jersey Homes Trust and 40 units available to first-time buyers in perpetuity. Over and above this since 2012 S.o.J.D.C. (States of Jersey Development Company) have contributed almost £9 million in dividends through cash and asset transfers, completed over £3 million of public infrastructure improvements and retain additional funds for future public infrastructure projects. Today I stand to recommend to the Assembly a number of proposals with respect to the States of Jersey Development Company that will safeguard the continued successful operations of the company and facilitate succession planning for the board. The proposals are to appoint Mr. Paul Masterton as Chairman, extend the terms of office of Mr. Masterton and Mrs. Ann Santry, as non-executive directors, appoint Mr. Nick Winsor as a non-executive director of the company and finally to approve a special resolution to amend the Articles of Association. Taking these proposals in turn, Mrs. Nicola Palios' term of office as Chair and a non-executive director ended on 19th June 2020. It is imperative that her replacement is appointed to ensure continued operations of the company. I would like to take this opportunity to place on record my thanks and appreciation to Mrs. Palios for the excellent job she undertook as Chair. The company undertook a recruitment search process for a replacement Chair and a new non-executive director with the assistance of a leading external search engagement and the Jersey Appointments Commission were consulted at every stage. Ultimately, though, the recruitment process for a replacement Chair proved unsuccessful and the recommendation is therefore that Mr. Masterton is appointed. This is supported by the Jersey Appointments Commission. Mr. Masterton was first appointed to the board on 12th July 2012 and he has been the senior independent director for the past 3 years. Mr. Masterton is currently the Chair of governors at Highlands College and until recently was the interim Chair of C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) now, of course, known as the J.C.R.A. (Jersey Competition Regulatory Authority). As part of this recommendation there was a requirement for Mr. Masterton to step down from his role as Chair of the Jersey Competition Regulatory Authority; Members will have hopefully noted the publication of R.57/2020 by the Chief Minister announcing the appointment of a new Chair to the J.C.R.A. with effect from 1st July. This Assembly has on 2 separate occasions approved Mr. Masterton's appointment as a non-executive director of the S.o.J.D.C. Board and I hope that Members will continue to support him through agreeing this appointment too. I would like to commend Mr. Masterton for his excellent work to date and I am confident that his determination, commitment and experience will continue to benefit the company throughout the period of Chairmanship. All Members will have seen his extensive C.V. (curriculum vitae), the skills and attributes he brings to this role are clear. The second Proposition is to extend the terms of office of both Mr. Masterton and Mrs. Santry beyond the usual 9-year period. It should be noted that the Proposition is to extend the period up to a maximum of 2½ years for Mr. Masterton and 18 months for Ms. Santry respectively to facilitate succession planning the recruitment of further directors in the future. I know there will be Members who are uncomfortable with this element of the Proposition and I am very cognisant of

the provisions of the U.K. Corporate Governance Code requirements that ordinarily encourage maximum terms of 9 years for non-executive directors. However, the code also provides that to facilitate effective succession planning and the development of a diverse board this period can be extended for a limited time. It is for these very reasons that I am recommending the limited extensions at this time.

[15:30]

With this change of leadership at the top of the board I believe it is imperative that there is continuity with the remainder of the non-executive team and, as such, the extensions of the terms of office of Mr. Masterton and Mrs. Santry. This will assist with maintaining stability of leadership for the company's executive directors and, indeed, the staff at a time when the company is considering several projects, including the regeneration of south-west St. Helier and the waterfront area. I have touched on Mr. Masterton's experience in my opening remarks. Mrs. Santry was first appointed to the board on 29th May 2012 and has served as the ministerial appointee, that is the non-executive director appointed to represent the Minister's interests since that date. Ms. Santry currently serves as board member and chief executive of Sovereign Housing Association, a position she has held since 1999. The association is the twelfth largest housing association in the U.K. with a turnover of £170 million. Under Mrs. Santry's leadership the association owns and manages 33,000 homes across over 60 local authorities. S.o.J.D.C. has been fortunate to benefit from Mrs. Santry's extensive experience and the extension of her term of office will ensure the company continues to benefit from that experience and the strong set of skills and commitment she brings to the role. The third proposal is to appoint Mr. Nick Winsor as a non-executive director. Mr. Winsor has a strong background, experience and the qualifications for the required role; brief details of these are contained in his biography attached to this Proposition. In addition, local expertise and local knowledge is important. I believe we have it here with Mr. Winsor. The States Assembly in adopting P.73/2010 approved the current Memorandum and Articles of Association of the company. One of the requirements of those Articles is that non-executive directors shall be appointed for fixed periods of 3 years' duration. I am sure that at the time this clause was well-intended but it is a contributing factor in having to ask for the extension of board terms for both Mr. Masterton and Mrs. Santry. In order to provide the board with greater flexibility and succession planning, the final proposal is that minor changes to the Articles of Association of the company are adopted. As well as the fixed term, which I have already referred to, the number of non-executive directors is set at 5. The proposed special resolution amends the Articles such that non-executive directors serve up to 3-year terms and the minimum number of non-executive directors is set at 5 with a maximum of 7. These minor Amendments to Articles 23 and 29 will allow the company to appoint non-executive directors for shorter periods, thus providing greater flexibility for succession planning in the future. It will also allow for overlapping periods between departing and newly appointed non-executive directors which gives the opportunity to pass on experience and knowledge. I am confident that these proposals will contribute to the continued success of S.o.J.D.C. It is not anticipated that the maximum of 7 non-executive directors will be required in the immediate future but it provides the board with greater flexibility. The board will still consist of an outstanding mix of both local and off-Island experience in order to ensure that the complex local environment is well understood and represented at the strategic level, alongside the skills required to run a company focusing on the redevelopment and regeneration of the Island. I make the Proposition.

The Deputy Bailiff:

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

9.1.1 Senator K.L. Moore:

I will be brief and simply point Members to our comments paper which highlights some of the positive aspects that the Assistant Minister has identified in his speech. I thank him for remarking

particularly on the importance of corporate governance. But we did have to register our disappointment at what is becoming somewhat of a theme in terms of the lack of preparation and forward planning for succession planning and also that of diversity. I would ask the Chief Minister to address the points that we raise in our comments paper in relation to both the issues of diversity and succession planning in the wider sense of the arm's length and government-associated bodies, please. In making those comments I make no reference to the individuals who are all known to us as States Members and are of high calibre. It is also important to note that there is an improvement in the Memorandum of Association as the Assistant Minister has pointed out in terms of offering an increased number of non-executive directors to this board, which we welcome.

9.1.2 Deputy D. Johnson of St. Mary:

First of all, I shall be supporting the Proposition but I thought it appropriate to make one or 2 observations as to governance aspects. Senator Moore has quite properly referred to the comments paper issued by the Corporate Services Scrutiny Panel and I note that in paragraph 2 of that note she concludes that the circumstances were such that it demonstrated to the panel that the S.o.J.D.C. have not been prioritising diversity and succession planning for a number of consecutive years. I respectfully suggest that that mild rebuke should perhaps encompass also the Minister for Treasury and Resources or her department. That department is, after all, charged with the shareholder function, not only of S.o.J.D.C. but other States-owned companies and I would have supposed that in the lead up to any expiry of appointment of directors the department itself would have been vigorous and active in taking matters forward. It appears that has not been the case and in his reply perhaps the Assistant Minister for Treasury and Resources could advise whether his department still have not yet got the additional resources which were promised to be given to the department at the time of, for instance, the incorporation of Ports of Jersey. My second point is this ... again I repeat, I shall be supporting the Proposition and I make no comment on the calibre of the directors concerned. But it is to be noted that the future Chair was previously Chairman of C.I.C.R.A. and in fact it was necessary to poach him from there to enable him to take up this appointment for S.o.J.D.C. This does highlight the point previously made that we appear to have a very small pool of available individuals from whom we make these appointments and I had understood that at one stage the Minister for Treasury and Resources or her department were going to put in hand, perhaps on an informal basis, the preparation of a register of those who might take up such offices in the future. It appears this was not in place certainly at this stage and I would invite the Assistant Minister for Treasury and Resources to advise if I am correct in that and what progress has been made in relation to such a pool.

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

I would like to just refer to a previous appointment which we were discussing, I think it must have been in February or March before the crisis hit, and at that time I proposed a reference back of that particular appointment and the information that I requested was things along the lines of diversity information on the board in terms of the current board members so that we could get a picture of what the current board looks like and also diversity information on the proposed board members. Of course some of these things have fallen by the wayside because we have had an emergency but I think now we do need to start looking at these things again. I understand that the Jersey Appointments Commission was involved in this appointment and I want to be clear that what I am asking for is information that goes beyond that process because that is what I feel I need to make an informed decision. I do not feel comfortable voting for appointments without this information so I feel the only choice left to me is either a reference back or to vote against and that is something that I will be applying from today and in the future to send a clear message that this diversity information is important and it is needed. The Assistant Minister mentioned working on the diversity of the board so when he sums up I would like him to outline exactly what actions will be taken. Will there be any targets to work towards so that we can get the best and most diverse candidates, and what would these targets be? Finally, I wanted to remind the Assembly that we voted for the diversity forum in

conjunction with government officers, as is the plan, to take on a workstream in this area to improve the diversity of boards for States-owned entities. This is work that is going to be led by Deputy Maçon. I see that he is speaking next. I would urge the Assistant Minister to have a discussion with Deputy Maçon and with the diversity forum about this because there is a lot to be done in this area and I am not seeing ... the Assistant Minister has mentioned diversity but we need to take concrete actions towards making this a priority and not just to talk about it. I welcome the Assistant Minister's comments on what I have said and I am interested to hear what Deputy Maçon has to say next as well. Thank you.

9.1.4 Deputy J.M. Maçon:

Without my Proposition before me, I think there was a request that the Council of Ministers should look at the viability, or something along those lines, of ... now what was it? Associate directorship members for these types of bodies. So effectively trainee positions because we have not been here ... I mean, we have been here before where we have struggled to find people and if it is difficult to find the pool of people what we then need to do is create the pathways in order to have that bigger pool to draw from in the first place in order to get people there. I wonder if the Assistant Minister in his summing up is able to give an update about whether any of that work has been done because we are changing the Memoranda of Understanding and whether this is an opportunity lost in establishing those types of associate directorship positions. I thank Deputy Doublet for her words. The States did agree a certain amount of things, other things which are, of course, developing workstreams which we want to look at and due to the crisis we have not been able to progress them. I wonder whether the Assistant Minister is able to comment on any of the points which I raise. I appreciate the situation about this particular appointment but we do need to have those pathways to develop more people just to apply in the first place. Thank you.

9.1.5 Senator T.A. Vallois:

Firstly, I just want to offer my thanks to all those that have served on the S.o.J.D.C. over the years and also all other boards that we have in terms of supporting us in our endeavours to provide public service. However, I do have to ask the question ... I recognise the comments that the Assistant Minister and the Minister for Treasury and Resources have made in the Proposition with the reasons as to the extension they are requesting but I have to question why until December 2023 and why until December 2022 and what will happen during that period to make the necessary changes that may or may not be expected? I have concerns about extending beyond 9 years and it is not in any way a personal issue, it is purely because this has been something that we have tried to grapple with for many years across all different boards and requirements as we expect in terms of governance in the States.

[15:45]

I have to ask the question, and I would really like an answer, about the expectation for succession planning and the possibility of amalgamating our boards that serve to support the public service in these arm's length organisations and whether, if anything, the Assistant Minister for Treasury and Resources had comments from the Jersey Appointments Commission and why they were not applied to the comments section of this Proposition to give us some indication from them as to why they were happy to move away from the particular guidelines, which is very clear and accessible, in terms of our governance requirements. If we step into the process of manoeuvring beyond a 9-year process for this particular board, it may set a precedent for us allowing it for other areas. I think there is a concern and that is why I want to understand from the Assistant Minister why we are looking to extend to these specific dates which are requested within the Proposition. Thank you.

9.1.6 Deputy R.J. Ward:

I believe we are speaking on the principles and so I would like to talk about a very key principle around this. First of all, looking at the papers that we were given - and this is nothing personal because all we have is a very short biography from these individuals so we cannot really judge these individuals in any way - the non-executive posts are 15 days per year and working out the salary of £22,000 on an average working day of 9 hours, there is a rather good rate of £169 per hour. Indeed if you take the 5 non-executive posts, that is £110,000 a year, 7 non-executive posts are £154,000 a year, and if you were to amalgamate those into one full-time post, it is around £380,000 a year for that post, which is an extraordinary salary for something which, to be quite frank, we have very little information as to what the job entails. Remember this is a States-owned company. I think it would be very interesting and perhaps necessary to include in the papers that come to the Assembly a description of what is entailed in the job for such very high salaries and for such expense, particularly when, as I say, this is a States-owned company. We have had a very select judgment on the success of the Jersey Development Company. The waterfront includes what I would refer to as the perversity of lockup and leave properties, which are out of the reach of most Islanders and indeed inflate house prices, and that is on States-owned land, given permission to build by a States-owned company. I think we need to have a much wider and more general perspective on these vacancies, on the structure that is there and on the measure of success. I am not so sure that we have enough information here and I would absolutely agree with all the comments made about diversity. We have had this before, we come back to it again and again but it seems to not matter. I think it is time for a genuine rethink on the structure of these companies and what is necessary, particularly at a time when we are looking to save money. I will point out that the money lost through not increasing the rates of £390,000 will just about pay for these non-executive posts. Perhaps sometimes putting the figures there gives a perspective to us all.

9.1.7 Senator S.C. Ferguson:

Yes, it seems to me that one of the problems with S.o.J.D.C. and one of the reasons why people are a little sceptical about them is that they have been allowed by the Treasury to follow their own path and there has been insufficient supervision. We have just had a report by the Comptroller and Auditor General saying that the Remuneration Committee should be looked at, which follows on from what Deputy Ward has been saying. Another thing is that the profit that has been estimated on the building that was sold was estimated about £11 million and in actual fact if it had been estimated correctly it is only £7 million. I would like the directors, if we pass this, to consider how much of the bonus which is attributed to the profit will be repaid to the States or repaid to the company and then can be paid to the States in dividends. The P.A.C. (Public Accounts Committee) agree with the Comptroller and Auditor General that there should be an Asset Management Committee which effectively covers all the States-owned companies which have large amounts of property. They are being too slow in setting it up and, as I say, it results from a wholly-owned subsidiary which, for example, has ignored the original development plan. The C. and A.G. (Comptroller and Auditor General) will be giving a follow-up report and I hope that the directors will take notice of it. I hope that the directors eventually confirmed or appointed or whatever should work more closely with the Treasury and take notice of the C. and A.G.'s report and apply them because at the moment, as others have said, the lack of information about what goes on in the company, apart from what is winkled out by the Auditor General, is not what it should be. This is a company which is a wholly-owned subsidiary of the States in which case you can consider that it is a company owned by the taxpayer, not the States, the taxpayer. To have things for them ... plans that were made ignored is quite wrong. I hope that both the Treasury and these directors will take note of the reports.

9.1.8 Deputy J.H. Young:

I was not planning to speak, this has rather taken me by surprise but I have had quite longstanding anxieties about the way in which the States and the S.o.J.D.C. is set up and works. They are very longstanding. It is disappointing that we do appear again to be in a situation where we are, if you

like, by force majeure really of events because things have just carried on that we are just asked to vote for, if you like, the continuation of the current situation. That troubles me. I am very pleased that we have a new director onboard because that indicates a change and I am absolutely sure that the people that have served are excellent in their own right and I thank them for it. But I think there are a number of bigger issues at stake here. One of which I think is the issue that both Deputy Ward and Senator Ferguson referred to, is the desperate need to link the operations as a company into the strategic business plans of the States so that what we have is a better framework of direction of the use of which, in this case, public land is made. Of course we have had the situation in that degree where we have had a concentration on high value, buy-to-let flats, which I am quite clear has contributed to some of the price escalation that has happened for residents and for what? For a bottom line. I think it is probably correct that that is probably as much the fault of Government for failing to give direction. But I think that points to the need to have a review of the 2010 structure. That was certainly a pre-election commitment of mine and I am disappointed it has not happened. The other issue, of course, is the need to have change because ... with new people. Of course, for many, many years we have been in this general position, and I am pleased that Deputy Maçon is working on this, to try to extend the breadth of people that we can attract into these roles. There is a view that it is very often the same individuals which are invited to join the same of these various roles, which are of vital public importance. I think given the fact that the waterfront is a key community asset, I would almost like to see somebody from the community in that board to try and balance things out as well. Now, the remuneration is troubling as well but I want to make clear my remarks are nothing ... there is no criticism of the individuals involved, I think they are excellent. A big responsibility is on the States that we have not delivered what I have just described and so I do not feel that I can vote against this but I do not feel I can support it because of my reservations so I think as I did last time this issue came up, I think I am going to have to record an abstention. Thank you.

9.1.9 The Connétable of St. Brelade:

I would also ask the Assistant Minister when he responds whether Mrs. Santry or Mr. Winsor are locally resident and thus familiar with Jersey and its requirements. The recent difficulty with transportation to the Island emphasises this point and we have all experienced the shortcomings of virtual meetings. Secondly, I wonder whether those proposed may be somewhat over-qualified for the position given that I note in the latest news from S.o.J.D.C. tenders are being invited for an ice cream concession.

9.1.10 Deputy I. Gardiner of St. Helier:

I was reading through the report and I would like the Assistant Minister in his summing up to clarify a point that I would like to raise. It has been a full recruitment process with extensive and targeted search and included both local and national advertising. We had 2 candidates who have the relevant skills and at the last moment the board decided that the company needed stability in the governance and decided to rule those candidates out. I realise we had COVID but it does not mean that it should be extended for 2 years if you had 2 new candidates and after spending money on the recruitment process. I think this should have been sought before the recruitment process was initiated. I would like to clarify from my perspective this balance.

9.1.11 The Deputy of St. Peter:

I am somewhat bemused by this because if I have read the Proposition correctly we are asking who we would like to represent the Island on the board of the J.D.C. Every person so far has spoken very highly of those people we are asking to remain and from what I understand the new person being asked to join is of high quality. We are not being asked today to determine what the corporate objectives are, we are not being asked today to discuss their remuneration, so I can just ask the Members to be focused on the subject at hand, which is who we are asking to represent us. Thank you.

9.1.12 Deputy K.F. Morel:

It is interesting ... given that I am following the Deputy of St. Peter I will speak to his comments first. I will be focusing on the Proposition in front of us because the Proposition in front of us shows a failure of corporate governance by the shareholder representative. That failure of corporate governance is a failure to see, in advance, that there was a succession issue at the States of Jersey Development Company. In those terms I think it is time that the Assistant Minister, who has delegated responsibility for being shareholder representative, perhaps stopped campaigning so much for lower alcohol pricing and concentrated on the job in hand, which over the last 2 years there has been no doubt, time and again, myself and plenty of other States Members, many who have spoken today, have said that these appointments are not appropriate.

[16:00]

Sorry, the method of these appointments are not appropriate and that we want to see proper standards of corporate governance and we want to see a proper pool of people from which these positions are taken. Today, though, because we have spoken about diversity, I will focus on corporate governance. In fact, the fact that this Assembly is being asked to extend the term of office to 12 years of directors of this company is utterly inappropriate. It is shambolic and it suggests that the shareholder representative function in Treasury is not operating properly. It is that simple. You may notice from my tone that I am quite incensed by this because we, again, have said it time and again that it was time to get this house in order. But, unfortunately, under this Assistant Minister for Treasury and Resources nothing has changed. So I do have to ask, can we any longer have confidence in this function and in the Ministers responsible for this function. There are simple reasons why you do not extend the term of office beyond 9 years. It is because, number one, directors become comfortable, they become too at home in those positions and so they start to question the decisions of the executive management properly. That is absolutely the kind of lowest risk but it is an extremely important risk. At the other end, and I do not suggest that anybody involved in S.o.J.D.C. currently or the past is involved in this way, but at the other end you do not do it, you do not extend terms of office beyond that sort of length of time because it can lead to an atmosphere in which corruption is possible. These are such important matters that to hear the Assistant Minister for Treasury and Resources just sit there and say it is all fine, it has been supported by the Jersey Appointments Commission, is just astounding and really does suggest that he is not doing his job properly. He is not being the first line of scrutiny, which in my view Ministers are and they should be the first line of scrutiny. Whether it is failing to spot very basic errors in the economic case for the Blue Islands loan or it is failing to see that there are succession problems looking ahead at the S.o.J.D.C. board, the Treasury team are clearly not on it and not doing their job. There is a culture in Jersey that is not appropriate with regard to these boards. There is a culture where the same people go round and round and round and we cannot have this any longer. Standard corporate governance guidelines tell us that 9 years is the longest that any non-executive director should be appointed. In fact 6 years should be the maximum, is the maximum that people recommend, but 9 years at a push. So to hear 12 I believe is outrageous. I understand that the people being asked to serve are being asked to serve and they do so willingly and with the best of intentions but the trouble is we can no longer believe that Jersey is being served properly. There is an issue because it has happened before. With Digital Jersey we had a period where the executive Chairman was, in fact, one of the people being appointed today with S.o.J.D.C. That, again, the position of executive Chairman was in contravention of standard corporate governance guidelines because the Chairman and the C.E.O. (chief executive officer) should be separated. That did not happen. I cannot possibly support this and I ask other States Members to really look and really ask themselves is Jersey being served best by this failure to demand better from the companies that the States of Jersey own and demand better on half of Islanders because we know that they deserve better than this. They deserve the highest standards of corporate governance. We have seen in the comments paper that the Jersey Appointments Commission has signed things off. I would suggest that the Jersey Appointments Commission is left with no particular position to be in.

It acquiesces. I question what is happening with the Jersey Appointments Commission when it does not hold these people to account in this way. Hold the ministerial team to account in this way. I have to ask myself what we can do when the Chief Minister is saying that we must not do these automatic reappointments and yet here we are within months doing automatic reappointments. I ask other Members to vote against this Proposition. Again, not in any way because of the individuals being asked to be reappointed but solely because of the failure of the ministerial team to get to grips with the standards of governance that we expect from the companies that we own. I will not be supporting this and I ask other Members to vote against it as well. Thank you.

9.1.13 Deputy M. Tadier:

First of all to address the comments that Deputy Huelin made. We are not simply here to appoint some members to the board, we are being asked to extend the terms of certain members in the Proposition, which is above and beyond what we would normally be asked to do because of the 9-year period. So it is right that we discuss the actual principles and discuss the merits of departing from that long-established guidance that S.o.J.D.C. and other boards have got in place. The first thing, looking at the website, to echo some of the comments of the Scrutiny Panel, is just how white the board looks, they are all wearing suits and ties, obviously Mrs. Santry is not. They are there on behalf of the people of Jersey to develop a prime site of land. Let us look at the record, because we are always told that we need stability but maybe some people would welcome a little bit of instability in terms of giving the S.o.J.D.C. a good shake up. In reality what has stability given us over the last few years in terms of the waterfront. We have a generic cinema, we have a generic swimming pool which replaced a much more successful swimming pool. We have some generic restaurants and now we have gifted probably the most expensive piece of land in Jersey to the company, because of course it is reclaimed land and the sheer cost that was figured in that reclamation of the land was not figured in when the buildings were sold. We have given them a piece of land and they have built some offices on there. So what, I would say. Anybody can build offices on blank pieces of land. What I would like to ask is where is the imagination and where are the board members who are going to show the imagination as to what Jersey's waterfront could be? Building some office blocks in a town and, as I have said, some generic buildings which can exist in any U.K. medium-sized town is not imaginative and it is hardly Cardiff Bay or Liverpool, is it? I want to ask the Minister for Treasury and Resources, when will we be appointing a diverse range of members to the board, not simply who tick the boxes of the requisite fund management or relevant companies that make them look good on paper, but perhaps bring some cultural or some perspective as to what the Jersey people and the tourists who visit the Island want to see on our waterfront and what it could be. The risk is when you put a group of ... and I am not criticising them personally, they should know that, I have met one of them and I am sure they are all great individuals and the one I know is certainly very competent in his particular field. But when you put a group of people like this, who are not particularly diverse - and as the Scrutiny Panel have said they are not a diverse group - you get strange decisions being made like choosing to twin that particular piece of land with another town which has been named after a prolific slave trader in the stolen lands of New Jersey, which were given to a royalist slave trader also. So you get very strange decisions happening and, of course, the diverse voices that need to be represented in our community do not get represented and that translates into the physical landscape that ends up being built there. Of course the second part is, and I think Deputy Morel figured into this already, that if we continue to allow any of our politicians who oversee these various boards to continue to not engage in proper succession planning and not to appoint in a diverse way then we are enabling that to continue. We become enablers as a States Assembly and I have absolutely no doubt this will get rubberstamped today because that is the job of the States Assembly. The whole system we have, the conservative set up that returns the same conservative Members, preferably without elections is set up to rubberstamp this kind of nonsense and this kind of power base to continue, but certainly it is not going to continue ... I am not going to buy into that and if I am to be constructive, I would like the Assistant Minister for Treasury and Resources to outline when

he thinks we are going to get those board members, a diverse range of board members from a diverse range of backgrounds, who can bring something new and vibrant to the table to give our Islanders the kind of waterfront development that they deserve.

9.1.14 Deputy G.P. Southern:

I will just speak briefly. I was most impressed by Deputy Morel's contribution and it seems to me that when Deputy Ash read out the vote at the beginning of this debate, the last vote, it made me think: "I think we had a nearly identical debate last time." In 3 years we have not learnt the lesson. This is not necessarily rubberstamping, I think I, for one, will be responding to Deputy Morel's call to vote this out, to vote this down.

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

I had no intention of speaking this afternoon but I am pleased to follow several of the speakers and I just want to know whether the Assistant Minister for Treasury and Resources has listened to the Assembly. We keep having these votes over and over again and we keep saying that there is no diversity and they need to extend to other people to join and he just does not seem to listen at all. I am not criticising anyone personally but I cannot vote for this. You cannot just extend a term to 12 years, that is handing over £250,000 or 180 days' work. I cannot vote for this. It is another example of lazy discrimination and sexism. It is a total failure of corporate governance. I would urge other Members not to vote for this or to refer it back. Thank you.

9.1.16 Deputy C.F. Labey of Grouville:

I would just like to ask a couple of things. That is why the Assistant Minister for Treasury and Resources has not given us the entire board here so that we can truly see the diversity on it and make our own minds up. Also there seems to be so much disparity in the amounts some directors, board members, commissioners are paid. I brought my Proposition to this Assembly, I think it was last time, for the appointment of my Vice-Chair on Jersey Overseas Aid. My non-States commissioners are not paid a penny. I am at a loss to try to work out why some directors, some board members are paid quite extraordinary sums yet others give their time for nothing. This is an issue that clearly needs looking at so I would welcome the Assistant Minister for Treasury and Resources' response when he sums up. Thank you.

9.1.17 Deputy M.R. Higgins:

Like others I was not going to speak on this one but I have been impressed with a number of the speeches that have been made by my colleagues this afternoon. Again, going back to the original vote that Deputy Ash mentioned at the beginning, many of the Members who were in the States at that time were very unhappy with the States of Jersey Development Company.

[16:15]

We have not only had concerns with the board but also with the officers about bonuses, salaries and so on. I think it is time that the States does take a stand on this one and I am inclined to vote against. What I would do is ask the Scrutiny Liaison Panel if they would be prepared to set up a panel to look specifically at the Jersey Development Company and address many of these issues and to come back and inform the States on it.

The Deputy Bailiff:

Does any other Member wish to speak on this Proposition? If no other Member wishes to speak I invite the Assistant Minister ... Senator Moore, you have spoken already.

Senator K.L. Moore:

I have, Sir, but I would just like to raise the point that the Chief Minister has not addressed the question I asked of him in my speech. He is yet to speak.

The Deputy Bailiff:

That is a matter for him, I think.

Senator K.L. Moore:

Could I propose a reference back? I think following the tone of the speeches we have just had it might be the moment for the Assembly to consider sending this back to the Treasury?

The Deputy Bailiff:

You wish to propose a reference back. Is that seconded? **[Seconded]** We need to be clear, Senator Moore, the basis upon which you are asking the Assembly to refer this matter back. What precisely are the grounds? Under Standing Order 83: "A Member of the States may propose without notice during the debate on a Proposition that the Proposition be referred back in order that (a) further information relating to the Proposition can be provided to the States or (b) any ambiguity or inconsistency in information relating to the Proposition which has already been provided to the States be clarified." We need to know with some precision on what basis you are inviting the Assembly to refer this back.

Senator K.L. Moore:

I thank you for reminding me of the exact rules in this situation. Given the scrutiny that we have heard, I think we shall just have to move to the vote and see what Members decide because in this particular case I do not think there is further clarity needed. I think the tone of the Assembly is simply that they wish the Treasury to have a complete rethink of this position.

The Deputy Bailiff:

So you are withdrawing your Proposition for a reference back?

Senator K.L. Moore:

I shall, thank you, Sir.

The Deputy Bailiff:

Accordingly, unless any Member wishes to speak, I will call upon the Assistant Minister to reply. Deputy Ash.

9.1.18 Deputy L.B.E. Ash:

There was a considerable amount of questions there and comment. I may well have to put some of them together because I cannot go through them all. With reference to Senator Moore, who was critical of the succession planning, and I do take that on board in this case, although what I would say, in fairness to the board of S.o.J.D.C., they did undergo the process. In answering Deputy Gardiner's question that they did have 2 people and both of them withdrew from the ... I was going to say the competition, but from the application because they accepted posts elsewhere. We also had someone else who at the time we thought could have been - or the board thought could have been - very useful, but unfortunately they did not have sufficient local knowledge, in the board's opinion, for this particular role. When we now look towards what was said about the diversity, certainly S.o.J.D.C., the previous Chairman was a lady, Ann Santry is obviously a lady, so I do not think they are particularly non-diverse, but if I can answer some of those criticisms, it is important that the company does have the right experience and skillset on its board. The board is very focused on diversity and they are going to seek to rebalance the gender diversity on the board with the additional non-executive director. Another thing when people were querying of what we are doing and what measures are being taken, the board has also agreed - we put it to them and they have agreed - to participate in the board apprentice scheme. That is where a locally-based individual will shadow the board for a set period of time in order to gain insight and experience of how a board operates and

functions in practice. The idea obviously behind this programme is to grow new talent into the pool of local non-executive directors, so things are being done in that direction and we are really trying to do that. In answer to people who are saying what have we done, I know Deputy Morel and the Deputy of St. Mary raised what are we doing. The shareholder relationship now has the promised additional resource that I know the Deputy of St. Mary asked about and the team now meets regularly with the boards with each of the States-owned entities. In answer to Deputy Morel, what have I put in place, we have put in this additional resource, new M.O.U.s have been adopted with S.o.J.D.C. and other States-owned entities in 2020 which set out a formal calendar of meetings, flow of information requirements and agenda items for each shareholder update meetings, which include succession planning and remuneration. Coming back again to the succession planning for S.o.J.D.C., I think part of their problem here was that everybody arrived at the same time and thus everybody - not everybody, but a large majority of them - are leaving at the same time, hence why they are looking to adjust their Articles so that people can be on for one year, 2 years, 3 years and it should avoid that ever happening again. Senator Vallois asked why it has to be 2½ years. It does not, it is up to. Why that time? Because it is an extensive time: first, to recruit the person and then they have got to pass on that knowledge once they have done so, but it may well not be 2½ years, it is up to. With reference to Deputy Ward, who talked about remuneration for non-executive directors, these are the going rates. When he says: "You put it all together and if one person would be on this" but it is not one person. If we step away from S.o.J.D.C. and you look at someone, without being too centric on S.o.J.D.C., you look at the Chairman of Jersey Telecom. He had previously been the C.E.O. of Cable & Wireless. I think he is now on £50,000. Even if it is not for the hours that suit Deputy Ward, you are getting an absolute treasure trove of experience and knowledge there for that money. As long as you are getting the correct directors in place, you are getting really good knowledge. I am sorry if the going rate is too high for Deputy Ward, but that is just the nature of it. What else did we have? Yes, again I will come back, because it was quite a rant from Deputy Morel. I will come back to him on what have I done here. On my watch and as far as diversity is concerned, the new Chair of J.C.R.A. is a woman; Jersey Water is a woman; the new finance director at Andium is a woman. Now, I am not saying I have deliberately gone out to recruit them because I have not. I look for the best candidates and I have always said we have the best candidates. In those 3 instances, they have been the best candidates and that is great. As I say, we have got the board apprentice scheme, we have got a non-exec director, that we are looking to the additional ones to provide some sort of gender diversity. I think we are making tremendous strides in that direction, but we cannot have quotas and there has been no policy of quotas. If people wish to introduce a policy of quotas, that is obviously their prerogative, but as I see it at the moment, my job is to find the very best people for those roles, which I think we have done and we will continue to do so. With that, I move the Proposition.

The Deputy Bailiff:

There is a clarification point to be raised by Senator Vallois.

Senator T.A. Vallois:

Yes. I just wanted to ask the Assistant Minister to answer the question as to why the comments of the Jersey Appointments Commission were not shared within the comments. There was one specific question I asked and as I understood his response with regards to the reasons for extending to the periods they are requesting, there is no such answer that he can give that clarifies why we are having to do it to that extended length.

Deputy L.B.E. Ash:

I am afraid I do not have the actual information of the Jersey Appointments Commission and their exact wording of anything. All I know is they have been kept fully informed throughout this process, as one would expect. I found the suggestion that Dame Janet would be acquiescent in any way, that anybody who makes that does not know her.

The Deputy Bailiff:

The vote has been called for. In a moment, the Greffier will add a vote into the chat channel of this meeting. That has occurred. The vote is now open and I invite Members to cast their votes. Have all Members had the opportunity of voting? Greffier, I am reluctant to close the vote until there are 25 either way because it might be a close vote. Have all Members been able to vote either on the link or in the chat? All Members. How many votes have we got, Greffier?

The Deputy Greffier of the States:

I am just refreshing the page. We have got 42 responses now, 43.

The Deputy Bailiff:

So all Members have had the opportunity of voting either in the chat or on the link. In that case, I close the voting.

POUR: 23		CONTRE: 21		ABSTAIN: 1
Senator I.J. Gorst		Senator S.C. Ferguson		Deputy J.H. Young (B)
Senator L.J. Farnham		Senator T.A. Vallois		
Senator J.A.N. Le Fondré		Senator K.L. Moore		
Senator S.W. Pallett		Senator S.Y. Mézec		
Connétable of St. Helier		Connétable of St. Lawrence		
Connétable of St. Clement		Connétable of St. Saviour		
Connétable of St. Brelade		Connétable of St. Peter		
Connétable of Trinity		Connétable of St. Martin		
Connétable of St. Ouen		Deputy G.P. Southern (H)		
Deputy J.A. Martin (H)		Deputy of Grouville		
Deputy K.C. Lewis (S)		Deputy M. Tadier (B)		
Deputy J.M. Maçon (S)		Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		Deputy L.M.C. Doublet (S)		
Deputy of St. Martin		Deputy R. Labey (H)		
Deputy of St. Ouen		Deputy K.F. Morel (L)		
Deputy S.M. Wickenden (H)		Deputy of St. John		
Deputy of St. Mary		Deputy M.R. Le Hegarat (H)		
Deputy G.J. Truscott (B)		Deputy R.J. Ward (H)		
Deputy L.B.E. Ash (C)		Deputy C.S. Alves (H)		
Deputy G.C.U. Guida (L)		Deputy K.G. Pamplin (S)		
Deputy of St. Peter		Deputy I. Gardiner (H)		
Deputy of Trinity				
Deputy S.M. Ahier (H)				

[16:30]

Deputy L.B.E. Ash:

If I could thank the Assembly for that vote. Thank you.

10. Variation to Lodging Period for the Government Plan lodged in 2020 (P.72/2020)**The Deputy Bailiff:**

The next item is Variation to Lodging Period for the Government Plan lodged in 2020, P.72, lodged by the Chief Minister and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion - that, notwithstanding the provisions of Standing Order 26(4A), a minimum lodging period of 9 weeks shall apply to the Government Plan lodged in 2020.

Senator J.A.N. Le Fondré:

Hold on one second. Can you hear me, Sir?

The Deputy Bailiff:

Yes, but you are a bit echoey, Chief Minister.

Senator J.A.N. Le Fondré:

Let us just do that. Right, can you hear me, Sir?

The Deputy Bailiff:

That is better. Yes, fine.

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

Good, we are there. Apologies, we are having some sound problems here. I will have to go through the laptop because I think we have been muted there. What I was going to say is I will keep the video off for the moment, I think, given some quality issues we seem to be having. It is obviously with some regret I propose this motion because the Council of Ministers had fully intended to give Members a long period to review, scrutinise and assess this year's Government Plan, as we tried to do last year and to improve on that process, but that was before COVID. I know I do not need to restate to this Assembly the seismic impact the coronavirus pandemic has had on public health, on the global economy and on our Island. Within the Government, officers have redeployed, some projects have been delayed and priorities have changed. We have, rightly, mobilised every aspect of the Government towards tackling the crisis posed by coronavirus. As a result, the development of the Government Plan has been, regrettably, delayed. It has been unavoidable as we have prioritised safeguarding the health and well-being of Islanders and I still reiterate to get to the very good place we are in today, but it has also been impossible to bring the lodging of the Government Plan forward due to the significant financial upheaval which is also coming through this year. The scale of the work ahead of us is such that we would have been unable to have brought a complete Government Plan to the Assembly before the date proposed. I will say we had even considered delaying the debate until January but, as outlined in the report, that has quite severe consequences in itself. I am extremely grateful, and I mean that absolutely genuinely, for the understanding which has been displayed by Scrutiny and thank them for their continued engagement and support on this area. Members hopefully by now have seen the M.O.U. which was lodged as a report agreed between Government, the Council of Ministers and the Scrutiny Liaison Committee. This will, for example, facilitate monthly briefings by myself and weekly briefings by officers and in particular will facilitate early stakeholder engagement, as laid out in paragraph 1.4 in R.69. This has been an unprecedented year, not just for our Island, but for the world, and we have come a long way in our response to the crisis posed by COVID-19, but it is not yet over. We remain focused on monitoring the continued success of our policies, planning for the relaxation measures, supporting and communicating with local businesses and monitoring developments locally and overseas. I do hope the Assembly will join me in paying tribute to those working behind the scenes through this crisis to keep us all safe, secure and informed. Members will be aware that in many cases the same people, both within the Government and within Scrutiny, who have been essential to developing, delivering and assessing our emergency response are the very same officers now required to develop or scrutinise the Government Plan. In some cases, this additional work will be alongside their ongoing responsibilities to maintain our continuing measures to tackle COVID-19. The Government Plan Review Panel has been very understanding of these considerations and I am very grateful for their co-operation. A shortened lodging period will require additional work between the Government and Scrutiny Panels

to ensure the plan receives the proper assessment, appraisal and, where necessary, challenges as befits a financial document of this importance. This will only be achieved by working closely with Scrutiny as our critical friend. Ministers and officers will be closely liaising with Scrutiny throughout the development of the plan to ensure that Members are involved throughout the process. It is intended that first the Scrutiny briefings will begin in advance of the plan being lodged, which will further extend the 9-week period. I have also made a commitment to brief Scrutiny, as I have said, monthly and officers weekly. I do not want to go too long, as I am acutely aware we have a very long agenda still for the rest of this week, but I do just want to conclude by thanking Members for their patience and understanding and by thanking Scrutiny for their continued engagement. This plan is important and the Government takes very seriously the role of Scrutiny in reviewing the matters we put forward. Members need not be reminded that this has been an unprecedented year for our Island and I therefore do ask Members to support this Proposition and I thank them for their continued patience and engagement.

The Deputy Bailiff:

Thank you, and the Proposition has been seconded by Senator Farnham. **[Seconded]** Does any Member wish to speak on the Proposition?

10.1.1 Senator K.L. Moore:

Naturally the Scrutiny Panel is disappointed by this request to shorten the lodging period. We experienced a very high level of work last summer. It was extremely difficult, particularly as access to Ministers over the summer ...

The Deputy Bailiff:

You have suddenly gone quiet, Senator. You went quiet for about 5 seconds.

Senator K.L. Moore:

... appreciate the extraordinary circumstances that we find ourselves in. However, I would like to set a couple of cautionary threads at the outset of this process, which of course I do accept. I am mindful that for some years now there has been a financial transformation project going on within Government and that should and we are regularly told is providing enhanced access to accounting practices and better access to information, therefore it is important to note in some ways it can be seen to be surprising that Ministers do need this extra time to grapple with the recovery plan, as it is now known. Sorry, Sir. I think somebody has their speaker on.

The Deputy Bailiff:

Please continue, Senator Moore.

Senator K.L. Moore:

It is also evident that there is a lack of strategy from the Government as to how they are approaching the recovery plan. We have seen, as the Chief Minister has so regularly told us, the rebalancing paper which identifies everything that could possibly be on the table in terms of savings.

[16:45]

Yet as it is our role to offer advice, I would reiterate the importance of developing a strategy for coping and approaching this process to help the Government to identify how they are best going to drive forward a recovery plan that will provide a strong and exciting opportunity for the Island, because albeit the months and the response to coronavirus have caused devastating impact on both public and private finances, there is always opportunity in crisis. I would hope that the Government would have the good vision and good sense to employ a strategy at an early stage to progress this work in a timely and orderly fashion. There is little value in continuing for a prolonged period of time. We have obviously communicated with the Chief Minister over this process and we are grateful

for that. Regrettably, after some brief negotiation and a slight improvement of terms, it appears that there is no better option than to accept this Proposition before us.

10.1.2 Deputy R.J. Ward:

I just want to say a couple of things. I did have real reservations about this from the Scrutiny Liaison Committee, but I sort of understand the difficulties we face with COVID-19. I would reiterate the points that were made by the previous speaker and the caution expressed and I would agree with that. We have to be very cautious. I would urge Members, please remember that this is a minimum lodging period of 9 weeks and it would be good if the Government did not consider every minimum lodging period as the lodging period, so if there is any opportunity to do that beforehand, it should be worked on. I would like the Chief Minister to be very clear over the dates for the lodging period for Amendments. We have Teams now and we have access to all Members and their calendars and it would be very sensible if we sent calendar reminders of when Amendments would be due to the Government Plan and perhaps with a week or 2's notice given in those. They could go directly into calendars so that people know. I did suggest this in the last sitting over the change in question dates, but it did not happen in calendars. I think we need to be working on these smarter ways to communicate dates and deadlines so that they can be reached and we are inclusive of all Members of the Assembly during dates which can be very confusing and they can be very disjointed and we want to avoid that. I will also say that we need to be careful that as this COVID emergency continues that we do not extend this into future years, into future examples of Government Plans and this does not become the norm. I want the Chief Minister to really reiterate that this will not become the norm, that we will look to extend as long as possible the lodging period of Government Plans, which are yearly, because it is the best way to do it, it is the best way to give Scrutiny access and to give access to Members and to work on that plan itself. I think that is all I need to say at the moment, but I would really like those issues over dates, the use of the I.T. (information technology) that we have, the use of the communication that we have to be taken on board and acted upon.

10.1.3 Deputy K.G. Pamplin:

I only just want to speak briefly. I apologise to the Chief Minister if I missed him stating this, but in the report with the Proposition it states that the Council of Ministers will be seeking a requisition of an additional States sitting for the week of 14th December in accordance with Standing Order 5. At the moment, as it says in the report, the last States sitting is currently scheduled to be on 1st December, which then makes up this lodging period from 12th October to 14th December. I just want to hear more about that and when that will be lodged, because obviously that is quite late in the day. For a lot of people we do not know where we are going to be and I do not know where we are. We must be smashing records all over the place of how many extra meetings the Assembly is meeting this year and what pressures that obviously puts on all our staff, on Scrutiny officers and the government officers, so just to understand when the Chief Minister will be officially lodging that and as much advance notice as possible.

10.1.4 Senator T.A. Vallois:

I appreciate that this is an extremely difficult position to be in. We are all working to extremely tight deadlines and I am grateful to hear that albeit that we are in a position where Scrutiny in particular are having to find extra time to provide that extra support in terms of scrutinising the requisite Government Plan, and it is an extensive Government Plan, it is not a small feat, it is really important that the whole States Assembly understands the position we are with regards to expenditure and income. But I would just like to reassure and like to comment, because I am concerned with the comments I hear regularly from Members that Ministers are not co-ordinating or are not working with Scrutiny. This is directly to Deputy Ward as well. I regularly met with the panel with regards to COVID-19. I tried to provide them with regular updates and the information as required with regards to the work programme with regards to education. If there is anything more that we can do,

if there is anything that we are not doing, please explain and tell us what can be done better, because it gets to a point where you are trying to do everything you can. I have been on Scrutiny and I know how frustrating it can be. I know how much time pressure there is to fulfil your duty as a scrutineer to the public and to the Assembly. It is very, very difficult at times and I want to make sure that we are working together as an Assembly, as a Parliament, to do the best thing for our Island. The consistent criticism I completely get and I completely understand and I respect that, but if there is anything that we can do better, then I would ask for how we do that better in terms of providing that extra support going forward. I sometimes feel like when we are asked and when we are told that we are not doing enough, I have to question where it is exactly where we are not doing enough and how much more we can do. I appreciate that feedback and I think it is extremely important. We are all here to serve and this is extremely important in terms of the Government Plan and how we move forward as not only a Parliament but as a whole Island, especially after the circumstances we have seen with COVID. I respect and I thank Scrutiny for recognising the importance of trying to reduce this lodging period and I will ultimately offer everything that I can to the Education and Home Affairs Scrutiny Panel with regards to what is needed to ensure proper scrutiny of the plans going forward.

The Deputy Bailiff:

Does any other Member wish to speak? If no other Member wishes to speak, I call upon the Chief Minister to reply.

10.1.5 Senator J.A.N. Le Fondré:

I will try and keep my remarks very short. All officers and Ministers are very, very clear that the more information we can get to Scrutiny early during this process, we will do so, because as we all know, and I have said, these are unprecedented times and we will continue to have to move at pace to get through the rest of the challenges this year. In relation to Deputy Ward, I am very happy with the Greffier in relation to dates and deadlines and notifications. I am sure that would be very easy to do. I do absolutely agree with Deputy Ward in relation to this, it can only be for 2020 and that is what the Proposition states, to be very, very clear. In terms of the concern from Deputy Pamplin, the States sitting, the date of 14th or 15th is obviously subject to the debate now, so if the States Assembly chooses to approve this Proposition, P.72, a requisition notice will be forthcoming in quite short order so that Members know exactly where everything is. I would really conclude by just echoing the remarks of Senator Vallois. Also as a former Chair of Scrutiny, absolutely we are all aware, or many of us around the Council of Ministers are fully aware, of the pressures that arise on both sides of the Assembly. Believe it or not, we do do our very level best to try and address them all the way through. At this particular time, we remain committed to that process. Other than that, I maintain the Proposition. Can I once again reiterate my thanks to Scrutiny for their engagement and the good discussions on this matter? I maintain the Proposition and obviously call for the *appel*.

The Deputy Bailiff:

Thank you. The *appel* has been called for and I ask the Greffier to add a vote into the chat channel of the meeting. The vote is now open and I invite Members to cast their votes. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The Proposition has been adopted unanimously, the votes in the link alone being 40 in favour.

POUR: 42		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.Y. Mézec				
Connétable of St. Helier				

Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy M.R. Higgins:

If I could just say, what I have written in the chat does not make any sense because it was done in a hurry to try and get the vote lodged. It is *pour*, but I will say again we are not being given enough time and we have to go through the verification series to try and get to the vote. I tried as fast as I could, got the message, put the numbers in and still did not find time to get there before the vote was closed.

The Connétable of St. Ouen:

If I could just echo Deputy Higgins's comments, go as fast as one might, it is not possible to, in the time that is normally allowed, to get to the voting bit, given the time that we are being allowed to do that.

The Deputy Bailiff:

Understood, thank you. We have seen a helpful tip in the chat from the Connétable of St. Helier.

Deputy M.R. Higgins:

Sorry, I would say even with using what the Constable of St. Helier is doing, it still was not enough. Maybe some of us are getting the numbers at different times, but if we can have a little bit longer, it would make life easier for us all. Can I just repeat, because what I wrote did not make sense, I wrote: "In favour"?

The Deputy Bailiff:

Understood. Thank you, Deputy Higgins.

11. Draft Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (No. 2) (Jersey) Regulations 202- (P.73/2020)

The Deputy Bailiff:

The next item is the Draft Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (No. 2) (Jersey) Regulations, P.73, lodged by the States Employment Board and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Public Employees (Contributory Retirement Scheme) (Miscellaneous Amendments) (No. 2) (Jersey) Regulations 202-. The States make these Regulations under Article 2 of the Public Employees (Retirement) (Jersey) Law 1967.

Senator J.A.N. Le Fondré (Chair, States Employment Board):

The Connétable of St. Ouen is acting as *rapporteur* for both this Proposition, P.73, and also the following one, P.74.

11.1 The Connétable of St. Ouen (Vice-Chair, States Employment Board - *rapporteur*):

The Amendments before the Assembly today will, if agreed by Members, closely align the legislation of the Government's Final Salary Scheme and the P.E.P.F. (Public Employees Pension Fund) with the Income Tax (Jersey) Law 1961.

[17:00]

I have to stress that these regulations contain no changes to the benefit entitlement as a result of the changes I hope that the Assembly will agree. Article 131C of the Income Tax Law sets the limit on the fund value of a pension that can be converted into a lump sum. The current provisions in the P.E.P.F. legislation mirror those limits, so whenever there is a change in Article 131CE of the Income Tax Law a change to the P.E.P.F. legislation is also required. The proposed Amendments will link the P.E.P.F. to the Income Tax Law so that whenever Article 131CE changes in future, no further changes will be required to the P.E.P.F. legislation.

Deputy G.P. Southern:

The *rapporteur* is fading quite badly.

The Deputy Bailiff:

Yes, Connétable, you are fading away again.

The Connétable of St. Ouen:

I do apologise. How far back? Shall I go back to the paragraph before so that Members ...

The Deputy Bailiff:

Yes, please do that.

The Connétable of St. Ouen:

These proposed Amendments will link the P.E.P.F. to the Income Tax Law so whenever Article 131CE changes in future, no further changes will be required to the P.E.P.F. legislation. There are also some minor technical Amendments which will provide clarification around the date on which a revocation of a pensionable allowance takes place and the provisions around early retirements. I make the Proposition.

The Deputy Bailiff:

Thank you. Is the Proposition seconded? [**Seconded**] Thank you.

11.1.1 Senator K.L. Moore:

I simply wanted to draw to the attention of the Assembly that the Corporate Services Scrutiny Panel has received a briefing on this Proposition, along with P.74, from the States Employment Board and this occurred on 15th June. Unlike with P.74, the panel concluded that they did not have any specific concerns with this Proposition and therefore a comments paper has not been submitted. The panel is satisfied that the primary purpose of P.73 is to reduce the administrative strain by creating a link between the Final Salary Scheme legislation and the Tax Law, ending the need for continued Amendments in regards to lump sum payments from the Final Salary Scheme. The panel notes that the draft regulations will ensure that certain words and phrases within the Tax Law will be substituted with more accurate descriptions to aid clarity, for example, substituting “an approved Jersey scheme” for “the pension scheme established by the Public Employees (Contributory Retirement Scheme)” and for “capital value of the members or deferred pensioners pension accrued under the scheme.” The panel notes that draft Regulation 4 restructures Regulation 6 of the Public Employees (Contributory Retirement Scheme) to clarify the regulation regarding pensions payable before normal retiring age to Members with 10 years’ pensionable service. The panel would like to thank the Constable of St. Ouen as Vice-Chairman of the S.E.B. (States Employee Board) and attending officers for their constructive briefing and the panel are fully supportive of these draft regulations.

The Deputy Bailiff:

Does any other Member wish to speak on the principles of these Regulations? Accordingly, I call upon the Connétable of St. Ouen to reply.

11.1.2 The Connétable of St. Ouen:

I would just like to thank Senator Moore for her comments. It was indeed a very constructive session and helpful to both sides. I maintain the Proposition and ask for the *appel*.

The Deputy Bailiff:

Thank you. I will now ask the Greffier to place a vote in the chat channel of this meeting. Members are now invited to cast their votes in respect of the principles relevant to these regulations. The system has stopped, but we are looking into it now. Yes, the Greffier’s screen is frozen, so we are now going to put another link into the chat. Those who have voted already in the chat need not vote again, but we are now going to attempt to put another link in the chat. Yes, Deputy of St. Peter, you do not need to vote again. Yes, I think we may have restored the system. Greffier, I am going to ask you to close the voting.

Deputy R.J. Ward:

Sorry, can I just confirm, if we voted in the first round of voting that counted, did it?

The Deputy Bailiff:

Yes. There now is not going to be a second round of voting because the system has unfrozen and the votes cast in the first link have been recovered.

Deputy R.J. Ward:

Marvellous, thank you.

The Deputy Bailiff:

As we can see, the principles have been adopted unanimously: 38 votes on the link and the other votes in the chat will be recorded in the usual way on Hansard.

POUR: 43	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. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy 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 R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

Senator Moore, I need to formally ask you if the Corporate Services Scrutiny Panel wish to scrutinise this matter.

Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

No, thank you.

The Deputy Bailiff:

Thank you very much. Connétable of St. Ouen, how do you wish to propose the regulations in Second Reading?

11.2 The Connétable of St. Ouen:

If I might just briefly go through them. Variations 1 to 2 amend the following legislation to align it with Article 131CD for the Public Employees (Existing Member) 1989 Scheme, the Public Employees Scheme 1989, the Public Employees 1967 Scheme and the Public Employees (Contributory Scheme) (New Members) 1989. Regulations 1, 2 and 4 contain the Amendments in respect of the revocation of the pensionable and Regulation 4 also contains an Amendment which clarifies the provisions around early retirement. I move these *en bloc*.

The Deputy Bailiff:

Thank you. Are the regulations seconded? **[Seconded]** Does any Member wish to speak on the regulations in the Second Reading? Accordingly, I invite the Greffier to add a vote into the chat channel of the meeting, enabling Members to vote in the Second Reading. I invite Members to cast their votes as the link is now in the chat channel. If all Members have had the opportunity of voting, I ask the Greffier to close the voting. I can announce that the regulations have been adopted unanimously in Second Reading: 42 votes cast *pour* on the link and other votes which will be added in the usual way cast in favour on the chat.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				

Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Connétable, do you wish to propose the matter in the Third Reading?

11.3 The Connétable of St. Ouen:

Yes, please, Sir.

The Deputy Bailiff:

Are the regulations seconded? [**Seconded**] Does any Member wish to speak in the Third Reading?

11.3.1 Deputy R.J. Ward:

I was not sure whether it was First, Second or Third Reading, but the Constable said that there would be no change to benefit entitlement. Can I just clarify that and ensure that is the case, just to reiterate publicly that that is the case?

The Deputy Bailiff:

Deputy, I will allow your question to go the Assistant Minister, but strictly the debate in the Third Reading is confined to the contents of the draft adopted in the Second Reading, but nonetheless, Connétable.

11.3.2 The Connétable of St. Ouen:

I thank the Deputy for his question and I confirm that that is indeed the case. The whole purpose of these regulations is to align the regulations with the Income Tax Law so that we do not have to trouble the Assembly with future proposals and there are no changes to any members' benefit entitlement. I believe Senator Moore also clarified that on behalf of Scrutiny, but yes, I can confirm absolutely that that is the case.

The Deputy Bailiff:

Does any other Member wish to speak in the Third Reading? Thank you. Connétable, anything you wish to add in reply?

The Connétable of St. Ouen:

No, just call for the *appel*, please.

The Deputy Bailiff:

The *appel* has been called for. I invite the Greffier to add a vote in the chat channel of the meeting, which she has done. The vote is now open and I invite Members to cast their votes in the Third

Reading. I ask the Greffier to close the voting and I can announce that the Regulations have been adopted unanimously in the Third Reading.

POUR: 45	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M.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 R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

[17:15]

There has been some discussion in the chat about calling for the adjournment now, but ...

Deputy R. Labey:

It is the Chairman of P.P.C. (Privileges and Procedures Committee). I think we can get P.74 done before the 5.30 p.m. adjournment time and then we can start afresh with a new debate in the morning, so that is what I would propose.

The Deputy Bailiff:

Yes, and it appears that Deputy Pamplin now is content with that. Shall we proceed with P.74?

12. Draft Public Employees (Pension Scheme) (Miscellaneous Amendments) (No. 2) (Jersey) Regulations 202- (P.74/2020)

The Deputy Bailiff:

The next item is the Draft Public Employees (Pension Scheme) (Miscellaneous Amendments) (No. 2) (Jersey) Regulations, P.72, lodged by the States Employment Board and I ask the Greffier to read the citation.

The Deputy Greffier of the States:

Draft Public Employees (Pension Scheme) (Miscellaneous Amendments) (No. 2) (Jersey) Regulations, 202-. The States make these Regulations under Article 2 of the Public Employees (Pensions) (Jersey) Law 2014.

12.1 The Connétable of St. Ouen (Vice-Chair, States Employment Board - *rapporteur*):

The Amendments before the Assembly today will, if agreed by Members, make a number of minor technical Amendments to the legislation that have been identified and collated since the inception of the Career Average Scheme of the P.E.P.F. The Career Average Scheme of the P.E.P.F. was implemented on 1st January 2016 and all new employees, with the exception of teachers, were then admitted into that scheme. On 1st January 2019, 4,403 members of the Final Salary Scheme transitioned into the Career Average Scheme, leaving 842 members in the Final Salary Scheme. This has since reduced to around 500 members. Since the inception of the original legislation in 2015, a number of minor technical changes to the Regulations have been identified, which will improve clarity in the legislation regarding the administration of the scheme. There are no changes to the benefit entitlement as a result of these regulation changes. I just emphasise that again: there are no changes to benefit entitlement as a result of these changes. They simply provide clearer regulation in areas such as nominated partner benefits, survivor pensions and how benefits are calculated. There are also changes which will align the scheme more closely with elements of the Jersey Income Tax Law to eliminate any need to amend the regulations in future as a consequence of the changes in tax limits. Throughout the legislation, the first commencement date has now been amended to 1st January 2016 and the second commencement date has been amended to 1st January 2019. This change will provide greater clarity when certain provisions are being used. The legislation has 3 parts and each part amends a different set of the scheme legislation. Part 1 amends the Public Employees (Pension Scheme) (Funding and Valuation) (Jersey) Regulations 2015, part 2 amends the Public Employees (Pension Scheme) (Membership and Benefits) (Jersey) Regulations 2015 and part 3 amends the Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations 2015. With that, I make the Proposition.

The Deputy Bailiff:

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

12.1.1 Senator K.L. Moore:

Simply to say that the Assembly will have seen our comments paper, which talks Members through the process and the questions we raised as a panel during this process and the answers we have received to our satisfaction, so we feel confident in supporting these Amendments.

The Deputy Bailiff:

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

12.1.2 The Connétable of St. Ouen:

Once again I would like to thank Senator Moore and her panel for a very interesting and engaging session, where we fully explored the ambit of the legislation and I think we all came to the conclusion that it was fit for purpose. I thank her and her team for her co-operation in the meeting. It was most useful from my part. I ask for the *appel*.

The Deputy Bailiff:

The *appel* has been called for and I ask the Greffier to add a vote into the chat channel of the meeting, which she has done. The vote is now open and I invite Members to cast their votes. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. I can announce that the principles have been adopted unanimously: 40 votes in favour and others in favour on the chat, 44.

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 Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Very well, Connétable, before we come to the Second Reading, I need to formally ask you, Senator Moore, if the Corporate Services Scrutiny Panel wishes to scrutinise this matter.

Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):

No, thank you.

The Deputy Bailiff:

Thank you, Senator Moore. Connétable, how do you wish to propose the regulations?

12.2 The Connétable of St. Ouen:

Given that there is a fair number of them, I propose to take them *en bloc* and I would be more than happy to clarify any Members' questions when speeches are called for.

The Deputy Bailiff:

Are the regulations seconded in the Second Reading? **[Seconded]** Does any Member wish to speak on the regulations? Accordingly, I ask the Greffier to add a vote into the chat channel of the meeting. The vote is now open and I ask Members to cast their votes on the regulations in the Second Reading. If all Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted unanimously in the Second Reading.

POUR: 44	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		

Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy 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 Hégarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Connétable, do you wish to propose the matter in the Third Reading?

The Connétable of St. Ouen:

I do, please.

The Deputy Bailiff:

Are the regulations seconded in the Third Reading? **[Seconded]** Thank you. Does any Member wish to speak in the Third Reading? Accordingly, I invite the Greffier, when ready, to add a vote into the chat channel of this meeting.

The Connétable of St. Ouen:

While the Greffier is getting ready, can I just thank Members for their indulgence? I realise that pensions is probably not everyone's cup of tea, but I thank them for their support.

The Deputy Bailiff:

The vote is now open and I ask Members to cast their votes on the regulations in the Third Reading. If all Members have had the opportunity of casting their votes, I invite the Greffier to close the voting. I can announce that the regulations have been adopted unanimously in the Third Reading.

POUR: 45		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				

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

Deputy Labey, you wish to propose the adjournment?

Deputy R. Labey:

Yes, I do. It seems like perfect timing.

Deputy M. Tadier:

I was wondering if I might be permitted 30 seconds?

The Deputy Bailiff:

Yes.

Deputy M. Tadier:

It is just on behalf of the A.P.F. (Assemblée Parlementaire de la Francophonie). I would like to wish all of the Assembly and you, Sir, if you could also convey best wishes ... today is a day when some of us would be going to the ...

The Deputy Bailiff:

Deputy, we lost you after “best wishes.” Can you go back to where you were? You were wishing best wishes, then we lost who you were giving the wishes to.

Deputy M. Tadier:

Can you hear me now?

The Deputy Bailiff:

I can, yes.

Deputy M. Tadier:

I will put the video off so you do not have to look at me. It is to wish everybody, especially the French community in Jersey, Francophones and Francophiles, a very happy *Quatorze Juillet*. Normally there would be an event in the Town Hall which is kindly hosted by the Connétable of St. Helier and the Bailiff would normally be present and address the crowd there as well. If I can wish, on behalf of the A.P.F., the French community in Jersey and our A.P.F. cousins through the world and the various organisations that are affiliated officially and non-officially with our Assembly a very good *Quatorze Juillet* and *bonne fête*.

The Deputy Bailiff:

Thank you. I am sure all Members wish to join you in those sentiments. Does any other Member wish to speak before we adjourn until tomorrow morning? Thank you. The States stand adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:27]